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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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- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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Coming into force of Acts

Gouvernement du Québec

O.C. 1090-2010, 8 December 2010

An Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions (2008, c. 7)

— Coming into force of certain provisions of the Act

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions (2008, c. 7)

WHEREAS the Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions (2008, c. 7) was assented to on 28 May 2008;

WHEREAS section 177 of the Act provides that the Act comes into force on the date it is assented to, except section 8 insofar as it enacts sections 38.1 to 38.3 of the Act respecting the Autorité des marchés financiers (R.S.Q., c. A-33.2), sections 46, 106 and 119 to 121, paragraphs 1 and 4 of section 133, section 162 insofar as it repeals section 276.4 of the Securities Act (R.S.Q., c. V-1.1) and sections 173, 175 and 176, which came into force on 1 July 2008, and sections 47, 76, 82, 83, 109 to 118, 122, 128 and 129, section 131 insofar as it enacts section 349.3 of the Act respecting trust companies and savings companies (R.S.Q., c. S 29.01), paragraph 3 of section 133, section 161, section 162 insofar as it repeals section 297.6 of the Securities Act, and sections 169 and 171, which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient that sections 109 to 118, 122, 128 and 129, paragraph 3 of section 133 and section 171 of the Act come into force on 1 January 2011;

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

THAT sections 109 to 118, 122, 128 and 129, paragraph 3 of section 133 and section 171 of the Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions (2008, c. 7) come into force on 1 January 2011.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 1093-2010, 8 December 2010

An Act to amend the Professional Code and other Acts respecting the professions (1994, c. 40) — 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 Acts respecting the professions

WHEREAS the Act to amend the Professional Code and other Acts respecting the professions (1994, c. 40) was assented to on 17 June 1994;

WHEREAS, by Order in Council 1354-94 dated 7 September 1994, the Act came into force on 15 October 1994, except sections or portions of sections 200, 208, 212, 238, 244, 278, 294, 343, 345 and 406, which come into force on the date or dates fixed by the Government;

WHEREAS it is expedient to fix the date of coming into force of paragraph 2 of section 208 and section 212 of the Act;

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

THAT 6 January 2011 be fixed as the date of coming into force of paragraph 2 of section 208, which amends subparagraph *i* of the first paragraph of section 13 of the Land Surveyors Act (R.S.Q., c. A-23), and section 212 of chapter 40 of the Statutes of 1994, which revokes subparagraphs *c*, *d*, *e*, *f*, *g* and *h* of the first paragraph of section 37 of that Act and the second paragraph of that section.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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Regulations and other Acts

Gouvernement du Québec

O.C. 1091-2010, 8 December 2010

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

Certified translator, terminologist and interpreter — Practice within a partnership or a joint-stock company

Regulation respecting the practice of the profession of certified translator, terminologist or interpreter within a partnership or a joint-stock company

WHEREAS, under paragraph *p* of section 94 and section 187.11 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order may authorize the members of the order to carry on their professional activities within a limited liability partnership or a joint-stock company constituted for that purpose and, as appropriate, determine the applicable terms and conditions and restrictions;

WHEREAS, under paragraphs *g* and *h* of section 93 and section 187.11 of the Professional Code, the board of directors of a professional order must, by regulation, impose on the 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 a declaration made to the order;

WHEREAS the board of directors of the Ordre des traducteurs, terminologues et interprètes agréés du Québec made the Regulation respecting the practice of the profession of certified translator, terminologist or interpreter 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 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, 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 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 certified translator, terminologist or interpreter within a partnership or a joint-stock company was published in Part 2 of the *Gazette officielle du Québec* of 13 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, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS the Office approved the Regulation with respect to paragraphs *g* and *h* of section 93 of the Professional Code;

WHEREAS it is expedient to approve the Regulation with amendments, with respect to paragraph *p* of section 94 of the Professional Code;

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

THAT the Regulation respecting the practice of the profession of certified translator, terminologist or interpreter 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 certified translator, terminologist or interpreter 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. A member of the Ordre des traducteurs, terminologues et interprètes agréés du Québec may, on the terms, conditions and restrictions set out in this Regulation, carry on professional activities within a joint-stock company or a limited liability partnership within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26).

2. A member of the Order may carry on professional activities within a partnership or joint-stock company that holds itself out to be exclusively a partnership or joint-stock company of certified translators, terminologists or interpreters or a combination of translators, terminologists or interpreters, if

(1) more than 50% of the voting rights attached to the company shares or partnership units are held by the following persons or trusts or a combination of persons or trusts:

(a) members of the Order;

(b) a joint-stock company where at least 90% of the voting rights attached to the shares are held by members of the Order;

(c) a trust where all the trustees are members of the Order;

(2) a majority of the directors of the board of directors of the joint-stock company, the partners or, as the case may be, the managers appointed by the partners to manage the affairs of the limited liability partnership are members of the Order;

(3) the quorum for the board of directors of the joint-stock company is formed of a majority of members of the Order; and

(4) the chair of the board of directors of the joint-stock company or the person who performs similar functions in a limited liability partnership is a member of the Order and, as the case may be, a shareholder with voting rights or a partner.

A member of the Order must ensure that the conditions listed in the first paragraph appear, as the case may be, in the articles of the joint-stock company or in the contract of the partnership and that those documents also provide that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities.

3. In cases other than those provided for in section 2, a member of the Order is authorized to carry on professional activities within a joint-stock company or a limited liability partnership, if

(1) more than 50% of the voting rights attached to the company shares or partnership units are held by the following persons or trusts or a combination of persons or trusts:

(a) 1 or more members of a professional order governed by the Professional Code or 1 member of one of the following professional associations:

— an association of translators, terminologists or interpreters that is a member of the Canadian Translators, Terminologists and Interpreters Council;

— an order of accountants governed by the law of another Canadian province or territory;

— a law society governed by the law of another Canadian province or territory;

(b) a joint-stock company where at least 90% of the voting rights attached to the shares are held by persons referred to in subparagraph *a*;

(c) a trust where all the trustees are persons referred to in subparagraph *a*;

(2) a majority of the directors of the board of directors of the joint-stock company, the partners or, as the case may be, the managers appointed by the partners to manage the affairs of the limited liability partnership are persons referred to in subparagraph *a* of subparagraph 1; and

(3) the quorum for the board of directors of the joint-stock company is formed of a majority of persons referred to in subparagraph *a* of subparagraph 1.

A member of the Order must ensure that the conditions listed in the first paragraph appear, as the case may be, in the articles of the joint-stock company or in the contract of the limited liability partnership and that those documents also provide that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities.

4. A member of the Order who wishes to carry on professional activities within a partnership or joint-stock company must, before carrying on those activities, provide the secretary of the Order with

(1) a declaration made on the form provided by the Order, accompanied by the fees set by the board of directors, containing

(a) the member's name, number and status within the partnership or joint-stock company;

(b) the partnership or joint-stock company name and any other names used in Québec by the partnership or joint-stock company and the registration number assigned to it by the enterprise registrar;

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

(d) in the case of a joint-stock company, the address of the head office of the company and of its establishments in Québec, the names and home addresses of all the shareholders, their percentage of shares with voting rights and of shares without voting rights, the names and home addresses of the directors and officers, and the Order or professional association of which they are members, if applicable;

(e) in the case of a limited liability partnership, the address of the establishments of the partnership in Québec, specifying the address of the principal establishment, names and home addresses of the partners, and, if applicable, the names and home addresses of the directors appointed by the partners to manage the partnership, whether or not they reside in Québec and the Order or professional association of which they are members, if applicable; and

(f) if applicable, the date on which the general partnership has become a limited liability partnership or a joint-stock company;

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

(3) in the case of a joint-stock company, a copy of its constituting act and a document issued by a competent authority certifying that the company exists;

(4) a document issued by a competent authority certifying that the partnership or joint-stock company is registered in Québec;

(5) an irrevocable authorization from the partnership or joint-stock company within which the member 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 from a person or to obtain a true copy of such a document; and

(6) if applicable, a true copy of the declaration required under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45), stating that the general partnership has become a limited liability partnership.

5. A member of the Order must

(1) update and provide, before 31 March of each year, the declaration prescribed in paragraph 1 of section 4; and

(2) promptly notify the secretary of the Order of any change in the security prescribed in Division II or in the information given under paragraph 1 of section 4 which would entail a violation of the conditions set out in section 2 or 3.

6. Where a member of the Order becomes aware that a condition set out in this Regulation or in Chapter VI.3 of the Professional Code is no longer met, the member must, within 15 days, take the necessary measures to comply, failing which, the member is no longer authorized to carry on activities within the partnership or joint-stock company.

7. If 2 or more members of the Order carry on professional activities within a partnership or joint-stock company, they may designate a representative to act on behalf of all the members of the Order in that partnership or company, to meet the conditions set out in section 4 or 5. The representative must provide the information and documents that the members of the Order must send to the Order and reply to requests made by the syndic, an inspector, an investigator or any other representative of the Order.

The representative must be a member of the Order who carries on professional activities in Québec within the partnership or joint-stock company.

The representative must ensure the accuracy of the information indicated in the declaration referred to in section 4, except the home addresses of partners, directors, managers, and officers of the partnership or joint-stock company.

DIVISION II PROFESSIONAL LIABILITY COVERAGE

8. A member of the Order carrying on professional activities within a partnership or joint-stock company must, to be authorized to carry on professional activities in accordance with this Regulation, 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 taken out by the Order, against the liability of the partnership or joint-stock company arising from fault on the part of their members in the carrying on of their professional activities within the partnership or joint-stock company.

9. The security must include

(1) an undertaking by the insurer or surety to pay in lieu of the partnership or joint-stock company, over and above the amount of the security to be furnished by the member pursuant to the *Règlement sur l'assurance responsabilité professionnelle de l'Ordre des traducteurs, terminologues et interprètes agréés du Québec*, approved by the Office des professions du Québec on 23 January 1997, or the coverage actually taken out by the member if it is greater, up to the amount of the security, any sum that the partnership or joint-stock company may be legally bound to pay to a third person on a claim filed during the coverage period and arising from fault on the part of a member in the carrying on of professional activities within the partnership or joint-stock company;

(2) an undertaking by the insurer or surety 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 by the insurer or surety that the security is at least \$1,000,000 per claim and for all claims filed against the partnership or joint-stock company within a 12-month coverage period;

(4) where a member of the Order carries on professional activities as sole shareholder of a joint-stock company, an undertaking by the insurer or surety that the security is at least \$500,000 per claim and for all claims filed against the company within a 12-month coverage period;

(5) an undertaking by the insurer or surety to give the secretary of the Order a 30-day prior notice of intent to terminate the security, to modify any of the conditions set out in this section or not to renew the security.

10. The suretyship contract referred to in section 8 must be with a bank, a savings and credit union, trust or insurance company domiciled in Canada and having and maintaining sufficient property in Québec to meet the coverage required under this Division.

The surety must waive the benefit of division and discussion.

DIVISION III DOCUMENT ACCESSIBILITY

11. The documents that may be required from a partnership or joint-stock company pursuant to paragraph 5 of section 4 are the following:

(1) if the member of the Order practises within a joint-stock company,

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

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

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

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

(e) any shareholders' agreement or voting agreement, and subsequent amendments;

(f) any agreement concerning a stock option with voting or concerning any other rights, even if conditional, granted to a person to be issued such stock;

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

(h) an up-to-date list of the joint-stock company's principal officers and their home addresses;

(2) if the member of the Order practises within a limited liability partnership,

(a) the partnership contract and subsequent amendments;

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

(c) an up-to-date list of the managers appointed by the partners to manage the partnership and their home addresses; and

(d) an up-to-date register of the partners.

DIVISION IV TRANSITIONAL AND FINAL

12. A member of the Order who practises within a joint-stock company constituted for the purpose of carrying on professional activities before the date of coming into force of this Regulation must comply with this Regulation not later than one year following that date.

13. 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. 1092-2010, 8 December 2010

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

Traducteurs, terminologues et interprètes agréés — Code of ethics of the Ordre — Amendments

Regulation to amend the Code of ethics of the Ordre des traducteurs, terminologues et interprètes agréés du Québec

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 des traducteurs, terminologues et interprètes agréés du Québec made the Regulation to amend the Code of ethics of the Ordre des traducteurs, terminologues et interprètes agréés du Québec;

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, 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 the Ordre des traducteurs, terminologues et interprètes agréés du Québec was published in Part 2 of the *Gazette officielle du Québec* of 13 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, 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 without amendment;

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

THAT the Regulation to amend the Code of ethics of the Ordre des traducteurs, terminologues et interprètes agréés du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of the Ordre des traducteurs, terminologues et interprètes agréés du Québec*

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

1. The Code of ethics of the Ordre des traducteurs, terminologues et interprètes agréés du Québec is amended by inserting the following after section 2:

“**2.1.** Members must take reasonable measures to ensure that the partnership or joint-stock company within which they carry on professional activities, as well as the employees, shareholders, directors, partners and any other person collaborating with them in the carrying on of professional activities, comply with the Professional Code (R.S.Q., c. C-26) and its regulations.

* The Code of ethics of the Ordre des traducteurs, terminologues et interprètes agréés du Québec, approved by Order in Council 929-94 dated 22 June 1994 (1994, *G.O.* 2, 2372), was last amended by Order in Council 832-2003 dated 20 August 2003. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

2.2. The duties and obligations under the Professional Code and its regulations are not modified or reduced in any manner owing to the fact that a member practises the profession within a partnership or joint-stock company.”

2. Section 10 is amended by inserting “, of those provided by the persons carrying on professional activities within the partnership or company where the member practises” after “services”.

3. The following paragraph is added at the end of section 18:

“A member may not invoke the liability of the partnership or joint-stock company within which the member 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 the member’s personal liability.”

4. The following is inserted after section 19:

19.1. Members must subordinate their personal interests, and those of the partnership or joint-stock company in which they carry on professional activities or in which they have an interest, to those of their clients.

19.2. Members must safeguard their professional independence at all times and avoid any situation in which they would be or appear to be in conflict of interest.

19.3. A member must take reasonable measures to ensure that information or documents protected by professional secrecy are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company in which the member carries on professional activities or has an interest, as soon as the member becomes aware that the partner, shareholder, director, officer or employee is in a conflict of interest.

The following factors must be taken in particular account in assessing the effectiveness of such measures:

- (1) the size of the partnership or joint-stock company;
- (2) the precautions taken to prevent access to the member’s file by the person in the conflict of interest;
- (3) the instruction given to protect confidential information or documents relating to the conflict of interest;
- (4) the isolation of the person in the conflict of interest with respect to the member.”

5. The following is inserted after section 24:

24.1. Members who carry on professional activities within a partnership or joint-stock company must ensure that the fees and expenses for professional services provided by members are always indicated separately on any invoice or statement of fees sent by the partnership or joint-stock company to a client, except if a lump sum payment was agreed upon in writing with the client. However, in the latter case, the statement or invoice must detail the professional services provided by the member.

24.2. Members may share their fees only with a person with whom they are authorized to carry on professional activities under the Regulation respecting the practice of the profession of certified translator, terminologist or interpreter within a partnership or joint stock company, approved by Order in Council 1091-2010 dated 8 December 2010 or with a partnership or company within which the member is authorized to practise under that Regulation.”

6. Section 32 is amended

(1) by replacing “and” after “57” by “,” and by inserting the following after “58”: “, 58.1, 59.1 and those that may be determined under the second paragraph of section 152”;

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

“(f) practising the profession within, or having an interest in, a partnership or joint-stock company, with a person who, to the knowledge of the member, performs acts that are derogatory to the dignity of the profession;

(g) carrying on professional activities within, or having an interest in, a partnership or joint-stock company if a partner, shareholder, director, officer or employee of the partnership or joint-stock company is struck off the roll for more than 3 months or had his or her professional permit revoked, unless the partner, shareholder, director, officer or employee

i. ceases to hold the position of director or officer within the partnership or joint-stock company within 10 days of the date on which the striking off the roll or permit revocation becomes executory;

ii. ceases to attend shareholder meetings and to exercise voting rights, if applicable, within 10 days of the date on which the striking off the roll or permit revocation becomes executory;

iii. disposes of his or her voting shares or transfers them to a trustee within 10 days of the date on which the striking off the roll or permit revocation becomes executory;

(h) failing to inform the Order that the member has reason to believe that a member or a partnership or joint-stock company within which members practise contravenes to the Professional Code or a regulation made under the Code;

(i) carrying on professional activities within a partnership or joint-stock company that holds itself out as or implies that it is a partnership or joint-stock company within which a member is authorized to carry on professional activities when one of the requirements in the Professional Code or its regulations is not met;

(j) entering into an agreement or permitting an agreement to be entered into, within a partnership or joint-stock company in which a member is authorized to carry on professional activities, including a unanimous shareholders' agreement, if the agreement operates to threaten the independence, objectivity and integrity required for the practice of the profession or compliance by the members with the Professional Code and its regulations.”.

7. Section 37 is amended by inserting “particularly within a partnership or joint-stock company where the member carries on professional activities,” after “use of,”.

8. Section 39 is revoked.

9. Section 41 is amended by replacing “firm name” by “name”.

10. The heading of Division V is replaced by the following “NAME”.

11. Sections 45 and 46 are replaced by the following:

“**45.** Members may not practise the profession within a partnership or joint-stock company under a name that is misleading, deceiving or contrary to the honour or dignity of the profession or that is a number name.

Only partnerships or companies where all services are offered by members may use the titles reserved for members in their names.

46. Where a member retires from a partnership or joint-stock company or dies, the member's name must no longer appear in the name or advertising of the partnership or company after 1 year following retirement or death unless an agreement to the contrary has been entered into with the member or with the member's successors and assigns.”.

12. The heading of Division VI is amended by replacing “ORDRE PROFESSIONNEL DES TRADUCTEURS ET INTERPRÈTES AGRÉÉS DU QUÉBEC” by “ORDER”.

13. 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. 1094-2010, 8 December 2010

Arpenteurs-géomètres

— Terms and conditions for permits to be issued by the Ordre

Regulation respecting terms and conditions for permits to be issued by the Ordre des arpenteurs-géomètres du Québec

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, in particular persons serving a period of professional training determined pursuant to paragraph *i* of section 94 of the Code, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the board of directors of the Ordre des arpenteurs-géomètres du Québec made the Regulation respecting terms and conditions for permits to be issued by the Ordre des arpenteurs-géomètres du Québec;

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 terms and conditions for permits to be issued by the Ordre des arpenteurs-géomètres du Québec was published in Part 2 of the *Gazette officielle du Québec* of 10 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 the Office has examined section 39 of the Regulation and made its recommendation;

WHEREAS, pursuant to section 95.0.1 of the Professional Code, the Office approved, without amendment, the Regulation respecting terms and conditions for permits to be issued by the Ordre des arpenteurs-géomètres du Québec, except section 39;

WHEREAS it is expedient to approve section 39 of the Regulation without amendment;

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

THAT section 39 of the Regulation respecting terms and conditions for permits to be issued by the Ordre des arpenteurs-géomètres du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting terms and conditions for permits to be issued by the Ordre des arpenteurs-géomètres du Québec

Professional Code
(R.S.Q., c. C-26, s. 94, pars. *h* and *i*)

DIVISION I ISSUE OF PERMITS

1. The board of directors of the Ordre des arpenteurs-géomètres du Québec issues a permit for the practice of the profession to a candidate who

(1) holds the diploma determined by the Government pursuant to the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26) giving access to the permit issued by the Order or a diploma or training recognized as equivalent;

(2) has demonstrated that he or she has appropriate knowledge of the official language for practising the profession in accordance with the provisions of the Charter of the French Language (R.S.Q., c. C-11);

(3) has passed the oral and written components of the professional examination in accordance with Division II;

(4) has successfully completed the professional training period in accordance with Division III;

(5) has filed a specimen of his or her signature in the office of the secretary of the Order;

(6) has taken the solemn affirmations of land surveyors provided in Schedule I;

(7) has sent to the secretary of the Order a duly completed application for a permit in the form provided by the board of directors; and

(8) has paid the fees required by the board of directors in accordance with paragraph 8 of section 86.0.1 of the Professional Code.

DIVISION II PROFESSIONAL EXAMINATION

§1. Committee of examiners and collaborators

2. The committee of examiners, formed by the board of directors in accordance with paragraph 2 of section 86.0.1 of the Professional Code, is responsible for assisting the board of directors in the professional examination process.

3. The committee of examiners consists of at least 6 members who are members of the Order, but who are not members of the board of directors, including a chair appointed by the board of directors within 60 days of the date of the annual general meeting.

4. Members of the committee of examiners are appointed by the board of directors for a term of 3 years, which is renewable.

The committee of examiners designates a secretary from among its members.

5. Any vacancy occurring during a term is to be filled by the board of directors for the remaining portion of the term.

6. Should the chair of the committee of examiners be absent or unable to act, the committee designates a replacement from among its members.

7. The quorum of the committee of examiners is two thirds of its members.

A decision of the committee is made by a majority vote of the members present.

In the case of a tie-vote, the chair has a casting vote.

8. The committee of examiners appoints, if need be, collaborators who are members of the Order to be helped when drawing up, supervising and marking the professional examination.

9. The members of the committee of examiners and the collaborators are required to faithfully perform their duties and respect the confidentiality of the deliberations and questions in the professional examination before it is held.

10. A member of the committee of examiners or a collaborator must withdraw where a candidate for the professional examination is the member's spouse, is related to the member by marriage or birth, to the degree of first cousin inclusively, or where the member is likely to be in a situation of conflict of interest in respect of any other candidate for the professional examination.

The board of directors accepts or rejects the withdrawal.

§2. Eligibility for professional examination

11. A candidate who meets the conditions in paragraphs 1 and 8 of section 1 and who sends to the secretary of the Order, before the deadline set in section 12, a duly completed application for registration for the professional examination in the form provided for by the board of directors, with a recent passport-size photograph identified with the candidate's name, is eligible for the oral or written component of the professional examination.

12. The secretary of the Order publishes, at the Order's head office, a notice specifying the deadline set by the board of directors for registration by a candidate for the oral or written component of the professional examination and the date on which and the place where the examination is to be held.

§3. Oral component of the professional examination

13. A candidate must, before the deadline set for registration, give to the committee of examiners a report consisting of a short description of a project to conduct one of the operations referred to in section 34 of the Land Surveyors Act (R.S.Q., c. A-23), in the form specified by the committee.

14. The committee of examiners ascertains the conformity of the report and, not later than 15 days after the deadline set in section 12, sends its decision to accept or reject the project by registered mail.

If the committee accepts the project, the committee informs the candidate of the time period within which the complete project file must be submitted, in the form specified by the committee. The time period must be of at least 30 days before the date on which the examination is to be held.

If the committee rejects the project, the committee informs the candidate of the terms and conditions for submitting a new report and, if applicable, a new complete project file.

15. The oral component of the professional examination deals with evaluating the project carried out by the candidate, the candidate's knowledge of the legislation and regulations applicable to the project and the practice of the profession in general.

16. The oral component of the professional examination takes place during a 30- to 75-minute sitting before a panel of examiners consisting of 3 collaborators designated by the committee of examiners.

The candidate is entitled to have with him or her the complete project file only.

§4. Written component of the professional examination

17. The written component of the professional examination consists of a scientific part and a part relating to land.

The scientific part deals with the sciences at the root of the profession, including topometry, geodesy and satellite positioning, cartography, photogrammetry, remote sensing, airborne surveys, hydrography and bathymetry, as well as geographic and land information systems.

The part relating to land deals with the law applicable to the practice of the profession, in particular civil law and administrative law, land property expertise, land surveying, cadastre, delimitation and boundary determination, as well as land use planning.

18. Each part of the written component of the professional examination consists of a 4-hour sitting. The 2 sittings are spread over 2 consecutive days and constitute one examination session.

19. No candidate may be admitted in the examination room after the time scheduled for the sitting unless the candidate can give reasons for being late, in which case the candidate may not obtain extension of the sitting.

20. A candidate is allowed to use all personal documentation. The candidate provides the drawing and calculating instruments which must have their own power source and must not be equipped so as to allow the candidate to communicate with any person inside or outside the examination room.

21. Plagiarism or communication, any attempt to plagiarize or communicate, or participation in plagiarism or communication during the examination sitting, in any way whatsoever, results in the expulsion of the candidate from the examination sitting and failure of the examination.

§5. Marking of the professional examination

22. Within 15 days after the written component of the professional examination has been held, the members of the committee of examiners and the collaborators designated by the committee meet to mark the examination and compile the results.

23. To pass the professional examination, a candidate must obtain the following pass marks:

- (1) 60% for the oral component;
- (2) 60% for the written component—scientific part; and
- (3) 60% for the written component—part relating to land.

24. A candidate must pass the 2 components of the professional examination within 5 years after the date of the first application for registration for the oral component or written component of the professional examination. At the expiry of the 5-year period, the candidate must take the 2 components of the examination again.

25. The results obtained by every candidate are sent by the chair of the committee of examiners to the secretary of the Order.

26. The board of directors approves the results at the first meeting following the date of receipt of the results. The results so approved are entered in the register of examinations retained at the Order's head office. The register is signed by the chair of the committee of examiners.

Within the following 10 days, the secretary of the Order sends the results obtained to every candidate by registered mail.

27. An application for review of an examination or decision of the committee of examiners must be made in writing by the candidate to the board of directors within 60 days following the date of receipt of the results.

The candidate must send written submissions to the secretary of the Order before the date set for the meeting.

The decision of the board of directors is final and must be sent to the candidate in writing by registered mail within 30 days after the date on which the decision was made.

DIVISION III
PROFESSIONAL TRAINING PERIOD

§1. Training period committee and collaborators

28. The training period committee, formed by the board of directors in accordance with paragraph 2 of section 86.0.1 of the Professional Code, is responsible for assisting the board of directors in the professional training period process.

29. The training period committee consists of at least 3 members who are members of the Order, but who are not members of the board of directors, including a chair appointed by the board of directors within 60 days of the date of the annual general meeting.

30. Members of the training period committee are appointed by the board of directors for a term of 2 years, which is renewable.

The training period committee designates a secretary from among its members.

31. Any vacancy occurring during the term of a member of the training period committee is to be filled by the board of directors for the remaining portion of the term.

32. Should the chair of the training period committee be absent or unable to act, the committee designates a replacement from among its members.

33. The quorum of the training period committee is two thirds of its members.

A decision of the committee is made by a majority vote of the members present.

In the case of a tie-vote, the chair has a casting vote.

34. The training period committee appoints, if need be, collaborators to provide the committee, in particular cases, with the expertise required in the professional training period process.

35. The members of the training period committee and the collaborators are required to faithfully perform their duties and respect the confidentiality of the deliberations surrounding the professional training period process.

36. A member of the training period committee or a collaborator must withdraw where a candidate for the professional training period is the member's spouse, is related to the member by marriage or birth, to the degree of first cousin inclusively, or where the member is likely to be in a situation of conflict of interest in respect of any other candidate for the professional training period.

The board of directors accepts or rejects the withdrawal.

§2. Eligibility for professional training period

37. A candidate who meets the conditions in paragraphs 1 and 8 of section 1 and who sends to the secretary of the Order, before the date set for the beginning of the training period, a duly completed application for registration for the professional training period in the form provided for by the board of directors is eligible for a professional training period.

The candidate must, in the application for registration for the training period, identify a tutor who

(1) is a member of the Order and has been practising for at least 5 years;

(2) has not been the subject of any penalty imposed by the disciplinary council of the Order or the Professions Tribunal in the 5 years preceding the person's acceptance as a tutor;

(3) has not been required to complete a refresher training period pursuant to the Regulation respecting refresher training periods for land surveyors (R.R.Q., 1981, c. A-23, r. 16) and whose right to practise has not been limited or suspended in the 5 years preceding the person's acceptance as a tutor; and

(4) is not a member of the training period committee or a collaborator.

38. The training period committee examines the candidate's application for registration for the training period and decides whether the application is accepted

or rejected. The committee informs the candidate of its decision within 45 days of receiving the application for registration for the training period.

If the committee accepts the application for registration for the training period, the committee makes a recommendation to the board of directors which issues a training period card to the candidate. The card is signed by the secretary of the Order and contains the name of the trainee and the date of issue of the card.

If the committee rejects the application for registration for the training period, the committee informs the candidate by registered mail of the reasons for the rejection and the conditions to be met for the application for registration for the training period to be accepted by the committee.

§ 3. Progress of the professional training period

39. The training period is under the immediate supervision and responsibility of a tutor.

A trainee may engage in the professional activities of a land surveyor. The trainee may not, however, sign and minute documents.

40. The duration of the training period is 12 months, on a full-time basis, and consists of 1 or several training period terms.

41. The objectives of the training period are for trainees to acquire practical skills in the profession of land surveyor and to achieve professional autonomy.

42. During the training period, the training period committee may, on receiving from a trainee or tutor a request with reasons, authorize the suspension of the training period or a change of tutor. If the committee authorizes the change of tutor, the candidate must complete a new application for registration for the professional training period pursuant to section 37.

The training period committee accepts or rejects the new application for registration pursuant to section 38.

§4. Evaluation of the professional training period

43. The trainee is evaluated by the tutor on the basis of the following 5 evaluation criteria:

(1) practical work: research skills, presentation of files and practical problem-solving skills;

(2) organization of work: planning of work, application of methods, standards, techniques, as well as laws and regulations;

(3) professional attributes: sense of observation, initiative and responsibility, punctuality, presence and professionalism;

(4) communication skills: communication with clients and writing of files;

(5) personality traits: ability to adapt, self-control, capacity for self-evaluation, and discretion.

44. The tutor evaluates the trainee on each evaluation criterion using the following scale:

- (1) Excellent: 5;
- (2) Very good: 4;
- (3) Good: 3;
- (4) Poor: 2;
- (5) Unsatisfactory: 1; or
- (6) Nil: 0.

45. The training period is successfully completed if the trainee obtains, for the training period as a whole, an average mark equal to or greater than 3.

If the trainee's mark is less than 3, the trainee must successfully complete a new 6-month training period in accordance with this Division.

46. The candidate must successfully complete the professional training period within 5 years from the date of the first application for registration for the oral or written component of the professional examination. On the expiry of the 5-year period, the 2 components of the professional examination must have been passed for the candidate to be eligible again for the training period.

47. An evaluation report duly completed by the tutor in the form prescribed by the training period committee and signed by the tutor and the trainee, together with a written report in which the trainee describes the practical skills acquired during the training period and the amount of time spent acquiring each skill, must be sent by the trainee to the training period committee within 30 days following

- (1) a 6-month training period with the same tutor;
- (2) a change of tutor;

(3) a training period suspension; or

(4) the end of a training period.

48. If the tutor refuses or is unable to make an evaluation within the prescribed time period, the trainee may contact the training period committee, which then takes the appropriate action.

49. When the training period is completed, the training period committee examines the tutor's evaluation reports and the trainee's reports and makes a recommendation, to which the reports are attached, to the board of directors whether to accept or refuse the professional training period.

50. The board of directors decides to accept or refuse the training period at the first meeting following the date of receipt of the recommendation of the training period committee.

The secretary of the Order sends the result to the candidate by registered mail within 10 days.

51. A candidate whose training period is refused may apply to the board of directors for a review of the decision. The application must be made in writing to the board of directors within 60 days following the date of receipt of the result. The candidate must send written submissions to the secretary of the Order before the date set for the meeting.

At the first regular meeting following the date of receipt of the application for review, the board of directors must examine the application.

The decision of the board of directors is final and must be sent to the candidate in writing by registered mail within 30 days after the date on which the decision was made.

DIVISION IV **FINAL**

52. Division III, including sections 28 to 51, replaces the Regulation respecting the period of professional training for land surveyors, approved by Order in Council 809-90 dated 13 June 1990.

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

SCHEDULE I

(s. 1, par. 6)

**SOLEMN AFFIRMATIONS OF LAND
SURVEYORS****Affirmation of discretion**

I, _____,
solemnly affirm that I will not reveal or make known,
without being authorized therefor by law, anything that
may come to my knowledge in the performance of my
duties.

Affirmation of allegiance and office

I, _____,
solemnly affirm that I will be loyal and bear true alle-
giance to constituted authority and that I will fulfill the
duties of my office of land surveyor honestly and justly.

Signature_____
Chair of the Ordre des
arpenteurs-géomètres
du Québec

Sworn before us,

at

on

Commissioner for oaths

1220

Draft Regulations

Draft Regulation

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

**Réserve de biodiversité projetée
Samuel-De-Champlain
— Activities framework
— Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the activities permitted or prohibited within the Réserve de biodiversité projetée Samuel-De-Champlain, the text of which is in Division 3 of the conservation plan appearing below, may be approved by the Government on the expiry of 45 days following this publication. The new activities framework is proposed to replace the temporary scheme that had been established during the creation of the protected area, which scheme was maintained when the Government approved the conservation plan of the proposed biodiversity reserve under Order in Council 1081-2010 dated 8 December 2010.

The amendment to the regulatory scheme that applies to the Réserve de biodiversité projetée Samuel-De-Champlain is necessary because it is important to ensure that its land will have greater protection in respect of the activities that may have an impact on biodiversity and adapt that protection based on the special characteristics of the proposed biodiversity reserve.

The Réserve de biodiversité projetée Samuel-De-Champlain was created on 19 June 2009 under section 16 of the Act respecting the boundaries of the waters in the domain of the State and the protection of wetlands along part of the Richelieu River. The activities framework that applies in that proposed biodiversity reserve is that described in subparagraphs 1 and 2 of the first paragraph of section 92 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The new activities framework proposed in Division 3 of the conservation plan appearing after this notice includes additional prohibitions added to those already provided for in section 34 of the Natural Heritage Conservation Act and establishes regulatory measures of various works or activities likely to have an impact on the natural environment by the establishment of authorizations. It allows gas and petroleum exploration by the holders of exploration licences issued for that purpose before the assignment of proposed biodiversity reserve status.

The new proposed measures are mostly based on the regulatory scheme established in all the existing proposed aquatic and biodiversity reserves when the Government made the Amendments to the conservation plans for the proposed biodiversity and aquatic reserves on 20 February 2008 under Order in Council 136-2008. Some provisions have been amended, others struck out or added to take into account the characteristics specific to that land that is entirely situated within the waters in the domain of the State.

The new activities framework is divided into 4 divisions:

The first division, Protection of resources and the natural environment, contains a set of rules devised to minimize disturbances to the natural environment, in particular by prohibiting the stocking of watercourses and bodies of water for aquaculture and commercial fishing purposes or other commercial purposes, as well as introducing fertilizers or fertilizing material. In addition, the interventions in a wetland area, the alteration of water-courses and bodies of water and the carrying on of activities likely to degrade the bed, banks or shores of watercourses and bodies of water and the carrying on of various works likely to degrade the soil or severely damage or disturb the natural environment create a requirement to obtain an authorization from the Minister.

The second division, Rules of conduct for users, provides measures to ensure that users during their stay and travel in the proposed biodiversity reserve behave in a manner that is safe and respectful of other users and the reserve's environment. Among the measures to maintain harmonious relations between the different users of the land, access and travel are prohibited in a buffer zone corresponding to a strip of 200 metres surrounding the private lands excluded from the protected area, except for the occupants of those private lands, their guests, public utility and other authorized persons. That buffer zone is described in a zoning plan attached as an appendix to the conservation plan.

The third division, Activities requiring an authorization, specifies certain other activities in the proposed biodiversity reserve that require the Minister's authorization. The types of activity concerned include the right to stay in a proposed reserve and the carrying on of forest management activities to meet domestic needs or maintain biodiversity.

The fourth division, Authorization exemptions, completes the above set of measures. It creates an exemption in emergencies to allow an activity or other form of intervention within the proposed biodiversity reserve if immediate action is necessary to prevent harm to the health or safety of persons or to repair or prevent damage caused by a real or apprehended catastrophe. The division also provides for an authorization exemption for the ritual, social and community activities of the members of Native communities. In addition, to avoid duplicate authorizations, some interventions by Hydro-Québec will not require an authorization from the Minister other than the authorization already required under the Environment Quality Act (R.S.Q., c. Q-2).

Further information on the Activities framework of the Réserve de biodiversité projetée Samuel-De-Champlain may be obtained by contacting Patrick Beauchesne, Director, Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l'Environnement et des Parcs, Édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4783; fax: 418 646-6169; email: patrick.beauchesne@mddep.gouv.qc.ca. Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Minister of Sustainable Development, Environment and Parks, Édifice Marie-Guyart, 30^e étage, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7.

PIERRE ARCAND,
*Minister of Sustainable Development,
Environment and Parks*

QUÉBEC STRATEGY FOR PROTECTED AREAS



**Réserve de
biodiversité
projetée
Samuel-De
Champlain**

Conservation plan

November 2010
For consultation

1. Protection Status and Toponym

The protection status of the territory described below is that of proposed biodiversity reserve under the *Natural Heritage Conservation Act* (R.S.Q. c. C-61.01).

The permanent protection status planned is that of “biodiversity reserve” under the *Natural Heritage Conservation Act*.

The provisional toponym is “Réserve de biodiversité projetée Samuel-De Champlain”. The official toponym will be determined when the territory is given permanent protection status.

The status sought for the proposed reserve will advance the following conservation objectives:

- conservation of exceptional wetland environments in the St. Lawrence Lowlands province;
- maintenance of biodiversity in wetland environments;
- increased protection of wildlife and plant habitats;
- acquisition of additional knowledge about the natural heritage.

2. Plan and Description

2.1. Geographical location, boundaries and dimensions

The location and boundaries of the proposed reserve appear in the map attached as Annexe 1.

Located in the administrative region of Montérégie, Réserve de biodiversité projetée Samuel-De Champlain is comprised of 18 sectors scattered between 45°0'36'' and 45°12'12'' north latitude and 73°14'32'' and 73°21'38'' west longitude. It lies approximately 11 km south of Saint-Jean-sur-Richelieu and 11 km west of Napierville, with the southernmost sector abutting the American border. The proposed reserve covers an area of 4.87 km² (487 ha) here and there in the municipalities of Sainte-Anne-de-Sabrevois, Henryville, Saint-Paul-de-l'Île-aux-Noix and Lacolle. All of the municipalities belong to the regional municipality of Haut-Richelieu in Montérégie. Five landlocked parcels with a total area of 10 050 m² are excluded from the boundaries of the proposed biodiversity reserve.

2.2. Ecological portrait

The réserve de biodiversité projetée Samuel-De Champlain lies in the natural region of the Upper St. Lawrence Plain, in the heart of the St. Lawrence Lowlands natural province. More precisely, most of it is in the Champlain Valley physiographic complex, while a small portion of the northern section is in the Plaine de St-Jean-Beauharnois physiographic complex. The réserve de biodiversité projetée Samuel-De Champlain is intended to protect the wetland environments along parts of the Rivière Richelieu.

2.2.1. Representative elements

Climate: The territory is influenced by a continental climate of moderate average temperature (4.5°C to 6.6°C), sub-humid annual precipitation (800 to 1359 mm) and a long growing season (180 to 209 days).

Geology and geomorphology: The territory of the proposed reserve is in the St. Lawrence Platform geological province. The geologic foundation consists primarily of metamorphosed Ordovician sedimentary rocks in the Stony Point formation (shale, slate, dolomite, mudstone, dolomitic siltstone and calcareous mudstone). In terms of geomorphology, the dominant feature is the presence of organic deposits typical of wetland environments in the flood plain. Clayey marine deposits from the ancient Champlain Sea are also found in the proposed reserve, along with river deposits from ancient meanders near the present-day river. There is little topographic relief, the altitude varying from 28 to 33 m.

Hydrography: The proposed biodiversity reserve protects nearly 48 ha of shallow open water, 171 ha of marsh and 192 ha of swamp. The reserve will also protect 573 m of Ruisseau Paquette and more than 1.6 km of streams flowing into the major bed of the Rivière Richelieu. All of the protected area lies within the drainage basin of the Rivière Richelieu.

Flora: The bioclimatic domain of the area is that of maple-bitternut hickory stands in the deciduous forest subzone. On 29% (143 ha) of the proposed reserve the vegetation consists of deciduous wetland forest. These treed swamps are primarily composed of stands of silver maple (*Acer saccharinum*), together with black ash (*Fraxinus nigra*), bitternut hickory (*Carya cordiformis*),

American elm (*Ulmus americana*) and swamp white oak (*Quercus bicolor*). As for age, 39% (55 ha) of the forest environment consists of old uneven-aged stands.

Fauna: The wetland environments found in the proposed biodiversity reserve are an important habitat for a wide variety of species of amphibian, birds and mammals. The protected areas contain designated wildlife habitats such as muskrat habitats, a heronry and wildfowl gathering areas. Several areas in the region are particularly exceptional in terms of wildlife, and are partially included in the proposed biodiversity reserve. Examples include Baie des Anglais, the marsh adjacent to the mouth of Rivière du Sud and the Ruisseau Bleury sector. The latter has been identified as a reproductive area for slow-water species and is a spawning ground for northern pike. A wildfowl gathering area and a muskrat habitat are also found here. The Ruisseau Bleury wildlife site presents a mosaic of wetland environments including aquatic plant communities, marshes, swamps, wet meadows and farmland. Also of interest for its reptiles and amphibians, the area is recognized as having a high potential to contain spiny softshell turtle. As well, the local flood plains and the aquatic plant communities in the major bed of the Richelieu are important spawning areas for warm-water fish. The mouth of Ruisseau Faddentown and the flood plain south of Pointe du Gouvernement are other sectors identified as fish reproduction areas. Fifty-six species of fish have been identified in the Rivière Richelieu.

2.2.2. Outstanding elements

Flora: A number of rare or protected species of plants are found within the boundaries of the proposed biodiversity reserve. Some are considered likely to be designated as threatened or vulnerable in Québec, including yellow-fruited sedge (*Carex annectens*), swamp white oak (*Quercus bicolor*), lowland yellow loosestrife (*Lysimachia hybrida*), Virginia water-horehound (*Lycopus virginicus*), slender bulrush (*Scirpus heterochaetus*) and southern wild rice (*Zizania aquatica* var. *aquatica*). One plant designated as threatened in Québec, false hop sedge (*Carex lupuliformis*), is also found there.

Fauna: Turning to wildlife in the proposed reserve, there is one species of fish considered likely to be designated as threatened or vulnerable, the river redhorse (*Moxostoma carinatum*). Two species designated as vulnerable are also found, the northern map turtle (*Graptemys geographica*) and the least bittern (*Ixobrychus exilis*), while there is one species designated as threatened, the spiny softshell turtle (*Apalone spinifera*).

2.3. Land occupation and uses

Five parcels of land were excluded from the proposed reserve so as to regularize the situation of certain occupants pursuant to the *Loi concernant la délimitation du domaine hydrique de l'État et la protection de milieux humides le long d'une partie de la rivière Richelieu* (2009, c. 31).

Several communication routes permit access and circulation within and around the proposed reserve. Route 223 and connecting roads provide access to the western parts of the proposed reserve, while Chemin du Bord-de-l'eau and connecting roads provide access to the eastern parts. Though excluded from the proposed reserve, Route 202 crosses Île Ash and links the western and eastern sectors. Easements of passage and maintenance will be granted to allow ground access to a permanent residence and three cottages. The permanent residence and four cottages are served by Hydro-Québec electrical lines in the proposed reserve. If necessary, easements could also be granted to allow the passage and maintenance of private electrical lines connecting buildings to the Hydro-Québec network.

Since the Richelieu is a navigable waterway, numerous motor boats ply its waters, causing erosion and considerable disturbance to the plants and wildlife along its banks.

The wetland environments in the proposed reserve are used by many hunters, trappers and fishers. The swamps, marshes and aquatic plant communities lend themselves particularly well to the hunting of waterfowl and the trapping of fur-bearing animals such as common muskrat (*Ondatra zibethicus*) and American mink (*Mustela vison*). The territory lies in fur-bearing animal management unit 16 and hunting zone 8 west.

Farm drainage ditches are also present in the proposed biodiversity reserve. The maintenance and cleaning of these ditches will be permitted in accordance with applicable legislative and regulatory measures. Before permanent protection status is obtained, a committee will be formed representing the principal stakeholders (the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation; the Ministère du Développement durable, de l'Environnement et des Parcs; Fisheries and Oceans Canada; the regional country municipalities concerned; the Ministère des Ressources naturelles et de la Faune; and the Union des producteurs agricoles) to determine how best to limit the frequency of maintenance on the ditches and reduce its impact on the environment.

3. Activities framework

§1. Introduction

Activities carried on within the proposed reserve are governed mainly by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under section 34 of the Act and provides the framework for the various activities permitted so as to better protect the natural environment in keeping with the conservation principles and other management objectives established for the proposed reserves. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister. The permitted and prohibited activities considered for the period that follows the assignment of permanent status by the Government are the same with the necessary adjustments to take into account the application of section 46 of the Act.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned are

- mining, and gas or petroleum development;
- forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1); and
- the development of hydraulic resources and any production of energy on a commercial or industrial basis.

This conservation plan permits gas and petroleum exploration activities within the proposed biodiversity reserve provided that they are carried on behalf of a natural or legal person that, at the time the proposed biodiversity reserve was created, held a licence from the Ministère des Ressources naturelles et de la Faune to explore for gas and petroleum and that the exploration activities are carried out in accordance with the licence held.

§2.— Prohibitions, prior authorizations and other conditions governing activities in the proposed reserve

§2.1. Protection of resources and the natural environment

3.1. Subject to the prohibition in the second paragraph, no person may establish in the proposed reserve any specimens or individuals of a native or non-native species of fauna into the

reserve, including by stocking, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

No person may stock a watercourse or body of water for aquaculture, commercial fishing or any other commercial purpose.

No person may establish in the proposed reserve a non-native species of flora, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

Before issuing an authorization under this section, the Minister is to take into consideration, in addition to the characteristics and the number of species involved, the risk of biodiversity imbalance, the importance of conserving the various ecosystems, the needs of the species in the ecosystems, the needs of rehabilitating degraded environments or habitats within the proposed reserve, and the interest in reintroducing certain species that have disappeared.

3.2. No person may use fertilizer or fertilizing material in the proposed reserve.

3.3. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

- (1) intervene in a wetland area, including a marsh, swamp or bog;
- (2) modify the reserve's natural drainage or water regime;
- (3) dig, fill, obstruct or divert a watercourse or body of water;
- (4) install or erect any structure, infrastructure or new works in or on the bed, banks, shores or floodplain of a watercourse or body of water;
- (5) carry on any activity other than those referred to in the preceding subparagraphs that is likely to degrade the bed, banks or shores of a body of water or watercourse or directly and substantially affect the biochemical characteristics or quality of aquatic or riparian environments or wetland areas in the proposed reserve, including by discharging or dumping waste or pollutants into the watercourse or body of water;
- (6) carry out soil development work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as trail development;
- (7) install or erect any structure, infrastructure or new works;

- (8) reconstruct or demolish an existing structure, infrastructure or works;
- (9) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work;
- (10) use a pesticide, although no authorization is required for the use of personal insect repellent;
- (11) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used;
- (12) hold a gathering, sports event, tournament, rally or similar event if more than 15 persons are likely to participate in the activity and have access to the proposed reserve at the same time; no authorization may be issued by the Minister if the activity involves motor vehicle traffic, unless it has been shown to the Minister that it is impossible to organize the activity elsewhere or that bypassing the proposed reserve is highly unfeasible; or
- (13) light a campfire; no authorization is required for a lessor who wishes to light a campfire on the land subject to a lease.

The conditions determined by the Minister for the authorization may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including on-site materials, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 11 of the first paragraph refers.

3.4. Despite section 3.1 and subparagraphs 1, 2, 3 and 6 of the first paragraph of section 3.3, no authorization is required to carry out work referred to in subparagraph 1 of this section when the requirements of subparagraph 2 are met.

- (1) The work involves
 - (a) the maintenance of an agricultural drainage watercourse; and
 - (b) the cleaning of an agricultural drainage watercourse.

(2) The work is carried out in compliance with the conditions of a permit or authorization issued for the work or in connection with the works involved, and in accordance with the laws and regulations that apply.

3.5. Despite subparagraphs 1, 6, 7, 8 and 9 of the first paragraph of section 3.3, no authorization is required to carry out work referred to in subparagraph 1 of this section when the requirements of subparagraph 2 are met.

(1) The work involves

(a) work to maintain, repair or upgrade an existing structure, infrastructure or works such as a camp, cottage, road or trail, including ancillary facilities such as lookouts or stairs;

(b) the construction or erection of

i. an appurtenance or ancillary facility of a trapping camp, rough shelter, shelter or cottage such as a shed, well, water intake or sanitary facilities; or

ii. a trapping camp, rough shelter, shelter or cottage if such a building was permitted under the right to use or occupy the land but had not been constructed or installed on the effective date of the status as a proposed reserve; or

(c) the demolition or reconstruction of a trapping camp, rough shelter, shelter or cottage, including an appurtenance or ancillary facility such as a shed, well, water intake or sanitary facilities.

(2) The work is carried out in compliance with the following requirements:

(a) the work involves a structure, infrastructure or works permitted within the proposed reserve;

(b) the work is carried out within the area of land or right of way subject to the right to use or occupy the land in the proposed reserve, whether the right results from a lease, servitude or other form of title, permit or authorization;

(c) the nature of the work or elements erected by the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and, if applicable, the limits allowed under an authorization for the structure, works or infrastructure; and

(d) the work is carried out in compliance with the conditions of a permit or authorization issued for the work or in connection with the structure, infrastructure or works involved, and in accordance with the laws and regulations that apply.

For the purposes of this section, repair and upgrading work includes work to replace or erect works or facilities to comply with the requirements of an environmental regulation.

3.6. No person may bury, abandon or dispose of waste, snow or other residual materials elsewhere than in waste disposal containers, facilities or sites determined by the Minister or in another place with the authorization of the Minister and in compliance with the conditions the Minister determines.

§2.2. Rules of conduct for users

3.7. Every person staying, carrying on an activity or travelling in the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.8. In the proposed reserve, no person may

- (1) cause any excessive noise;
- (2) behave in a manner that unduly disturbs other users or interferes with their enjoyment of the proposed reserve; or
- (3) harass wildlife.

For the purposes of subparagraphs 1 and 2 of the first paragraph, behaviour that significantly disturbs other persons and constitutes unusual or abnormal conditions for the carrying on of an activity or for the permitted use of property, a device or an instrument within the proposed reserve is considered excessive or undue.

3.9. No person may enter, carry on an activity or travel in a vehicle in a given sector of the proposed reserve if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

It is prohibited to enter or travel in the area situated around the private lands enclosed within the proposed biodiversity reserve (Area 1 Appendix 2). The buffer zone corresponds to a strip of 200

m around the private lands enclosed within and excluded from the proposed biodiversity reserve (refer to Appendix 2). The occupants of those lands, their guests, the persons who enter the area to carry on work specified in section 3.4, public utilities and persons authorized by the Minister may enter or travel in that area.

3.10. No person may destroy, remove, move or damage any poster, sign, notice or other types of signage posted by the Minister within the proposed reserve.

§2.3. Activities requiring an authorization

3.11. No person may occupy or use a site in the proposed reserve unless the person has been authorized by the Minister and complies with the conditions the Minister determines. An authorization is not required for a lessor on the land subject to a lease.

For the purposes of the first paragraph, the occupation or use of a site includes

- i. staying or settling in the proposed reserve, including for vacation purposes;
- ii. installing a camp or shelter in the proposed reserve; and
- iii. installing, burying or leaving property in the proposed reserve, including equipment, any device or a vehicle.

3.12. No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines. An authorization is not required for a lessor who wishes to carry on forest management activities on the land subject to a lease.

The conditions determined by the Minister for the authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

§2.4 Authorization exemptions

3.13. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the proposed reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended disaster. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. The members of a Native community who, for food, ritual or social purposes, carry on an intervention or an activity within the proposed reserve are exempted from obtaining an authorization.

3.15. Despite the preceding provisions, the following activities and interventions carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this conservation plan:

- (1) any activity or intervention required within the proposed reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the Minister, in accordance with the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;
- (2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;
- (3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société, and the activity or intervention is carried out in conformity with the request; and
- (4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

The Société is to keep the Minister informed of the various activities or interventions referred to in this section it proposes to carry out before the work is begun in the reserve.

For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work or field research, work required to study and ascertain the impact of electric power transmission and distribution line corridors and rights of way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement incidental to the work.

§2.5. *General provisions*

3.16. Every person who applies to the Minister for an individual authorization or an authorization for a group or a number of persons must provide all information or documents requested by the Minister for the examination of the application.

3.17. The Minister's authorization, which is general or for a group, may be communicated for the benefit of the persons concerned by any appropriate means including a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister may also provide a copy to any person concerned.

§3. *Activities governed by other statutes*

Certain activities likely to be carried on within the proposed reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed reserve.

A special legal framework may govern permitted activities within the proposed biodiversity reserve in connection with the following matters:

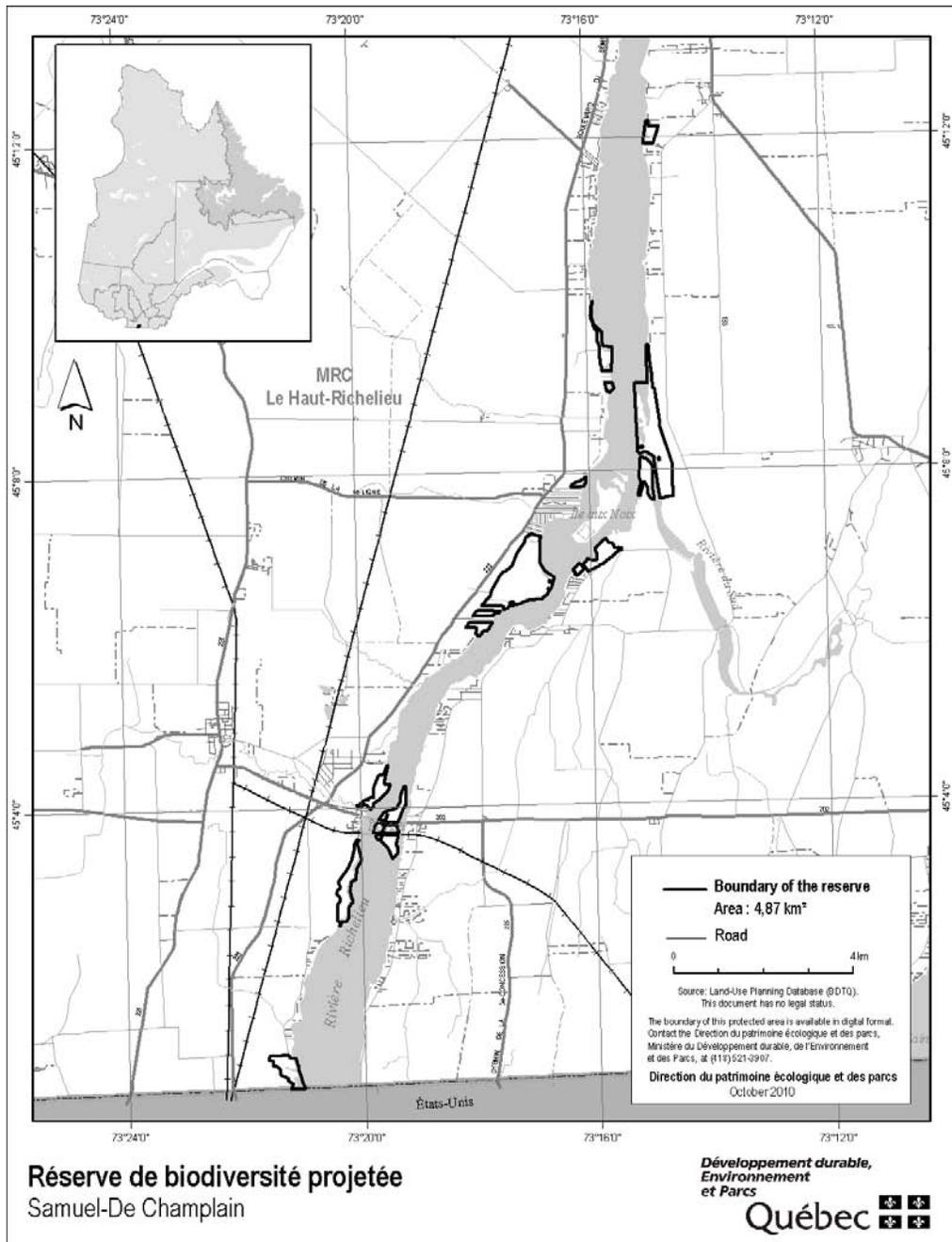
- Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2) and its regulations;
- Species of flora designated as threatened or vulnerable: measures prohibiting the removal of such species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);
- Development and conservation of wildlife resources: measures set out in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, in particular the fishery regulations;
- Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

- Access and land rights related to the waters in the domain of the State: measures set out in the Watercourses Act (R.S.Q., c. R-13) and in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);
- Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

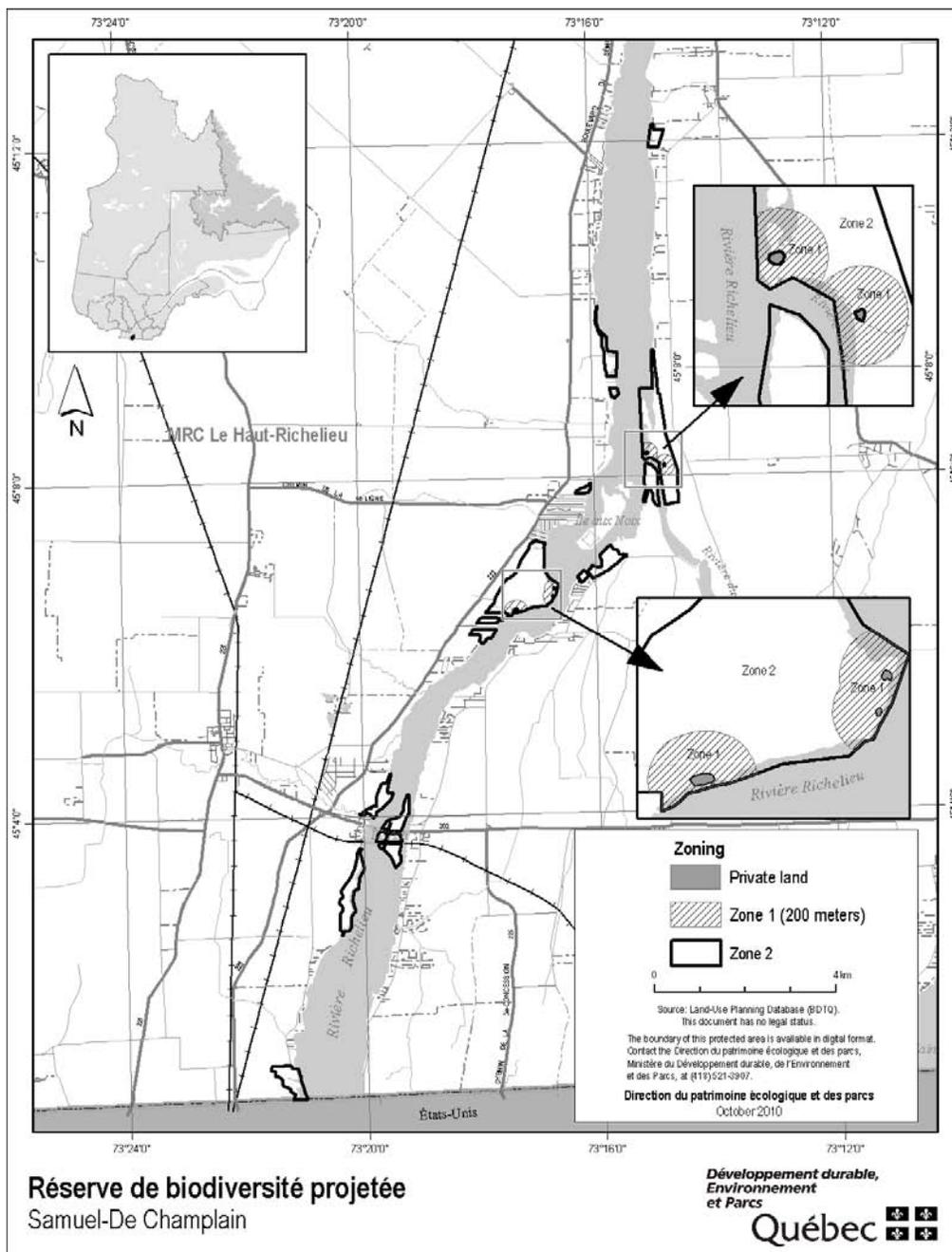
4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of Réserve de biodiversité projetée Samuel-De Champlain. The Minister supervises and monitors the activities that may take place there. In managing the reserve the Minister enjoys the collaboration and participation of other government partners, such as the Minister of Natural Resources and Wildlife, who have specific responsibilities regarding this land or lands adjoining it. In the exercise of their powers the Ministers will take into consideration the protection sought for this natural environment and the protection status it has been granted. No additional conservation measure is envisaged at this stage. With regard to zoning, the proposed biodiversity reserve consists of two zones (Annexe 2): zone 1, in which access and circulation are restricted to the owners of private property that is landlocked in the proposed reserve, along with their guests, public utility companies and other authorized persons; and zone 2, in which access and circulation are not restricted. The zoning of zone 2 may be specified before the granting of permanent protection status.

SCHEDULE 1
MAP OF THE RÉSERVE DE BIODIVERSITÉ PROJETÉE
SAMUEL-DE CHAMPLAIN



SCHEDULE 2
ZONING MAP OF THE RÉSERVE DE BIODIVERSITÉ PROJÉTÉE
SAMUEL-DE CHAMPLAIN



Notice

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Automotive services industry — Chapais, Chibougamau, Lac-Saint-Jean and Saguenay — Amendments

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of Labour has received an application by the contracting parties to amend the Decree respecting the automotive services industry in Chapais, Chibougamau, Lac-Saint-Jean and Saguenay (R.R.Q., c. D-2, r. 7) and that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Decree to amend the Decree respecting the automotive services industry in Chapais, Chibougamau, Lac-Saint-Jean and Saguenay, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree mainly increases the minimum hourly rates of the various employment categories and amends various conditions of employment provided for in the Decree to bring them into conformity with the conditions of employment established under the Act respecting labour standards (R.S.Q., c. N-1.1).

The consultation period will specify the extent of the impacts of the amendments applied for. According to the 2009 annual report of the Comité paritaire de l'industrie des services automobiles de la région du Saguenay-Lac St-Jean, 523 employers, 2,363 employees and 71 artisans are subject to the Decree.

Further information may be obtained by contacting:

Louis-Philippe Roussel
Direction des politiques du travail
Ministère du Travail
200, chemin Sainte-Foy, 5^e étage
Québec (Québec) G1R 5S1
Telephone: 418 644-2206
Fax: 418 643-9454
E-mail: louis-philippe.roussel@travail.gouv.qc.ca

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

JOCELIN DUMAS,
Deputy Minister of Labour

Decree to amend the Decree respecting automotive services industry in Chapais, Chibougamau, Lac-Saint-Jean and Saguenay

An Act respecting collective agreement decrees (R.S.Q., c. D-2, ss. 2 and 6.1)

1. The Decree respecting automotive services industry in Chapais, Chibougamau, Lac-Saint-Jean and Saguenay (R.R.Q., c. D-2, r. 7) is amended by striking out “Le Syndicat des travailleurs de production Centropneus (CSN)” in paragraph 2 of section 1.02.

2. Section 3.01 is amended by replacing paragraph 1 by the following:

“(1) over no more than 5 consecutive days, from Monday to Saturday, for the apprentice, the journeyman, the dismantler and the semiskilled worker;

(1.1) over no more than 5 consecutive days for the parts clerk, the messenger, the washer and the service attendant;”.

3. Section 3.02 is amended

(1) by replacing “Except for the pump attendant, the” in the first paragraph by “The”;

(2) by striking out the second paragraph.

4. Section 3.03 is revoked .

5. Section 3.05 is replaced by the following:

“**3.05.** An employee is deemed to be at work

(1) while available to the employer at the place of employment and required to wait for work to be assigned;

(2) subject to section 3.04, during the break periods granted by the Decree and the employer;

(3) when travel is required by the employer;

(4) during any trial or training period required by the employer.”.

6. Section 3.06 is amended by replacing “24” by “32”.

7. The following is inserted after section 3.07:

3.08. An employee may refuse to work

(1) more than 4 hours after regular daily working hours or more than 14 working hours per 24-hour period, whichever period is the shortest;

(2) more than 12 working hours per 24-hour period if the employee's daily working hours are flexible or non-consecutive;

(3) more than 50 working hours per week.

3.09. An employee who is required to appear as a witness before a court or a quasi judicial body in a case concerning his or her employer, other than a grievance or penal proceedings instituted by the parity committee, where the employee is not one of the interested parties has no reduction in wages for the period during which the employee's presence is required in court."

8. Section 5.01 is amended by adding the following after the first paragraph:

"Despite the foregoing, an employee who, outside of the regular working hours, is recalled after leaving the place of employment, is entitled to an indemnity equal to 3 hours at the employee's rate currently paid, except where the application of section 4.01 entitles the employee to a greater amount."

9. Section 5.02 is revoked.

10. Section 6.02 is replaced by the following:

6.02. To benefit from a statutory general holiday, an employee must not have been absent from work without the employer's authorization or without valid cause on the working day preceding or following the holiday.

Despite the foregoing, an employee is deemed not to have been absent from work on the working day preceding or following a general holiday when the employee was laid off for less than 20 days preceding or following 1 and 2 January as well as 25 and 26 December, or for less than 48 hours for the other holidays provided for in section 6.01."

11. Section 6.03 is replaced by the following:

6.03. For each statutory general holiday, the employer must pay the employee an indemnity equal to 1/20 of the wages earned during the 4 complete weeks of pay preceding the week of the holiday or layoff, excluding overtime."

12. Section 6.07 is revoked.

13. Section 7.03 is amended by replacing the third paragraph by the following:

"An employee is also entitled, if the employee applies therefor, to an additional annual leave without pay equal to the number of days required to increase the employee's annual leave to 3 weeks.

Such additional leave need not follow immediately a leave under the first paragraph and it may not be divided, or be replaced by a compensatory indemnity."

14. Section 7.06 is amended

(1) by adding ", except where a collective agreement allows it to be deferred until the following year" at the end of the first paragraph;

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

"Despite the first paragraph, the employer may, at the request of the employee, allow the annual leave to be taken, in whole or in part, during the reference year.

In addition, if at the end of the 12 months following the end of a reference year, the employee is absent owing to sickness, accident or a criminal offence or is absent or on leave for family or parental matters, the employer may, at the request of the employee, defer the annual leave to the following year. If the annual leave is not so deferred, the employer must pay the indemnity for the annual leave to which the employee is entitled.

Despite any contrary clause of a collective agreement, decree or contract, any period of salary insurance, sickness insurance or disability insurance interrupted by a leave taken in accordance with the first paragraph is continued, where applicable, after the leave, as if it had never been interrupted."

15. Section 8.04 is amended

(1) by replacing "on his wedding day" in the first paragraph by "on the day of his or her wedding or civil union";

(2) by replacing "on the wedding day of one of his children, of his father, mother, brother or sister or a child of his spouse" in the second paragraph by "on the day of the wedding or civil union of his or her child, father, mother, brother or sister or of a child of his or her spouse."

16. Section 8.05 is amended

(1) by replacing “his child or the adoption of a child” in the first paragraph by “his or her child, the adoption of a child or where there is termination of pregnancy in or after the twentieth week of pregnancy”;

(2) by adding “or after the termination of pregnancy” after “mother” at the end of the second paragraph;

(3) by striking out the fourth paragraph.

17. The following is added after section 8.05:

“**8.06.** An employee may be absent from work, without pay, for 10 days per year to fulfil obligations relating to the custody, health or education of the employee’s child or the child of the employee’s spouse, or because of the state of health of the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents.

The leave may be divided into days. A day may also be divided if the employer consents thereto.

The employee must advise the employer of his or her absence as soon as possible and take the reasonable steps within his or her power to limit the leave and the duration of the leave.

8.07. In accordance with the provisions of the Act respecting labour standards (R.S.Q., c. N-1.1), an employee may be absent from work

(1) if the employee must stay with the employee’s child, spouse, the child of the employee’s spouse, the employee’s father, mother, the spouse of the employee’s father or mother, the employee’s brother, sister or one of the employee’s grandparents because of a serious illness or a serious accident;

(2) if the employee’s minor child has a serious and potentially mortal illness;

(3) if the employee must stay with the employee’s minor child who suffered serious bodily injury during or resulting directly from a criminal offence that renders the child unable to carry on regular activities;

(4) if the employee’s minor child has disappeared;

(5) if the employee’s spouse or child commits suicide; or

(6) if the death of the employee’s spouse or child occurs during or results directly from a criminal offence.

8.08. In accordance with the provisions of the Act respecting labour standards, a pregnant employee is entitled to a maternity leave, an employee is entitled to parental leave and the father and the mother of a newborn child, and a person who adopts a child, are entitled to parental leave.

An employee may also be absent from work without pay for a medical examination related to her pregnancy or for an examination related to her pregnancy carried out by a midwife.”

18. Section 10.01 is replaced by the following:

“**10.01.** The minimum hourly wage rates are as follows:

Trades	As of (insert the date of coming into force of this Decree)	As of 1 January 2012	As of 1 January 2013	As of 1 January 2014
1. Apprentice:				
1st year	\$11.93	\$12.23	\$12.53	\$12.85
2nd year	\$12.33	\$12.64	\$12.95	\$13.28
3rd year	\$13.15	\$13.48	\$13.82	\$14.16
4th year	\$14.24	\$14.60	\$14.96	\$15.33
2. Journeyman:				
mechanic, diesel-mechanic, welder, electrician, body-builder, wheel balancer, automatic transmission specialist, painter, saddler, body repairer:				
A	\$20.90	\$21.42	\$21.96	\$22.51
B	\$18.60	\$19.07	\$19.54	\$20.03
C	\$16.38	\$16.79	\$17.21	\$17.64
3. Parts Clerk:				
1st year	\$10.73	\$11.00	\$11.27	\$11.56
2nd year	\$11.41	\$11.70	\$11.99	\$12.29
3rd year	\$11.41	\$12.47	\$12.79	\$13.11
4th year	\$12.84	\$13.16	\$13.49	\$13.83
5th year	\$13.55	\$13.89	\$14.24	\$14.59
6th year	\$14.35	\$14.71	\$15.08	\$15.45
7th year	\$14.80	\$15.17	\$15.55	\$15.94
8th year	\$15.20	\$15.58	\$15.97	\$16.37
4. Messenger:				
	\$10.01	\$10.26	\$10.52	\$10.78

Trades	As of (insert the date of coming into force of this Decree)	As of 1 January 2012	As of 1 January 2013	As of 1 January 2014
5. Dismantler:				
1st year	\$10.34	\$10.60	\$10.86	\$11.14
2nd year	\$10.98	\$11.25	\$11.54	\$11.82
3rd year	\$11.95	\$12.25	\$12.55	\$12.87
4th year	\$12.92	\$13.24	\$13.57	\$13.91
6. Washer:				
	\$9.69	\$9.93	\$10.18	\$10.44
7. Semiskilled Worker:				
1st year	\$10.98	\$11.25	\$11.54	\$11.82
2nd year	\$11.65	\$11.94	\$12.24	\$12.55
3rd year	\$12.92	\$13.24	\$13.57	\$13.91
8. Pump Attendant:				
	\$9.75	\$9.99	\$10.24	\$10.50
9. Service Attendant:				
1st year	\$9.92	\$10.17	\$10.42	\$10.68
2nd year	\$11.17	\$11.45	\$11.74	\$12.03
3rd year	\$11.95	\$12.25	\$12.55	\$12.87
4th year	\$13.05	\$13.38	\$13.71	\$14.05”.

19. Section 10.07 is replaced by the following:

“**10.07.** No employer may make deductions from wages unless the employer is required to do so pursuant to an Act, a regulation, a court order, a collective agreement, an order or decree or a mandatory supplemental pension plan.

The employer may make deductions from wages if the employee consents thereto in writing, for a specific purpose mentioned in the writing.

The employee may at any time revoke that authorization, except where it pertains to membership in a group insurance plan, or a supplemental pension plan.

The employer shall remit, within 30 days, the sums so withheld to their intended receiver.”.

20. Section 10.08 is amended by adding the following after the first paragraph:

“The employer may not impose an arrangement to share gratuities or a tip-sharing arrangement among employees. Nor may the employer intervene, in any manner whatsoever, in the establishment of an arrangement to share gratuities or a tip-sharing arrangement.

Such an arrangement must result solely from the free and voluntary consent of the employees entitled to gratuities or tips.”.

21. The following is added after section 10.11:

“**10.12.** An employer is required to reimburse an employee for reasonable expenses incurred where, at the request of the employer, the employee must travel or undergo training.”.

22. Section 13.01 is amended by replacing “2001”, wherever it appears, by “2014”.

23. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

1204

Draft Regulation

An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (2007, c. 2)

Regulation

Notice is hereby given, in accordance with section 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation under the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation completes the implementation in Québec of the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, the Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, having been assented to in 2007 (S.Q. 2007, c. 2). Section 3 of that Act provides that “the Government may make any regulations necessary for carrying out the provisions of the Convention and of the Protocol that are in force in Québec”.

The Convention and the Protocol authorize a Contracting State to make declarations for the application or non-application of a provision of either document. The Regulation specifies the declarations that will apply in

Québec. They pertain, in particular, to priorities and legal hypothecs in relation to the international interests registered in the International Registry established under the Protocol, creditors' recourses and conventions between parties concerning provisional measures.

To date, study of the matter has revealed no impact on the public and on small and medium-sized businesses. As for large enterprises in the aircraft industry, the Regulation will not entail additional costs and will likely help them to get financing at a lower cost.

Further information may be obtained by contacting Ms Frédérique Sabourin, Ministère de la Justice du Québec, Direction des affaires juridiques, Développement économique, de l'Innovation et de l'Exportation, Relations internationales, Tourisme, Affaires intergouvernementales canadiennes, 525, boulevard René-Lévesque Est, 3^e étage, Québec (Québec) G1R 5R9; telephone: 418 649-2400, extension 56010; fax: 418 649-2663; e-mail: frederique.sabourin@mri.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments before the expiry of the 45-day period to the same address.

JEAN-MARC FOURNIER,
Minister of Justice

Regulation implementing the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment

An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (S.Q. 2007, c. 2, s. 3)

1. Québec makes the following declarations:

Under Article 39 (1) (a) and (2) of the Convention on International Interests in Mobile Equipment, any non-consensual right or interest in an object, which under Québec law existing at the date of this declaration or created after that date, that has priority over an interest equivalent to that of the holder of a registered international interest, shall have priority to the same extent over a registered international interest, whether in or outside insolvency proceedings.

More specifically,

(1) a prior claim will rank before an international interest registered in the International Registry established under the Convention and the Protocol, whether in or outside insolvency proceedings;

(2) a legal hypothec registered in the register of personal and movable real rights will rank before an international interest subsequently registered in the International Registry established under the Convention and the Protocol, whether in or outside insolvency proceedings.

Under Article 39 (1) (b) of the Convention, nothing in the Convention shall affect the right of the government of Canada, or of a province or territory, a governmental entity, intergovernmental organisation or other private provider of public services to arrest or detain an object under Québec law for payment of amounts owed to that government, entity, organisation or provider directly relating to those services in respect of that object or another object.

Under Article 39 (4) of the Convention, a right or interest covered by the declaration made under Article 39 (1) (a) shall have priority over an international interest registered prior to the date of ratification by Canada.

Under Article 54 (2) of the Convention, any remedy available to the creditor under any provision of the Convention which is not there expressed to require application to the court may be exercised without leave of the court.

Under Article XXX (1) of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, Article VIII of the Protocol applies.

Under Article XXX (2) of the Protocol, only paragraphs 3, 4 and 5 of Article X of the Protocol apply.

2. This Regulation comes into force on (insert here the date of coming into force of the Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (2007, c. 2).

Draft Regulation

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

Insured visual aids — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R18.1), that the Regulation to amend the Regulation respecting visual aids insured under the Health Insurance Act, appearing below, may be made by the Government, after consultation with or on the recommendation of the Régie de l'assurance maladie du Québec, on the expiry of 45 days following this publication.

The draft Regulation integrates into the current regulation the technical aids allocated by the Programme des aides visuelles aux activités de la vie quotidienne et aux activités de la vie domestique (AVQ-AVD) and by the Fonds des travailleurs aveugles et amblyopes, and updates all the visual aids and related services insured under the Regulation.

In addition, in accordance with section 72.1 of the Health Insurance Act (R.S.Q., c. A-29), the Régie de l'assurance maladie du Québec will make, at the same time, a supplementary regulation specifying the trademarks, models and prices of the visual aids covered by the draft Regulation. The coming into force of the supplementary regulation will coincide with the coming into force of the draft Regulation.

The proposed measures follow up on most of the recommendations made by a working group that worked under the responsibility of the Minister of Health and Social Services. The representatives of various organizations and associations concerned are of the opinion that the proposed amendments will help better meet the needs of the insured persons having a visual deficiency.

The propositions in the draft Regulation will also have a positive impact on businesses specialized in the sale and distribution of visual aids as their income will increase.

Further information may be obtained by contacting Nancy Vallée, Ministère de la Santé et des Services sociaux; telephone: 418 266-8827; fax: 418 266-6854; e-mail: nancy.vallee@msss.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the undersigned, the Minister of Health

and Social Services and the Minister for Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

YVES BOLDUC,
*Minister of Health and
Social Services*

DOMINIQUE VIEN,
*Minister for Social
Services*

Regulation to amend the Regulation respecting visual aids insured under the Health Insurance Act*

Health Insurance Act
(R.S.Q., c. A-29, s. 3, 6th and 9th pars., and s. 69, 1st par., subpar. h.1)

1. The Regulation respecting visual aids insured under the Health Insurance Act is amended by replacing its title by “Regulation respecting insured visual aids and related services”.

2. The following is inserted before section 1:

“CHAPTER I GENERAL

0.1. In this Regulation, the word “tariff” refers to the *Tariff for insured visual aids and related services*, made by the Régie de l'assurance maladie du Québec under section 72.1 of the Health Insurance Act (R.S.Q., c. A-29).”

3. Section 2 is replaced by the following:

“**2.** A person who is insured within the meaning of the Health Insurance Act and who has a visual deficiency such as to render the person permanently incapable of reading, writing, moving about in an unfamiliar environment, or carrying on activities related to the person’s lifestyle or social roles, is a person having a visual deficiency.

For the purposes of the first paragraph, visual deficiency is characterized, for each eye, after correction by means of ophthalmic lenses, excluding special optic systems and additions greater than 4 diopters, by one of the following conditions:

- (1) a visual acuity of less than 6/21;

* The Regulation respecting visual aids insured under the Health Insurance Act, made by Order in Council 1403-96 dated 13 November 1996 (1996, *G.O.* 2, 4725), was last amended by the regulation made by resolution No. C.A.410-04-11 dated 18 May 2004 of the Régie de l'assurance maladie du Québec (2004, *G.O.* 2, 1645). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

(2) a visual acuity equal to or less than 6/18 for persons who suffer from a degenerative visual problem, a motor, hearing or speech physical deficiency, or an intellectual deficiency;

(3) a continuous visual field of less than 60°, including the central fixation point measured horizontally or vertically;

(4) complete hemianopia.

2.1. A person who has a visual deficiency that, after correction by means of ophthalmic lenses, excluding special optic systems and additions greater than 4 diopters, leaves each eye with a visual acuity equal to or less than 6/120 or with a continuous visual field of less than 10°, including the central fixation point, measured horizontally or vertically, and that, in either cases, renders the person incapable of making functional use of the visual aids of the print magnification method of communication, is functionally blind.

Despite the foregoing, a person who has fluctuating vision, a defective field of vision or sensitivity to contrast, or a degenerative eye pathology is deemed to be functionally blind if that vision, defect or pathology renders the person incapable of making functional use of the visual aids of the print magnification method of communication.

2.2. A functionally blind person who uses braille and who, by reason of a hearing deficiency, cannot resort to any sound aid to carry on daily activities is a person who suffers from deafblindness.”.

4. The Regulation is amended by replacing “CHAPTER I” after section 3 by “CHAPTER II”.

5. Section 5 is amended

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

“Subject to the conditions set out in this Regulation and provided they are subject to a tariff, visual aids falling in any of the groups or sub-groups of aids listed respectively by category and by type in Schedule I, as well as their components and supplements, are insured.”;

(2) by inserting “indicated in the Tariff” in the second paragraph after “price”, by replacing “visual deficiency, the visually handicapped person” in the second paragraph by “intellectual deficiency, he or she” and by inserting the following words and sentence at the end: “of the Tariff. A physical deficiency includes a motor, hearing or speech deficiency.”;

(3) by inserting “in the Tariff” in the third paragraph after “list” and by striking out “of subparagraph 2” after “requirements”.

6. Section 6 is revoked.

7. The following is inserted after section 6:

“**6.1.** A visual aid is insured only if the following conditions are met:

(1) the visual aid is loaned to the person with a visual deficiency to meet actual functional needs, taking into account the person’s lifestyle and social roles;

(2) after training, the person is capable of using the visual aid in a functional and efficient manner.

The person’s functional needs and the visual aid’s functional and efficient use are evaluated by a team specializing in rehabilitation in a recognized institution.

For the time of the training, the visual aid used for the purposes of the training referred to in subparagraph 2 of the first paragraph is also insured, if the training may be provided only in the environment of the person with a visual deficiency.

6.2. From among the visual aids that may meet a same need, only the more affordable aid is insured.

6.3. Where a loaned visual aid accessorially meets a need other than the need for which the aid is mainly intended, only that aid is insured to meet that other need.

6.4. A new visual aid is insured only if no similar recovered visual aid is available when the visual aid is loaned.

6.5. A visual aid must be recovered by the recognized loaning institution if its use is no longer required by reason of changes in the functional needs of the person to whom the visual aid was loaned, or because the person is no longer using it or is deceased. In that respect, the recognized institution must ensure each year that the loaned visual aid is used by the person to whom it was loaned and that the loan remains justified and in compliance with this Regulation. The institution must also repair, or cause to be repaired, the visual aid as soon as it is recovered so that it is available for another loan.

A visual aid thus recovered may be loaned again as an insured visual aid, and the person to whom the aid is loaned may not choose instead a new visual aid.

6.6. The visual aids listed in Part II of Schedule I are insured only if no aid in Part I makes it possible to effectively make up for the disability of a person with a visual deficiency.

6.7. Only one visual aid of any one type is insured in respect of any one person with a visual deficiency.”.

8. Section 10 is amended

(1) by inserting “or by a visual aid program under the responsibility of the Minister of Health and Social Services before 1 April 2011” in the first paragraph after “Board” and by replacing “in Part III of Chapter V” in the same paragraph by “in the Tariff”;

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

“The repair of an uninsured visual aid at the disposal of a person with a visual deficiency is also insured, if the aid is similar in function and price to an aid appearing in the Tariff, provided that the person is entitled to such aid at the time of repair.”;

(3) by replacing the third paragraph by the following:

“The levelling of a computer aid listed in Part II of Schedule I is deemed to be a repair, provided that the aid meets a need arising out of the visual deficiency of the insured person.

Despite the foregoing, where the cost for repairing a visual aid, a component or a supplement, added to the cost of previous repairs, exceeds 70% of the cost of replacing the aid, component or supplement by a new one, only the replacement of the aid, component or supplement is insured, unless the visual aid needing repair is the only one that can meet the needs of the person with a visual deficiency.”.

9. Section 11 is revoked.

10. Chapter II is replaced by the following:

**“CHAPTER III
SPECIAL CONDITIONS APPLICABLE
TO CERTAIN VISUAL AIDS**

12. A hearing device with a record mode and a vocal note taking device may not be simultaneously insured in respect of any one person.

13. A contact lens listed in Part I of Schedule I is insured in respect of a person with a visual deficiency who is 6 years of age or over only if that person has one of the following deficiencies:

(1) an antimetropia or anisometropia with a difference of at least 2 diopters between the 2 eyes;

(2) a myopia of at least 5 diopters;

(3) a hypermetropia of at least 5 diopters;

(4) a regular astigmatism with a difference of at least 3 diopters between the major meridians;

(5) an ocular pathology that has been medically diagnosed and that requires the wearing of therapeutic contact lenses upon prescription from a physician.

14. The tinted filtering lens referred to in the Tariff made pursuant to Part I of Schedule I is insured only if it provides a light transmission not exceeding 50%, and the photochromic filtering lens referred to in that Tariff is insured only if it provides a light transmission not exceeding 70%.

However, the photochromic filtering lens is insured only in respect of a person whose need cannot be compensated for by the tinted filtering lens.

Likewise, the prescription filtering lens, either tinted or photochromic, is insured only if the non-prescription filtering lens, used in combination with the person’s basic glasses, cannot meet that person’s needs.

15. The closed-circuit television system referred to in Schedule I is insured in respect of a person whose inability to read cannot be compensated by another reading aid listed in Part I of Schedule I and who

(1) has a visual acuity equal to or less than 6/60 in the best eye, after correction by means of ophthalmic lenses, excluding special optic systems and additions greater than 4 diopters;

(2) has an associated physical deficiency, fluctuating vision, a defective field of vision or sensitivity to contrast;

(3) does not benefit from the permanent presence of a person 18 years of age or over; or

(4) is referred to in section 26.

In addition, the model of closed-circuit television system subject to a tariff pursuant to Part II of Schedule I and that is no longer operative because of its poor performance and the needs it is aimed at meeting to fulfil the academic or work requirements of persons referred to in section 26 is deemed to be subject to a tariff pursuant to Part I of Schedule I.

16. Despite section 6.7, the following are insured in respect of any one person:

- (1) a maximum of 2 canes;
- (2) a maximum of 3 suction grips per year.

17. The hand-held tactile electronic obstacle detector referred to in the Tariff made pursuant to Part I of Schedule I is insured only in respect of a person who

- (1) has a hearing deficiency of at least 55 decibels; or
- (2) is referred to in section 26 and has a disability affecting orientation and mobility, despite having received training to overcome it and that disability is such that the person has been unable to achieve the degree of autonomy necessary for attending school or obtaining work.

The audiometric measurement that must be used to determine a hearing deficiency is that provided for in the Regulation respecting hearing devices and insured services.

18. The neck-mounted tactile electronic obstacle detector referred to in the Tariff made pursuant to Part I of Schedule I is insured only in respect of a person who uses a wheelchair on a daily and permanent basis in order to move about and who is unable to use a cane.

19. The mobility lamp referred to in Part I of Schedule I is insured only in respect of a person who has a night vision problem and needs to move about at night in poorly lit places.

20. The night vision goggle referred to in Part I of Schedule I is insured only in respect of a person who has an ocular pathology causing night blindness, which hampers, on a daily basis, the movements needed to carry on daily activities. When moving about, that person must also use a cane or a guide dog.

21. The visual aids referred to in Division IV of Part I of Schedule I are insured only in respect of a person with a visual deficiency who has a compatible computer.

An aid referred to in subdivision 1 of Division IV of Part I of Schedule I, an aid referred to in subdivision 2 and an aid referred to in subdivision 3 of that Division may not be insured simultaneously in respect of any one person.

22. The following aids are insured only in respect of a functionally blind person:

(1) visual aids referred to in subdivisions 2 and 3 of Division IV of Part I of Schedule I;

(2) the braille display referred to in Part II of Schedule I that is recovered because it is no longer operative due to its poor performance and the needs it is aimed at meeting to fulfil the requirements related to the activities of persons referred to in section 26.

Despite the foregoing, for the purposes of subparagraph 1 of the first paragraph, the print recognition unit and the closed-circuit television system may not be insured simultaneously in respect of any one person.

and the personal assistant display referred to in Part II of Schedule I that are no longer operative.

23. The print magnification software referred to in subdivision 1 of Division IV of Part I of Schedule I and the large screen monitor or the adjustable-arm support referred to in the same subdivision may not be insured simultaneously in respect of any one person, except in the case of a person referred to in section 26.

24. The visual aids referred to in subdivision 2 of Division V of Part I of Schedule I are insured only once for any one person.

The following is not insured:

- (1) the replacement or repair of those aids;
- (2) the adapted alarm clock in respect of a person who benefited from the same type of aid under the Regulation respecting hearing devices and insured services.

25. The aids referred to in subdivision 3 of Division V of Part I of Schedule I are insured only if the person with a visual deficiency meets the following conditions:

(1) except for the talking thermometer, the person holds a medical prescription that justifies the need for the aid for daily use at home;

(2) the person must be capable of using the aid independently;

(3) no other visual aid enables the person to compensate for the incapacity of using non-adapted current equipment.

26. The visual aids referred to in Part II of Schedule I are insured only in respect of a person who

- (1) is a full-time student or is deemed to be a full-time student pursuing recognized studies according to the norms applicable by the Ministère de l'Éducation, du Loisir et du Sport;

(2) receives training to have access to a professional order;

(3) is learning to read or write French or English under a program under the responsibility of the Minister of Immigration and Cultural Communities;

(4) receives training under a program of Emploi-Québec with a view to holding paid employment;

(5) begins a process of obtaining or returning to paid employment;

(6) needs such aid to keep paid employment or gain advancement at work; or

(7) suffers from deafblindness and uses braille as a constant method of reading and writing.

For the purposes of subparagraph 1 of the first paragraph, recognized studies are those pursued by a student admitted to a program established or recognized by the Minister of Education, Recreation and Sports and leading to a diploma, a certificate or an attestation of studies awarded by that Minister pursuant to the College Education Regulations, to the basic school regulation for elementary and secondary education or to the basic adult education regulation.

Recognized studies are also studies pursued by a student admitted to a university program leading to a diploma or certificate recognized by the Minister of Education, Recreation and Sports.

27. The aids referred to in Division I of Part II of Schedule I are insured in respect of a student at the preschool or elementary level only if the student is functionally blind or has an associated physical or intellectual deficiency. Likewise, those aids are insured in respect of a paid worker only if the worker is functionally blind or is entitled to a computer under section 28.

28. The computer referred to in Division I of Part II of Schedule I is not insured in respect of

(1) a student at the college or university level, or a student receiving training to have access to a professional order;

(2) a person referred to in subparagraphs 3 to 6 of the first paragraph of section 26 who, had the person not been a person with a visual deficiency, would have needed to use a computer in the course of academic or work activities.

29. A braille display, a 60-cell model or more, referred to in the Tariff made pursuant to Part II of Schedule I is insured only in respect of

(1) a student at the college or university level or a paid worker, provided that he or she is called upon to use braille on a regular basis to read graphs, tables, mathematic formulas or specialized data banks;

(2) a person suffering from deafblindness.

30. The braille printer referred to in Part II of Schedule I is insured only in respect of students at the college or university level or paid workers, provided that they need to read braille on paper in the course of their studies or work and have no braille printer meeting their needs in their school or work environment.

31. The dedicated braille communication computer system referred to in Part II of Schedule I is insured only in respect of a person suffering from deafblindness who does not use a computer and its braille adaptations.

31.1. The hearing aid with a recording mode referred to in Part II of Schedule I is insured only in respect of a student at the college or university level or a paid worker whose needs in terms of note taking may not be met by the computer at his or her disposal.

31.2. The free-standing reading stand referred to in the Tariff made pursuant to Part II of Schedule I is insured only in respect of a person who does not already have 2 reading stands and for whom the other models do not compensate for his or her incapacities.

31.3. The adapted satellite geopositioning system referred to in Part II of Schedule I is insured only in respect of a functionally blind person referred to in section 26 who needs to frequently move about alone in unfamiliar places.

31.4. Despite section 6.7, a second visual aid of one of the types below, or an additional component or supplement to such a visual aid, is insured only in respect of a person referred to in section 26:

(1) the closed-circuit television system;

(2) the brailler;

(3) the reading stand, not free-standing.

However, for the purposes of subparagraph 1 of the first paragraph, the print recognition unit may, despite section 22, take the place of a second closed-circuit television system.

31.5. Among the computer aids referred to in Schedule I, only the types of aid for a single method of communication are insured at the same time in respect of any one person.

For the purposes of the first paragraph, the aids referred to in subdivision 1 of Division IV of Part I and Division I of Part II of Schedule I are deemed to be print magnification aids. The aids referred to in subdivision 2 of Division IV of Part I and Division I of Part II of Schedule I are deemed to be sound aids. The aids referred to in subdivision 3 of Division IV of Part I and Division I of Part II of Schedule I are deemed to be braille aids.

31.6. Despite section 31.5, the types of aid for a second method of communication are also insured

(1) in respect of a person who, following the evaluation in section 6.1, is found to suffer from a condition that leads the person to gradually switch to braille; the initial method of communication and braille may co-exist while the person is learning to use braille;

(2) where the insured aid comes with an accessory method of communication without additional charges.”

11. The Regulation is amended by replacing “CHAPTER III” after section 31 by “CHAPTER IV”.

12. Section 32 is amended by replacing “in Chapter V” and “that Chapter” in the first and third paragraphs by “in the Tariff” and “that Tariff”.

13. Section 35 is replaced by the following:

“**35.** No customs fees, customs clearance fees, currency exchange rate or taxes may be added to the price set in the Tariff for a visual aid, component or supplement reimbursed by the Board, nor costs for transporting the aid from the supplier to the loaning institution.”

14. Section 36 is amended by replacing “of transportation from the supplier to the institution loaning the visual aid” by “of shipping from the supplier to the loaning institution or to the address of the insured person, according to the loaning institution’s instructions,”

15. Section 38 is revoked.

16. Section 40 is revoked.

17. Section 42.1 is revoked.

18. Section 43 is amended by replacing “of transporting” in paragraph 2 by “of shipping” and by inserting “or the address of the insured person, according to the loaning institution’s instructions,” in the same paragraph after “that institution”.

19. Section 44 is amended

(1) by replacing “the billed labour” in subparagraph 2 of the first paragraph by “labour according to the hourly rates set in the Tariff”;

(2) by replacing “of transportation” and “of transporting” in subparagraph 3 of the first paragraph by “of shipment” and “of shipping”, respectively, and by replacing “which is closest to the institution loaning the visual aid and the location of that institution” by “the loaning institution or the address of the insured person, according to the loaning institution’s instructions”.

20. The Regulation is amended by replacing “CHAPTER IV” after section 44 by “CHAPTER V”.

21. Section 45 is amended

(1) by inserting “referred to in Part II of Schedule I” after “aids”;

(2) by replacing “a visually handicapped person in accordance with sections 14, 15, 16, 18, 19, 20, 23 and 24” by “the persons referred to in section 26”.

22. Chapter V is revoked.

23. Section 47 is replaced by the following:

“**47.** A visual aid obtained by a person with a visual deficiency under the Programme des aides visuelles aux activités de la vie quotidienne et aux activités de la vie domestique and the Fonds aux travailleurs aveugles et amblyopes before 1 April 2011 is deemed to be insured under this Regulation.”

24. Schedule I attached to this Regulation is added at the end.

25. The Regulation is amended by replacing “visually handicapped person”, wherever that term appears and with the necessary modifications, by “person with a visual deficiency”.

26. This Regulation comes into force on 1 April 2011.

SCHEDULE

(s. 24)

“SCHEDULE I

(s. 5, 1st par.)

**LIST OF VISUAL AIDS COVERED BY
THE HEALTH INSURANCE PLAN****PART I:** Categories and types of aids insured for all persons having a visual deficiency**DIVISION I: Reading aids**

1. Hearing aid
2. Vocal note taking device
3. Adapted electronic calculator
4. Yellow filter sheet
5. Contact lens
6. Contact lens with artificial pupil
7. Fresnel lens
8. Microscopic lens
9. Filtering lenses
10. Magnifier
11. Obturator
12. Occluder
13. Fresnel prism
14. Reading stand
15. Microscopic optical system
16. Telescopic optical system
17. Closed-circuit television system
18. Stenopeic disc
19. Typoscope
20. Visor
21. Other reading aids (SC)

DIVISION II: Writing aids

22. Braille
23. Other writing aids (SC)

DIVISION III: Mobility aids

24. Canes
25. Door detector
26. Electronic obstacle detector
27. Acquisition costs for a guide dog
28. Maintenance costs for a guide dog
29. Mobility lamp
30. Night vision goggle
31. Telescopic optical system
32. Other mobility aids (SC)

DIVISION IV: Computer aids**Subdivision 1: Aids for the “Print Magnification” method of communication**

33. Print magnification software
34. Large screen monitor

35. Adjustable-arm support
36. Other aids for the “Print Magnification” method of communication (SC)

Subdivision 2: Aids for the “Sound” method of communication

37. Screen reader software
38. Print recognition unit
39. Other aids for the “Sound” method of communication (SC)
40. Screen reader software
41. Print recognition unit
42. Other aids for the “Braille” method of communication (SC)

DIVISION V: Aids for daily life and domestic life**Subdivision 1: Renewable aids**

43. Cranmer abacus
44. Adapted geometry kit
45. Adapted Braille marker
46. Magnifying mirror
47. Adapted watch
48. Volume level
49. Writing stand
50. Adapted protractor
51. Braille frame and stylus
52. Adapted measuring tape
53. Dymo tape holder for braille
54. Braille slate and stylus
55. Other renewable aids (SC)

Subdivision 2: One-time aids

56. Adapted plate
57. Knife with guide
58. Liquid level indicator
59. Check guide
60. Ott Light
61. Talking food scale
62. Adapted pedometer
63. Adapted wallet
64. Adapted alarm clock
65. Syringe stand
66. Adapted meat thermometer
67. Other one-time aids (SC)

Subdivision 3: Renewable health aids

68. Talking blood glucose monitor
69. Talking scale
70. Talking blood pressure clamp
71. Talking personal thermometer
72. Other renewable health aids (SC)

PART II: Categories and types of insured aids for persons with a visual deficiency referred to in section 26 of this Regulation

DIVISION I: Computer aids

Subdivision 1: Aids for the “Print Magnification” method of communication

1. Computer
2. Other aids for the “Print Magnification” method of communication (SC)

Subdivision 2: Aids for the “Sound” method of communication

3. Computer
4. Screen reader control keyboard
5. Voice synthesis software
6. Other aids for the “Sound” method of communication (SC)

Subdivision 3: Aids for the “Braille” method of communication

7. Braille display
8. Screen reader control keyboard
9. Braille printer
10. Braille shortening software
11. Computer
12. Voice synthesis software
13. Dedicated Braille communication computer system
14. Other aids for the “Braille” method of communication (SC)

DIVISION II: Reading, writing and mobility aids

Subdivision 1: Reading aids

15. Hearing aid
16. Adapted electronic calculator
17. Reading support
18. Telemicroscopic optical system
19. Close-circuit television system
20. Other reading aids (SC)

Subdivision 2: Writing aids

21. Electric braille
22. Other writing aids (SC)

Subdivision 3: Mobility aids

23. Electronic obstacle detector
24. Adapted satellite geopositioning system
25. Other mobility aids (SC)

Draft Regulation

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

Agreement regarding programs financed by the Department of Human Resources and Skills Development — Implementation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the implementation of the Agreement regarding programs financed by the Department of Human Resources and Skills Development, appearing below, may 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 this publication and submitted to the Government for approval.

A new agreement between the Commission and the Department of Human Resources and Skills Development must be entered into in order to adapt the current agreement, signed with the Canada Employment and Immigration Commission, to the new terms and conditions governing the payment of assessments that will apply to all employers as of 1 January 2011. The agreement requires the adoption of a regulation under section 170 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1) to become effective.

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

LUC MEUNIER,
*Chair of the board of directors and
Chief Executive Officer of the Commission
de la santé et de la sécurité du travail*

Regulation respecting the implementation of the Agreement regarding programs financed by the Department of Human Resources and Skills Development

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

1. The Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) applies to persons participating in the programs financed by the Department of Human Resources and Skills Development to

the extent and on the conditions provided for in the agreement entered into by the Minister of Human Resources and Skills Development and the Commission de la santé et de la sécurité du travail, appearing in the Schedule.

2. This Regulation replaces the Regulation respecting the implementation of the Agreement regarding the programs of the Canada Employment and Immigration Commission, made by Order in Council 294-97 dated 5 March 1997.

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

SCHEDULE I

AGREEMENT CONCERNING WORK
PERFORMED BY THE PARTICIPANTS AND
MEMBERS OF THE ADMINISTRATIVE
PERSONNEL IN PROGRAMS FINANCED BY
THE DEPARTMENT OF HUMAN RESOURCES
AND SKILLS DEVELOPMENT CANADA
(SERVICE CANADA)

BETWEEN

THE DEPARTMENT OF HUMAN RESOURCES
AND SKILLS DEVELOPMENT CANADA
(SERVICE CANADA)

AND

THE COMMISSION DE LA SANTÉ ET DE LA
SÉCURITÉ DU TRAVAIL UNDER SECTION 16
OF THE ACT RESPECTING INDUSTRIAL
ACCIDENTS AND OCCUPATIONAL DISEASES

WHEREAS the Department of Human Resources and Skills Development is established under section 3(1) of the Department of Human Resources and Skills Development Act (S.C. 2005, c. 34);

WHEREAS the Minister holding office has the management and direction of the Department;

WHEREAS under section 10 of the said Act, for the purpose of facilitating the formulation, coordination and implementation of any program or policy relating to the powers, duties and functions conferred by the Act, the Minister may enter into agreements with a province or a provincial public body, financial institutions and other persons or bodies that the Minister considers appropriate;

WHEREAS questions relating to the employment and management of the participants and members of the administrative personnel in programs financed by the Department of Human Resources and Skills Development are managed by the Service Canada division of the Department of Human Resources and Skills Development, hereinafter referred to as HRSDC (SC);

WHEREAS the Commission de la santé et de la sécurité du travail, hereinafter referred to as the Commission, is, under section 138 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), a legal person within the meaning of the Civil Code of Québec and has the general powers of such a legal person and the special powers conferred on it by that Act;

WHEREAS the Commission may, under section 170 of that Act, make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law;

WHEREAS HRSDC (SC) has requested that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) apply to the participants and members of the administrative personnel and it intends to assume, for administrative purposes only, the obligations prescribed for employers as regards the statement of the contributions paid by HRSDC (SC) for the participants and members of the administrative personnel, the payment of the assessments due to the Commission and the imputation of the cost of benefits payable by reason of an employment injury;

WHEREAS, under section 16 of that Act, a person doing work under a project of any government, whether or not the person is a worker, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS section 16 provides that the second paragraph of section 170 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1) applies to such an agreement, meaning that the Commission must make a regulation to make effective an agreement extending benefits arising out of Acts or regulations administered by it;

THEREFORE, THE PARTIES HEREBY AGREE TO THE FOLLOWING:

CHAPTER 1 ENABLING PROVISIONS

Enabling provisions

1.1 This Agreement is entered into under section 16 of the Act respecting industrial accidents and occupational diseases, section 10 of the Department of Human Resources and Skills Development Act, S.C. 2005, c. 34, and section 170 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1).

CHAPTER 2 PURPOSES

Purposes

2.1 The purposes of this Agreement are to provide, on the conditions and to the extent of the Agreement, for the application of the Act respecting industrial accidents and occupational diseases to the participants and members of the administrative personnel in the programs financed by the Department of Human Resources and Skills Development, and to determine the respective obligations of the parties to this Agreement.

Other purpose

This Agreement also provides for the non-application of the provisions concerning the re-assignment or protective re-assignment of a pregnant or breast-feeding worker in the Act respecting occupational health and safety.

CHAPTER 3 DEFINITIONS

“Commission”

(a) **Commission** means the Commission de la santé et de la sécurité du travail established under section 137 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1);

“contribution”

(b) **contribution** means the contribution paid for a participant or a member of the administrative personnel in the form of, as the case may be,

i. any amount paid by HRSDC (SC) as wages or an allowance;

ii. any unemployment insurance benefits paid for a participant, to which may be added any amount paid as an allowance, where applicable.

This definition excludes additional allowances paid for day-care expenses, transportation costs or any other amount that may not be considered as employment income.

“employment injury”

(c) **employment injury** means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation;

“Act”

(d) **Act** means the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001);

“participant”

(e) **participant** means any person registered in a program listed in Schedule I;

“member of the administrative personnel”

(f) **member of the administrative personnel** means any person registered, in particular, in a program listed in Schedule I;

“promoter”

(g) **promoter** means a municipal administration, a Native band council, a health institution, a public educational institution, a business or any other organization that has entered into an agreement with HRSDC (SC) for the purpose of implementing and carrying out a program administered by HRSDC (SC) and covered by this Agreement.

“HRSDC (SC)”

(h) **HRSDC (SC)** means the Service Canada division of the Department of Human Resources and Skills Development, or any other organization that replaces it pursuant to an Act of Parliament;

CHAPTER 4 OBLIGATIONS OF HRSDC (SC)

Employer

4.1 HRSDC (SC) is deemed to be the employer of any participant or any member of the administrative personnel covered by this Agreement, for the sole and exclusive

purposes of the statement of the contributions paid by it for the participants or members of the administrative personnel who are registered in the programs subject to this Agreement, the payment of the assessment calculated by the Commission and the imputation of the cost of the benefits paid by the Commission by reason of an employment injury.

Exclusions

It is understood that the participants and members of the administrative personnel covered by this Agreement are neither employees, officers or servants of Her Majesty in right of Canada or of HRSDC (SC) for the purposes of any Act and, in particular, the Crown Liability and Proceedings Act (R.S.C., 1985, c. C-50), nor employees of the State for the purposes of the Government Employees Compensation Act (R.S.C., 1985, c. G-5).

Transportation costs

4.2 HRSDC (SC) assumes the transportation costs referred to in section 190 of the Act where those costs are impossible to recover from the promoter.

Promoter's obligations

4.3 HRSDC (SC) must inform promoters that they are bound by all the other employers' obligations provided for in the Act, except for the obligations set out in section 32 pertaining to the dismissal, suspension or transfer of a worker, the practice of discrimination or the taking of reprisals against the worker, sections 179 and 180 concerning temporary assignment and Chapter VII respecting the right to return to work, which do not apply to them.

Other exception

Likewise, Subdivision 4 of Division I of Chapter III of the Act respecting occupational health and safety does not apply to promoters.

Confirmation of participation

4.4 If the Commission so requests, HRSDC (SC) must confirm the name of a participant, member of the administrative personnel or promoter subject to this Agreement.

Payment of assessments

4.5 HRSDC (SC) must pay the assessment calculated by the Commission on the basis of the general rate of the unit corresponding to the economic activities in the "Programme d'aide à la création d'emploi" unit or, should amendments be made after this Agreement is signed, in a unit corresponding to those activities.

Fixed administrative costs

The foregoing also applies to the fixed administrative costs associated with the opening of each financial record.

Periodic payments

For the purposes of this Agreement, HRSDC (SC) is required to make periodic payments in accordance with section 315.1 of the Act.

HRSDC (SC) will make monthly payments for all the programs, except the Aboriginal programs for which the contributions will be added to the payments calculated quarterly.

Minimum

4.6 For assessment purposes, HRSDC (SC) is deemed to pay wages that correspond to the contributions paid by it for the participants or members of the administrative personnel who are registered in a program subject to this Agreement.

Contributions paid

4.7 HRSDC (SC) must send to the Commission, not later than 30 June each year, the final amount of the contributions paid for the participants or members of the administrative personnel registered in a program during the period between 1 April of the preceding year and 31 March of the current year and must pay, where applicable and taking periodic payments into account, any balance on the assessment calculated by the Commission.

Overpayment

The Commission will apply any assessment amount overpaid by HRSDC (SC) to the assessment due for a subsequent year.

Description of programs

4.8 HRSDC (SC) must forward to the Commission, on the coming into force of this Agreement, a description of every program listed in Schedule I.

New program or amendment

Every new program and every subsequent amendment to a program listed in Schedule I must be forwarded so that it may be evaluated and a decision may be made whether to include or to retain it under this Agreement.

CHAPTER 5 OBLIGATIONS OF THE COMMISSION

Worker status

5.1 The Commission considers a participant or member of the administrative personnel who is registered in any of the programs subject to this Agreement to be a worker within the meaning of the Act.

Indemnity

5.2 A participant or a member of the administrative personnel who suffers an employment injury is entitled to an income replacement indemnity from the first day following the beginning of the participant's or member's inability to carry on the remunerated employment held at the time the employment injury appears.

If the participant or member of the administrative personnel has no remunerated employment at the time the employment injury appears, the participant or member is entitled, from the first day following the beginning of the inability, to the income replacement indemnity if the participant or member becomes unable, by reason of that injury, to carry on the participant's or member's usual employment or, if the participant or member does not carry on such employment usually, the employment that could have been the participant's or member's usual employment, considering the participant's or member's training, work experience and physical and intellectual capacity before the injury appeared.

Payment

5.3 Despite section 60 of the Act, the Commission pays to the participant or to the member of the administrative personnel the income replacement indemnity to which the participant or member is entitled.

Calculation of the indemnity

5.4 For the purpose of calculating the income replacement indemnity, the gross annual employment income of the participant or member of the administrative personnel is the amount of the contribution paid by HRSDC (SC).

Recurrence, relapse or aggravation

In the event of a recurrence, relapse or aggravation, where the participant or member of the administrative personnel has a remunerated employment, the gross annual income is, for the purpose of calculating the income replacement indemnity, established in accordance with

section 70 of the Act. However, if the participant or member is unemployed at the time of the recurrence, relapse or aggravation, the gross annual employment income is that which the participant or member derived from the employment because of or in the course of which the participant or member suffered the employment injury; that gross income is revalorized on 1 January of each year from the date on which the participant or member ceased to hold the employment.

Exception

However, entitlement to an income replacement indemnity and the calculation thereof for a participant or a member of the administrative personnel who is considered to be a worker under this Agreement and who is a full-time student are determined according to sections 79 and 80 of the Act.

Financial records

5.5 The Commission must open a financial record in respect of each program and charge the fixed administrative costs to HRSDC (SC).

Penalties

5.6 The Commission will not impose any penalty on HRSDC (SC) for a delay in filing the statement of the final amount of the contributions paid for the participants or members of the administrative personnel.

CHAPTER 6 MISCELLANEOUS

Monitoring of progress of the agreement

6.1 Within 15 days following the coming into force of this Agreement, both HRSDC (SC) and the Commission will designate a person who will be responsible for monitoring the progress of this Agreement.

Addresses for notices

6.2 Every notice provided for in this Agreement must be sent to the following addresses:

(a) Executive Director, Labour Market and Social Development Programs
Service Canada
200, boulevard René-Lévesque Ouest,
Complexe Guy-Favreau
2^e étage, tour Ouest
Montréal (Québec) H2Z 1X4

(b) Le Secrétaire de la Commission
Commission de la santé et de la sécurité du travail
1199, rue De Bleury, 14^e étage
Montréal (Québec) H3C 4E1

CHAPTER 7 TAKING OF EFFECT, TERM AND AMENDMENT

Taking of effect

7.1 This Agreement takes effect on the date of coming into force of the regulation made for that purpose by the Commission under section 170 of the Act respecting occupational health and safety.

Term

7.2 The Agreement remains in effect until 31 March 2012.

Tacit renewal

7.3 It will subsequently be renewed tacitly for successive 12-month periods, unless one of the parties sends to the other party, by registered or certified mail, at least 90 days before the term expires, a notice in writing to the effect that it intends to terminate the Agreement or make amendments thereto.

Amendments

7.4 In the latter case, the notice must contain the amendments that the party wishes to make.

Renewal

7.5 The sending of the notice provided for in section 7.4 does not preclude the tacit renewal of this Agreement for a period of one (1) year. If the parties do not agree on the amendments to be made to the Agreement, the Agreement will be terminated, without further notice, at the expiry of that period.

CHAPTER 8 CANCELLATION OF THE AGREEMENT

Non-compliance

8.1 If HRSDC (SC) fails to comply with any of its obligations, the Commission may send a notice in writing to request that HRSDC (SC) remedy that failure within a period fixed by the Commission. If the failure is not remedied within the period fixed, the Commission may cancel this Agreement unilaterally by giving notice in writing.

Date

8.2 The Agreement is then cancelled on the date on which the notice of cancellation provided for in section 8.1 is sent.

Financial adjustments

8.3 In the event of a cancellation, the Commission will make financial adjustments on the basis of the amounts payable under this Agreement.

Sum due

8.4 Any sum due after such financial adjustments have been made is payable on the due date appearing on the notice of assessment.

Mutual agreement

8.5 The parties may, by mutual agreement, cancel this Agreement at any time.

Damages

8.6 In the event of cancellation, neither party is required to pay damages, interest or any other form of indemnity or charges to the other party.

CHAPTER 9 TRANSITIONAL PROVISION

Despite section 4.5 above, HRSDC (SC) is not required to make periodic payments for the period from 1 January to 31 March 2011.

IN WITNESS WHEREOF, the parties have signed

At _____, on the _____ At _____, on the _____

() day of _____2010. () day of _____2010.

DENIS BOUILANNE,
*Executive Head Service
Management
Department of Human
Resources and
Skills Development
Canada (Service Canada)*

LUC MEUNIER,
*Chair of the board of
directors and Chief
Executive Officer,
Commission de la santé
et de la sécurité du travail*

SCHEDULE I**LIST OF PROGRAMS SUBJECT TO THE AGREEMENT**

Youth Employment Strategy:

(a) “Canada Summer Jobs”:
participants from not-for-profit organizations only

(b) “Skills Link”:
administrative personnel and participants
except participants for work experience in the following
two components:
– Employability Skills through Work Experience;
– Work Experience;

(c) “Career Focus”:
administrative personnel only

Aboriginal strategy:

(a) “Assembly of First Nations of Québec and Labrador”:
– administrative personnel and participants in the follow-
ing two components:
– On-the-job skills development;
– Improving employability in the workplace;

(b) “Algonquin Nation Human Resources and Sustainable
Development Secretariat”:
– Vocational integration - participants only;
– Job creation – administrative personnel and participants.

1208

Notice

An Act respecting prescription drug insurance
(R.S.Q., c. A-29.01)

Pharmacists
— **Benefits authorized**
— **Amendment**

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 benefits authorized for pharmacists, the text of which appears hereafter, may be made by the government on the expiry of the 45-day deadline following this publication.

This draft regulation aims to reduce the percentage, set out in the third paragraph of section 2 of the Regulation respecting benefits authorized for pharmacists, that establishes the maximum amount of professional allowances authorized to owner pharmacists. Therefore,

as of 1 April 2011, that percentage will be reduced from the previous 20% to 16.5% and, as of 1 April 2012, from 16.5% to 15%.

For further information, please contact:
Mr. Guy Simard
Direction de l’actuariat et de l’analyse des programmes
Régie de l’assurance maladie du Québec
1125, Grande Allée Ouest, 8^e étage
Québec (Québec) G1S 2M1

Telephone: 418 682-3921
Fax: 418 643-7913
Email: guy.simard@ramq.gouv.qc.ca

Persons wishing to comment on this draft regula-
tion may write, before the deadline, to the Minister of
Health and Social Services, at 1075, chemin Sainte-Foy,
15^e étage, Québec (Québec) G1S 2M1

YVES BOLDUC,
Minister of Health and Social Services

**Regulation to amend the Regulation
respecting benefits authorized for
pharmacists***

An Act respecting prescription drug insurance
(R.S.Q., c. A-29.01)

1. The third paragraph of section 2 of the Regulation respecting benefits authorized for pharmacists is amended by replacing, as of 1 April 2011, “20%” by “16.5%” and, as of 1 April 2012, “16.5%” by “15%”.

2. This Regulation comes into force on 1 April 2011.

1213

Draft Regulation

An Act respecting safety in sports
(R.S.Q., c. S-3.1)

Safety in Alpine ski centres

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 safety in Alpine ski centres, appearing below, may be made by the Minister of Education, Recreation and Sports on the expiry of 45 days following this publication.

* The Regulation respecting benefits authorized for pharmacists was made by Order In Council 898-2007 dated 17 October 2007 (2007, G.O. 2, 2833A).

The draft Regulation reinforces and clarifies certain safety requirements in Alpine ski centres, in particular with respect to signalization, the wearing of a helmet in terrain parks, the use of certain motor vehicles on slopes and the content of the accident report.

The draft Regulation has no impact on small and medium-sized businesses.

Further information may be obtained by contacting André Buist, Direction de la promotion de la sécurité, 100, rue Laviolette, 3^e étage, Trois-Rivières (Québec) G9A 5S9; telephone: 819 371-6033, extension 4426.

Any interested person wishing to comment on the draft Regulation may submit written comments to the Minister of Education, Recreation and Sports, 1035, rue De La Chevroitière, 16^e étage, Québec (Québec) G1R 5A5, within the 45-day period.

LINE BEAUCHAMP,
Minister of Education,
Recreation and Sports

Regulation to amend the Regulation respecting safety in Alpine ski centres

An Act respecting safety in sports
(R.S.Q., c. S-3.1, s. 55.1, pars. 8 and 11 to 15)

1. The Regulation respecting safety in Alpine ski centres is amended in section 6 by replacing the introductory paragraph and paragraph 1 by the following:

“6. When the centre is open to skiers,

(1) snowmobiles and all-terrain vehicles shall

(a) travel at all times with their lights on;

(b) be equipped with an automatic intermittent horn oriented toward the front, with a sound pressure level of at least 97 dB at a distance of 0.61 m measured in the absence of any reflecting surface and that emits at a frequency of between 700 and 2,800 Hz;

(c) be equipped with an orange flag at least 250 cm² in size or a flashing light device or a rotating amber beacon that shall always be in operation, mounted at least 2 m above the ground;”.

2. Section 7.2 is amended

(1) by replacing “issued for 15 months” in the first paragraph by “valid until the end of the ski season during which it is issued or, if it is issued between two seasons, until the end of the ski season after its issue”;

(2) by replacing “8” in the second paragraph by “4”.

3. Section 7.3 is struck out.

4. Section 14 is amended by inserting “, except those serving exclusively a clearly identified learning area,” after “lift” in the first paragraph.

5. Section 15 is amended by adding “, except those serving exclusively a clearly identified learning area” at the end.

6. Section 19 is amended

(1) by inserting “Air and water” before “Hydrants” in the first line;

(2) by replacing “a fluorescent orange flag at least 250 cm²” by “an orange flag at least 250 cm² in size”;

(3) by striking out “d’eau” in the last line of the French text;

(4) by adding the following at the end:

“If an air hydrant and a water hydrant are less than one metre apart, a single flag is sufficient to indicate their presence.”.

7. The heading “PARKS — PLAY AREAS” of Division V is replaced by “TERRAIN PARKS”.

8. Section 21 is amended by replacing “park-play area” by “terrain park, except those in an area reserved for training or competitions”.

9. Section 22 is amended by replacing the first sentence by the following: “Access to a terrain park elsewhere than at the entrances shall be prohibited by a permanent physical means.”.

10. Section 23 is amended

(1) by replacing “park-play area” wherever it appears by “terrain park”;

(2) by replacing “entrances of” by “entrances to”.

11. The following is inserted after section 23:

“24. Pictograph 252 in Schedule 1 shall be placed at the entrances to the terrain park.”.

12. Schedule 1 is amended

(1) by replacing the parenthesis under “SIGNS” by the following:

“(ss. 7, 7.01, 9, 13 to 18, 20, 22 and 24)”;

(2) by adding the following in the “Regulatory symbols” section:

“pictograph 252



Helmet mandatory
Dimensions: 45 cm X 60 cm
Border: black
Background: white
Band: green
Symbol: black”;

(3) by replacing pictograph 212 and the inscriptions under the pictograph by the following in the “Other symbols” section:

“pictograph 212



TERRAIN PARK

Dimensions: 30 cm X 30 cm

Shape: as illustrated

Colour: orange”.

13. Schedule 4 is replaced by Schedule 4 attached to this Regulation.

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



Accident report

N°
Space reserved for Department

Ski centre	Date	Time (24 h)
	Year Month Day	Hour Minutes

Information on victim						
Given name		Family name		Age	Skiing time	
Address		City		Province		Postal code
Area code		Telephone		Area code		Telephone (other)
Sex		M		F		
This season		Today		Level		Lessons
<input type="radio"/> First day <input type="radio"/> 2-5 days <input type="radio"/> 6-10 days <input type="radio"/> 11-15 days <input type="radio"/> 16 days or more		<input type="radio"/> Less than 2 hours <input type="radio"/> 2-5 hours <input type="radio"/> More than 5 hours		<input type="radio"/> Beginner <input type="radio"/> Intermediate <input type="radio"/> Expert		<input type="radio"/> Never <input type="radio"/> This year <input type="radio"/> 1-2 years ago <input type="radio"/> 3-4 years ago <input type="radio"/> 5 or more years ago
Type of activity		<input type="radio"/> Recreation <input type="radio"/> Lesson <input type="radio"/> School outing <input type="radio"/> Training <input type="radio"/> Competition				

Information on accident			
Location		Activity/Equipment	
<input type="radio"/> 1- Slope (Name/No.) <input type="radio"/> 2- Terrain park (Name/No.) <input type="radio"/> 3- Lift (Name/No.)		<input type="radio"/> 1- Ski <input type="radio"/> Standard <input type="radio"/> Twin-tips <input type="radio"/> Miniskis (release bindings) <input type="radio"/> Miniskis (non-release bindings) <input type="radio"/> 2- Snowboard <input type="radio"/> Racing style <input type="radio"/> Freestyle <input type="radio"/> Soft boots <input type="radio"/> Hard boots <input type="radio"/> 3- Cross country skiing <input type="radio"/> 4- Telemark <input type="radio"/> 5- Tubing <input type="radio"/> 6- Other	
Type of slope		Type of feature	
<input type="radio"/> Standard <input type="radio"/> Mogul run <input type="radio"/> Underwood <input type="radio"/> Outside the slope (prohibited) <input type="radio"/> Closed <input type="radio"/> Other		<input type="radio"/> Jump <input type="radio"/> Half pipe <input type="radio"/> Boarder cross <input type="radio"/> Rail <input type="radio"/> Tree <input type="radio"/> Boarder cross <input type="radio"/> Other	
Location on slope		Location feature No.	
Level of difficulty		Size of feature	
<input type="radio"/> Easy <input type="radio"/> Difficult <input type="radio"/> Very difficult <input type="radio"/> Extreme		<input type="radio"/> Small <input type="radio"/> Medium <input type="radio"/> Large <input type="radio"/> Extra large	

Contributing factor/event		Collision between the victim and		Environmental conditions	
1	2	Contributing factor	Followed by	Weather	Surface
01	01	High speed	<input type="radio"/> Fall	<input type="radio"/> Another person* <input type="radio"/> Motor vehicle	<input type="radio"/> Powder snow (0-15 cm) <input type="radio"/> Deep powder <input type="radio"/> Wet snow <input type="radio"/> Groomed <input type="radio"/> Ice <input type="radio"/> Corn, Crud <input type="radio"/> Crusty
02	03	Jump	<input type="radio"/> Bad landing on a jump (without falling)	<input type="radio"/> Sky <input type="radio"/> Clear <input type="radio"/> Cloudy <input type="radio"/> Foggy <input type="radio"/> Precipitation <input type="radio"/> Snow <input type="radio"/> Rain <input type="radio"/> Sleet	<input type="radio"/> Temperature <input type="radio"/> Above 20 °C <input type="radio"/> 10 °C to 20 °C <input type="radio"/> 0 °C to 9 °C <input type="radio"/> -1 °C to -10 °C <input type="radio"/> -11 °C to -20 °C <input type="radio"/> Below -20 °C
03	03	Poor visibility	<input type="radio"/> Fall followed by a collision	<input type="radio"/> Wind <input type="radio"/> None to mild <input type="radio"/> Average to strong <input type="radio"/> Blowing snow	<input type="radio"/> Visibility <input type="radio"/> Good <input type="radio"/> Reduced (field of vision -500 m) <input type="radio"/> Poor (field of vision -50 m)
04	04	Misuse of lift	<input type="radio"/> Collision	<input type="radio"/> Type of light <input type="radio"/> Artificial light (night) <input type="radio"/> Natural light (day)	
05	05	Snow condition	* Other person(s) injured <input type="checkbox"/> Yes <input type="checkbox"/> No		
06	06	Someone else's fault			
07	07	Condition of facility			
08	08	Equipment failure			
09	09	False manoeuvre			
10	10	Handling of equipment			
11	11	Other			

Information on equipment		Protection equipment worn		Transportation of victim	
Equipment provided		Auto release		From location of accident to first aid room	
<input type="radio"/> Victim <input type="radio"/> Rental elsewhere <input type="radio"/> Demo <input type="radio"/> Borrowed		<input type="radio"/> Right side <input type="radio"/> Left side <input type="radio"/> Both sides <input type="radio"/> Did not release <input type="radio"/> Non-release bindings		<input type="radio"/> Bindings adjusted this season by a qualified person <input type="radio"/> Bindings adjusted last season by a qualified person <input type="radio"/> Bindings adjusted over a season ago by a qualified person <input type="radio"/> Do not know	
		Suspected association with injury <input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Helmet <input type="radio"/> Wrist guards <input type="radio"/> Shin guards <input type="radio"/> Goggles <input type="radio"/> Sunglasses <input type="radio"/> Other	
				<input type="radio"/> In a toboggan <input type="radio"/> In a motor vehicle <input type="radio"/> By victim's own means <input type="radio"/> By lift <input type="radio"/> No transportation – treated on site <input type="radio"/> Other	

Observation after intervention		Evacuation of victim	
Level of consciousness victim		Departure of victim	
<input type="radio"/> Conscious <input type="radio"/> Unconscious <input type="radio"/> Period of unconsciousness		<input type="radio"/> Alone <input type="radio"/> Accompanied (ex: father, mother, etc.) <input type="radio"/> By ambulance <input type="radio"/> Return to the slope or the terrain park <input type="radio"/> Unknown	
Condition of victim		Emergency equipment sent with victim	
<input type="radio"/> Calm <input type="radio"/> Confused <input type="radio"/> Agitated		<input type="radio"/> Splints <input type="radio"/> Cervical collar <input type="radio"/> Blankets <input type="radio"/> Pillows <input type="radio"/> Other	
Other observations			
<input type="radio"/> Deformation <input type="radio"/> Bleeding/hemorrhage <input type="radio"/> Loss of motricity/sensation <input type="radio"/> Seizure <input type="radio"/> Allergic reaction <input type="radio"/> Diabetic/insulin shock		<input type="radio"/> Epilepsy <input type="radio"/> Low blood pressure <input type="radio"/> Hyperventilation or other respiratory problems <input type="radio"/> Impaired (alcohol or drugs)	

Information on injury				Additional information			
1	2	3	Suspected injury	1	2	3	Part of the body
01	01	01	Sprain	01	01	01	Head
02	02	02	Simple fracture	02	02	02	Ear (L) (R)
03	03	03	Open fracture	03	03	03	Face (L) (R)
04	04	04	Dislocation	04	04	04	Eye (L) (R)
05	05	05	Bruise	05	05	05	Nose
06	06	06	Cut	06	06	06	Mouth
07	07	07	Scratch	07	07	07	Neck
08	08	08	Frostbite	08	08	08	Cervical spine
09	09	09	Hypothermia	09	09	09	Ribs (L) (R)
10	10	10	Internal injury	10	10	10	Thorax (L) (R)
11	11	11	Concussion	11	11	11	Dorsal spine
12	12	12	Dizziness	12	12	12	Lumbar spine
13	13	13	Heart problem	13	13	13	Abdomen (L) (R)
14	14	14	Stroke	14	14	14	Cervix (L) (R)
15	15	15	Burn	15	15	15	Shoulder blade (L) (R)
16	16	16	Other	16	16	16	Shoulder (L) (R)
				17	17	17	Arm (L) (R)
				18	18	18	Elbow (L) (R)
				19	19	19	Forearm (L) (R)
				20	20	20	Wrist (L) (R)
				21	21	21	Hand (L) (R)
				22	22	22	Thumb (L) (R)
				23	23	23	Coccyx
				24	24	24	Hip/Pelvis (L) (R)
				25	25	25	Thigh (L) (R)
				26	26	26	Knee (L) (R)
				27	27	27	Leg (L) (R)
				28	28	28	Ankle (L) (R)
				29	29	29	Foot (L) (R)
				30	30	30	Heel (L) (R)
Brief description of the accident							
First aid, if applicable							
<input type="checkbox"/> This part of the body has already sustained an injury <input type="checkbox"/> Refusal of treatment							
Hospital, CLSC or first-aid centre where victim was taken							
Number of responders							
Number of the person completing the report							

Protection of personal information

The Ministère de l'Éducation, du Loisir et du Sport is responsible for supervising personal safety and integrity in the practice of sports under the Act respecting safety in sports (R.S.Q., c. S-3.1).

The information on this form is used for studies, research and statistics to be used to recommend new requirements on prevention in Québec ski centres.

You may therefore be contacted by the personnel of the department responsible for the functions mentioned above. Please note that you may refuse to participate in the inquiry, without consequence.

In accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information, you may access the information concerning you and have the information corrected if necessary.

Information

For further information, please contact the Direction de la promotion de la sécurité at

1 800 567-7902 (toll free) or 819 371-6033

Return address

Ministère de l'Éducation, du Loisir et du Sport
Direction de la promotion de la sécurité
100, rue Laviolette, bureau 306
Trois-Rivières (Québec) G9A 5S9

Draft Regulation

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

An Act to amend various legislative provisions
respecting municipal affairs
(2008, c. 18)

An Act to amend various legislative provisions
concerning municipal affairs
(2003, c. 3)

Various regulations — Amendments

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

— the Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act;

— the Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act;

— the Regulation to amend the Regulation respecting the funding of pension plans of the municipal and university sectors;

— the Regulation to amend the Regulation respecting measures to reduce the effects of the financial crisis on pensions plans covered by the Supplemental Pension Plans Act.

The purpose of the draft regulations is to normalize various situations further to requests received following the coming into force of the new funding rules provided for under the Supplemental Pension Plans Act, of the Regulation respecting measures to reduce the effects of the financial crisis on pensions plans covered by the Supplemental Pension Plans Act and of the Regulation respecting the funding of pension plans of the municipal and university sectors.

Further information may be obtained by contacting Mr. Pierre Bégin, Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, Québec (Québec) G1V 4T3 (Tel.: 418 657-8732 extension 3914; fax: 418 659-8985; e-mail: pierre.begin@rrq.gouv.qc.ca).

Any person wishing to comment on the draft Regulation is asked to submit written comments before the expiry of the 45-day period mentioned above to

Mr. André Trudeau, Chief Executive Officer and Chair of the Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, 5^e étage, Québec (Québec) G1V 4T3. Comments will be forwarded by the Régie to the Minister of Employment and Social Solidarity, who is responsible for the administration of the Supplemental Pension Plans Act.

JULIE BOULET

Minister of Employment and Social Solidarity

Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act*

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

An Act to amend various legislative provisions
respecting municipal affairs
(2008, c. 18, s. 133)

1. The Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act is amended by the insertion, after section 1, of the following division:

“DIVISION 1.1 PROVISIONS CONCERNING THE RÉGIME COMPLÉMENTAIRE DE RENTES DES TECHNICIENS AMBULANCIERS ŒUVRANT AU QUÉBEC

1.1. The Régime complémentaire de rentes des techniciens ambulanciers œuvrant au Québec, registered with the Régie des rentes du Québec under number 30849, is exempted from the application of the following provisions of the Supplemental Pension Plans Act:

(1) the provisions mentioned in the Regulation respecting the funding of pension plans of the municipal and university sectors (O.C. 541-2010, 2010-06-23), according to 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;

* The Regulation respecting pension plans exempted from the application of certain provisions of the Supplemental Pension Plans Act, approved by Order in Council 415-2004 dated 28 April 2004 (2004, G.O. 2, 1543), was last amended by the regulation approved by Order in Council 541-2010 dated 23 June 2010 (2010, G.O. 2, 1880). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

(2) sections 142 to 146 of the Act, as they read prior to 1 January 2010, and sections 143 to 146 of the Act, as enacted by chapter 42 of the Statutes of 2006;

(3) sections 198 to 203.

However, the instruction provided for in section 39 of the Regulation respecting the funding of pension plans of the municipal and university sectors may be given only by the Minister of Health and Social Services.”.

2. The Regulation is amended by the insertion, after section 8, of the following division:

DIVISION II.1
PROVISIONS CONCERNING THE RÉGIME
DE RETRAITE DES EMPLOYÉS DE
LA VILLE DE LÉVIS

“**8.1.** Sections 49 to 64 of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (O.C. 1160-90, 90-08-08) apply, until repealed by Order in Council 514-2010 dated 23 June 2010, to the Régime de retraite des employés de la Ville de Lévis, registered with the Régie des rentes du Québec under number 21190.”.

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

(1) section 1 has effect from 31 December 2009;

(2) section 2 has effect from 31 December 2006.

Regulation to amend the Regulation
respecting the exemption of certain
categories of pension plans from
the application of provisions of the
Supplemental Pension Plans Act*

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

1. Section 11.0.1 of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act is amended:

* The Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act, approved by Order in Council 1160-90 dated 8 August 1990 (1990, *G.O.* 2, 2333), were made by the regulation approved by Order in Council 541-2010 dated 23 June 2010 (2010, *G.O.* 2, 1880). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

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

“**11.0.1.** The employer may stipulate that the right of a member, provided for in paragraph 5.1 of section 10, to receive a refund of his not locked-in member contributions or to transfer them is deferred to the earlier of:

(1) the date of the end of his active membership;

(2) the date on which the member is less than ten years from the normal retirement age.

Such stipulation covers service rendered before and after its coming into effect.”

(2) by replacing the fourth paragraph with the following paragraph:

“The plan must provide that a member may demand a lump-sum payment of the contributions referred to in this section, in accordance with the conditions set out in paragraph 11 of the first paragraph of section 10.”.

2. Section 21 of the Regulation is replaced by the following:

“**21.** A multi-employer pension plan registered before 1 January 1990 that has the characteristics mentioned in section 22 and that is the object of an amendment referred to in the first paragraph of section 23 is exempted, from the registration of said amendment and on the conditions set out in section 24, from the application of the provisions of sections 39, 132, 142 and 143, the second paragraph of section 144, sections 145, 145.1, 146 and 200, subparagraphs 2 and 3 of section 201, the second and third paragraphs of section 202, subparagraph 1 of section 203, section 204 as to the employer’s right to terminate the plan in the absence of an express provision in the plan authorizing such termination, section 216, subparagraph 3 of section 218, sections 220 to 230, the third paragraph of section 230.0.0.9, sections 230.0.1 to 230.8, chapter XIV.1, section 317 and the first paragraph of section 317.1 of the Act as well as the application of section 52 of the Regulation respecting supplemental pension plans.”.

3. Section 23 of the Regulation is amended:

(1) by replacing subparagraph *b* of paragraph 3 with the following:

“(b) that the exemption from the application of the provisions of section 39 and 146, the third paragraph of section 230.0.0.9 and section 228 of the Act involves a higher risk that the members’ benefits may be reduced in the event of insufficient employer contributions, withdrawal of an employer or termination of the plan;”;

(2) by replacing paragraph 4° with the following paragraph:

“(4) an actuarial valuation of the plan as at the end of the last fiscal year preceding the transmission of the application for registration of the amendment shows that the degree of solvency of the plan as at that date, calculated in accordance with chapter X of the Act and the rules set by paragraphs 4, 7 and 10 of section 24 and, where the said degree is not a whole number, rounded down to the next whole number, is equal to or greater than 120%. For the purposes of the valuation, any provision of the plan, except those arising from the application of section 60 of the Act, that would require that the value of a benefit be at least equal to a given percentage of the member contributions may not be taken into account;”;

4. Section 24 of the Regulation is amended:

(1) by striking out paragraphs 2 and 3;

(2) by replacing paragraph 4 with the following:

“(4) notwithstanding section 142 of the Act, the amortization period for an unfunded actuarial liability expires at the end of a fiscal year of the pension plan that ends:

(a) no later than three years after the date of the valuation that determined the liability, if the liability is a solvency deficiency; or

(b) no later than six years after the date of the valuation that determined the liability, if the liability is a funding deficiency;”;

(3) by striking out paragraphs 5 and 6;

(4) by replacing paragraph 7 with the following:

“(7) for the purpose of determining the solvency of the plan in accordance with section 123 of the Act, the liabilities must, for each member or beneficiary, be at least equal to:

(a) for a member or beneficiary whose pension is in payment or suspended, the liabilities that would result from the use of the Canadian Institute of Actuaries’ Educational Note concerning assumptions for hypothetical wind-up and solvency valuations, applicable as at the date of the valuation, if the interest rates for a given month are replaced by the average rate for that month and the preceding 35 months;

(b) for a member not referred to in subparagraph a, the liabilities that would result from the use of the actuarial assumptions referred to in section 67.4 of the Regulation respecting supplemental pension plans, if the reported rates for the applicable CANSIM series for a calendar month in the relevant paragraphs of the Canadian Institute of Actuaries’ Standards of Practice to which this section refers are replaced by the average rate for that calendar month and the preceding 35 months;”;

(5) by replacing paragraph 8 with the following paragraph:

“(8) where the report on an actuarial valuation of the plan shows that the employer contribution provided for in the plan is less than the current service contribution reduced by the member contributions and increased by the greater of the following amounts:

(a) the amortization payment determined in respect of the funding deficiency;

(b) the total of the amortization payments determined in respect of the solvency deficiencies;

the pension committee shall present to the Régie, during the four months following the expiry of the period provided for in section 119 of the Act for sending the said report, an application for registration of an amendment to the plan that concerns, notably, contributions, pension benefits and refunds and whose effect is to ensure that the employer contribution becomes sufficient;”;

(6) by striking from paragraph 10 the words “of section 130”;

5. The Regulation is amended by adding after section 25 the following section:

“**25.1.** The person or body empowered to amend a multi-employer pension plan referred to in section 21 may, in writing, instruct the pension committee that administers the plan to take one or more of the following measures for the purposes of the first complete actuarial valuation of the plan dated after 30 December 2009:

(1) the application of an asset valuation method that, in accordance with the terms and conditions of section 25.2, levels the short-term fluctuations in the market value of the assets of the plan for the purposes of determining the value of those assets on a solvency basis;

(2) the extension, to 31 December 2015 at the latest, of the period provided for in subparagraph a of paragraph 4 of section 24 to amortize any solvency deficiency determined as at 31 December 2009 or thereafter.

25.2. Where instructions were given to the pension committee to apply the measure provided for in paragraph 1 of section 25.1:

(1) the period used to level short-term fluctuations in the market value of the assets is the period fixed in the instructions, subject to a 5-year maximum period;

(2) the asset valuation method indicated in the instructions must include the taking into account of the short-term fluctuations in the market value of the assets during such period;

(3) the assets of the pension plan must be established in accordance with this method for the purposes of the actuarial valuation referred to in section 25.1 and subsequent actuarial valuations.

25.3. Where instructions were given under section 25.1 in respect of a pension plan, the value of the plan's assets, determined on a funding basis, may not be greater than the value that would be determined using the asset valuation method used in the last complete actuarial valuation prior to the valuation referred to in section 25.1.

25.4. The report on the first complete actuarial valuation of a pension plan referred to in section 21 whose date is after 30 December 2009 must, when sent to the Régie, be accompanied with a writing whereby the person or body empowered to give instructions under section 25.1 certifies that the report complies with the instructions given to the pension committee, or that no instructions were given.

Notwithstanding any inconsistent provision of the Act, the pension committee has until (*insert the date following by 60 days the date this Regulation comes into force*) to send the Régie des rentes du Québec the report on the first actuarial valuation of a pension plan whose date is after 30 December 2009.

25.5. The provisions of sections 25.1 to 25.4 cease to apply in respect of a pension plan on the earlier of the following dates:

(1) the date fixed in a writing giving instructions to that effect and sent to the pension committee by the person or body empowered to amend the plan; that date must be the date on which a fiscal year of the plan ends;

(2) the date of the end of the plan's first fiscal year beginning after 31 December 2011.

25.6. The Regulation respecting measures to reduce the effects of the financial crisis on pensions plans covered by the Supplemental Pension Plans Act, made by Order in Council 1153-2009 dated 4 November 2009 (2009, G.O. 2, 3649 and 3897) does not apply to a pension plan referred to in section 21.”.

6. The first paragraph of section 33 of the Regulation is replaced by the following:

“**33.** The value of the optional ancillary benefits shall be calculated by using the assumptions referred to in section 67.4 of the Regulation respecting supplemental pension plans, applied taking into account the same rules and using the same type of mortality table.”.

7. Section 37 of the Regulation is amended by replacing “For the purposes of section 36 of the Regulation respecting supplemental pension plans” by “For the purposes of section 36.1 of the Regulation respecting supplemental pension plans”.

8. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*. However:

(1) sections 2 to 4 have effect from 1 January 2010, with the exception of paragraph 4 of section 4 which has effect from 31 December 2009;

(2) section 5 has effect from 31 December 2009;

(3) section 7 has effect from 1 January 2010.

Regulation to amend the 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 various legislative provisions concerning municipal affairs
(2003, c. 3, s. 13.3, inserted by 2010, c. 18, s. 101)

1. The Regulation respecting the funding of pension plans of the municipal and university sectors is amended by inserting, after section 53, the following:

* The Regulation respecting the funding of pension plans of the municipal and university sectors, approved by Order in Council 541-2010 dated 23 June 2010 (2010, G.O. 2, 1880), has not been amended since it was made.

“53.1. Notwithstanding the first paragraph of section 15, if the assets of a pension plan include bonds referred to in section 255 of the Act to amend various legislative provisions concerning municipal affairs (S.Q., 2004, c. 20), a portion corresponding to 25% of the technical gains determined by a complete actuarial valuation of the plan must first be appropriated, as at the date of the valuation, to reduce the amount of the bonds.

Where, after applying section 15 taking into account the first paragraph, actuarial gains within the meaning of section 12 of chapter 3 of the Statutes of 2003 remain, such actuarial gains are added to the portion determined in the first paragraph.

53.2. The amortization amounts which, as at the date of the first actuarial valuation of a pension plan that falls after 30 December 2008, remain to be paid for a portion of the initial unfunded actuarial liability which affected the Régime de retraite de la Ville de Québec – formerly registered with the Régie des rentes du Québec under number 24450 – attributed to the plan by the effect of a division or merger concerning all or part of the assets and liabilities of the Régime de retraite de la Ville de Québec, are deemed to be amortization payments related to an improvement unfunded actuarial liability within the meaning of section 135 of the Act as replaced by section 20 of this Regulation.

Notwithstanding the last paragraph of section 15, the appropriation of actuarial gains to the reduction of any monthly improvement unfunded actuarial liability payments may be made only as a last resort.

The pension plans to which a portion of the initial actuarial deficiency are attributable by the effect of a division or merger concerning all or part of the assets and liabilities of the Régime de retraite de la Ville de Québec are exempted from the application of the provisions of section 306.1.1 of the Act as it read before 1 January 2010.”.

2. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*. However, where it inserts section 53.2 in the Regulation respecting the funding of pension plans of the municipal and university sectors, it has effect from (insert here the earliest date provided for under the third paragraph of section 2 of the Supplemental Pension Plans Act).

Regulation to amend the Regulation respecting measures to reduce the effects of the financial crisis on pension plans covered by the Supplemental Pension Plans Act*

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

1. Section 2 of the Regulation respecting measures to reduce the effects of the financial crisis on pension plans covered by the Supplemental Pension Plans Act is amended in its English version by replacing the first occurrence of the words “technical actuarial deficiency” with the words “improvement unfunded actuarial liability”.

2. Section 7 of the Regulation is amended by replacing, in the first paragraph, the description of “C” by the following:

““C” represents the amount by which the total of the employer contribution paid since the last actuarial valuation and the amount of any letter of credit provided since that date pursuant to section 42.1 of the Act referred to in paragraph 3 of section 4 exceeds the employer contribution that would have been determined on the date of the last actuarial valuation if the amount referred to in subparagraph *b* of paragraph 2 of the first paragraph of section 39 of the Act referred to in paragraph 3 of section 4 had been equal to the amount determined in accordance with paragraph 1 of section 21 increased by the value of the special amortization payments required since the date of the last actuarial valuation.”.

3. Section 24 of the Regulation is amended by replacing, in the first paragraph, the description of “C” with the following description:

““C” represents the amount by which the employer contribution paid since the date of the last actuarial valuation exceeds the employer contribution that would have been determined on that date, if the amount referred to in subparagraph *b* of paragraph 2 of the first paragraph of section 39 of the Act referred to in paragraph 3 of section 4 had been equal to the amount determined in accordance with paragraph 1 of section 21 increased by the value of the special amortization payments required since the date of the last actuarial valuation.”.

* The Regulation respecting measures to reduce the effects of the financial crisis on pension plans covered by the Supplemental Pension Plans Act, made by Order in Council 1153-2009 dated 4 November 2009 (2009, G.O. 2, 3649 and 3897), has not been amended since its approval.

4. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*. However, it has effect from *(insert here the earliest date provided for under the third paragraph of section 2 of the Supplemental Pension Plans Act)*.

1211

Treasury Board

Gouvernement du Québec

T.B. 209600, 7 December 2010

An Act respecting the Pension Plan
of Management Personnel
(R.S.Q., c. R-12.1)

Regulation — Amendment

Regulation to amend the Regulation under the Act
respecting the Pension Plan of Management Personnel

WHEREAS, under section 174 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) and subparagraph 18 of the first paragraph of section 196 of the Act, the Government may, by regulation, revise the rate of contribution to the Pension Plan of Management Personnel; the rate shall be based on the result of the actuarial valuation of the plan and shall be adjusted as of 1 January following receipt by the Minister of the report of the independent actuary;

WHEREAS the Minister received the report of the independent actuary on 15 November 2010;

WHEREAS, according to the report, the rate of contribution should be increased;

WHEREAS, under the first paragraph of section 196 of the Act, the Government may make regulations after the Commission administrative des régimes de retraite et d'assurances has consulted the pension committee referred to in section 196.2 of the Act;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Pension Plan of Management Personnel by its Decision dated 24 May 2005 (T.B. 202420);

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee has been consulted;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel, attached hereto, is hereby made.

GEORGES BOULET,
Le greffier du Conseil du trésor,

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel*

An Act respecting the Pension Plan
of Management Personnel
(R.S.Q., c. R-12.1, s. 196, 1st par., subpar. 18 and s. 174)

1. The Regulation under the Act respecting the Pension Plan of Management Personnel is amended in section 11

(1) by replacing “1 January 2008” by “1 January 2011”;

(2) by replacing “10.54%” by “11.54%”.

2. This Regulation comes into force on the day it is made.

1209

* The Regulation under the Act respecting the Pension Plan of Management Personnel, made by Conseil du trésor Decision 202420 dated 24 May 2005 (2005, *G.O.* 2, 1733), was last amended by the regulation made by Conseil du trésor Decision 209327 dated 21 September 2010 (2010, *G.O.* 2, 2788). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

Index

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

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Arpenteurs-géomètres — Terms and conditions for permits to be issued by the Ordre (Professional Code, R.S.Q., c. C-26)	4021	N
Automotive services industry — Chapais, Chibougamau, Lac-Saint-Jean and Saguenay (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	4047	Draft
Autorité des marchés financiers and other legislative provisions, An Act to amend the Act respecting the... — Coming into force of certain provisions of the Act (2008, c. 7)	4013	
Certified translator, terminologist and interpreter — Practice within a partnership or a joint-stock company (Professional Code, R.S.Q., c. C-26)	4015	N
Collective agreement decrees, An Act respecting... — Automotive services industry — Chapais, Chibougamau, Lac-Saint-Jean and Saguenay (R.S.Q., c. D-2)	4047	Draft
Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft, An Act to implement the... — Regulation (2007, c. 2)	4050	Draft
Exemption of certain categories of pension plans from the application of provisions (Supplemental Pension Plans Act, R.S.Q., c. R-15.1)	4070	Draft
Exemption of certain pension plans from the application of provisions (An Act to amend various legislative provisions respecting municipal affairs, 2008, c. 18)	4070	Draft
Exemption of certain pension plans from the application of provisions (Supplemental Pension Plans Act, R.S.Q., c. R-15.1)	4070	Draft
Funding of pension plans of the municipal and university sectors (An Act to amend various legislative provisions concerning municipal affairs, 2003, c. 3)	4070	Draft
Funding of pension plans of the municipal and university sectors (Supplemental Pension Plans Act, R.S.Q., c. R-15.1)	4070	Draft
Health Insurance Act — Insured visual aids (R.S.Q., c. A-29)	4052	Draft
Insured visual aids (Health Insurance Act, R.S.Q., c. A-29)	4052	Draft

Measures to reduce the effects of the financial crisis on pensions plans covered (Supplemental Pension Plans Act, R.S.Q., c. R-15.1)	4070	Draft
Natural Heritage Conservation Act — Réserve de biodiversité projetée Samuel-De-Champlain — Activities framework (R.S.Q., c. C-61.01)	4029	Draft
Occupational health and safety, An Act respecting... — Agreement regarding programs financed by the Department of Human Resources and Skills Development — Implementation (R.S.Q., c. S-2.1)	4059	Draft
Pension Plan of Management Personnel, An Act respecting the... — Regulation (R.S.Q., c. R-12.1)	4077	M
Pharmacists — Benefits authorized (An Act respecting prescription drug insurance, R.S.Q., c. A-29.01)	4065	Draft
Prescription drug insurance, An Act respecting... — Pharmacists — Benefits authorized (R.S.Q., c. A-29.01)	4065	Draft
Professional Code — Arpenteurs-géomètres — Terms and conditions for permits to be issued by the Ordre (R.S.Q., c. C-26)	4021	N
Professional Code — Certified translator, terminologist and interpreter — Practice within a partnership or a joint-stock company (R.S.Q., c. C-26)	4015	N
Professional Code — Traducteurs, terminologues et interprètes agréés — Code of ethics of the Ordre (R.S.Q., c. C-26)	4019	M
Professional Code and other Acts respecting the professions, An Act to amend the... — Coming into force of certain provisions of the Act (1994, c. 40)	4013	
Réserve de biodiversité projetée Samuel-De-Champlain — Activities framework (Natural Heritage Conservation Act, R.S.Q., c. C-61.01)	4029	Draft
Safety in Alpine ski centres (An Act respecting safety in sports, R.S.Q., c. S-3.1)	4065	Draft
Safety in sports, An Act respecting... — Safety in Alpine ski centres (R.S.Q., c. S-3.1)	4065	Draft
Supplemental Pension Plans Act — Exemption of certain categories of pension plans from the application of provisions (R.S.Q., c. R-15.1)	4070	Draft
Supplemental Pension Plans Act — Exemption of certain pension plans from the application of provisions (R.S.Q., c. R-15.1)	4070	Draft
Supplemental Pension Plans Act — Funding of pension plans of the municipal and university sectors (R.S.Q., c. R-15.1)	4070	Draft

Supplemental Pension Plans Act — Measures to reduce the effects of the financial crisis on pensions plans covered (R.S.Q., c. R-15.1)	4070	Draft
Traducteurs, terminologues et interprètes agréés — Code of ethics of the Ordre (Professional Code, R.S.Q., c. C-26)	4019	M
Various legislative provisions concerning municipal affairs, An Act to amend... — Funding of pension plans of the municipal and university sectors (2003, c. 3)	4070	Draft
Various legislative provisions respecting municipal affairs, An Act to amend... — Exemption of certain pension plans from the application of provisions (2008, c. 18)	4070	Draft

