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**Part**

**2**

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**Laws and Regulations**

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**Summary**

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### Contents

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## Draft Regulations

### Draft Regulation

An Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations  
(2009, c. 28, s. 18)

#### Guidance counsellors

##### — Training conditions of persons other than guidance counsellors to engage in professional activities that may be engaged in by guidance counsellors

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 training conditions of persons other than guidance counsellors to engage in professional activities that may be engaged in by guidance counsellors, made by the board of directors of the Ordre des conseillers et conseillères d'orientation du Québec and appearing below, may be submitted to the Government which may approve it with or without amendment on the expiry of 45 days following this publication.

The draft Regulation enables persons who do not meet the conditions for the issue of the permit by the Ordre des conseillers et conseillères d'orientation du Québec and who were engaged in a professional activity reserved for guidance counsellors, to engage in the professional activity reserved for guidance counsellors under the training conditions and terms set out in the Regulation.

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

Further information may be obtained by contacting Martine Lacharité, Director General, Ordre des conseillers et conseillères d'orientation du Québec, 1600, boulevard Henri-Bourassa Ouest, bureau 520, Montréal (Québec) H3M 3E2; telephone: 514 737-4717 or 1 800 363-2643; fax: 514 737-2172; email: mlacharite@orientation.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded

by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*

### Regulation respecting the training conditions of persons other than guidance counsellors to engage in professional activities that may be engaged in by guidance counsellors

An Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations  
(2009, c. 28, s. 18, 2nd par.)

#### DIVISION I

##### PURPOSE

**1.** This Regulation is intended for the person who, on (*insert the date of coming into force of paragraph 1 of section 5 of chapter 28 of the Statutes of 2009, introducing paragraph 1.3.1 of section 37.1 of the Professional Code (R.S.Q., c. C-26)*), does not meet the conditions for the issue of the permit by the Ordre des conseillers et conseillères d'orientation du Québec and who was engaged in a professional activity referred to in paragraph 1.3.1 of section 37.1 of the Professional Code (R.S.Q., c. C-26) introduced by paragraph 1 of section 5 of chapter 28 of the Statutes of 2009.

#### DIVISION II

##### MANDATORY TRAINING

**2.** The person referred to in section 1 must complete at least 6 hours of training for each professional activity engaged in per 2-year reference period.

**3.** A person chooses, among the eligible training activities determined in section 4, those that are related to the professional activity engaged in.

### DIVISION III TRAINING ACTIVITIES

**4.** The following are eligible training activities:

(1) participation in courses, seminars, symposiums, conferences or congresses offered by persons, university educational institutions, organizations or specialized institutions;

(2) supervision received from a guidance counsellor who engages in the same professional activity as the person required to complete the training, in the case of the activities referred to in subparagraphs *a* and *d* of paragraph 1.3.1 of section 37.1 of the Code; and

(3) supervision received from a member of a professional order who engages in the same professional activity as the person required to complete the training, in the case of the activities referred to in subparagraphs *b* and *c* of paragraph 1.3.1 of section 37.1 of the Code.

The training activities must relate to at least one of the following subjects:

- (1) evaluation procedures and methods;
- (2) intervention procedures and methods;
- (3) users for whom the training activity is intended;
- (4) legal and organizational aspects of the practice; or
- (5) problems related to human development.

### DIVISION IV EXEMPTION FROM TRAINING

**5.** A person who shows that it is impossible for him or her to comply with the required training may, for a given reference period, be exempted from having to attend training.

To obtain an exemption, that person applies to the Order by completing the form provided for that purpose and provides the following information:

- (1) the reasons for the exemption; and
- (2) a doctor's note or any other proof attesting to the fact that the person is unable to attend.

Before refusing an application for exemption, the Order must so notify the applicant and inform the applicant of his or her right to submit written observations within 15 days. The Order sends its decision to the applicant within 60 days of receipt of the application.

**6.** As soon as the exemption is no longer required, the person must so notify the Order in writing and comply with the training requirement under the terms and conditions set by the Order.

Before setting the terms and conditions, the Order must so notify the person and inform the person of his or her right to submit written observations within 15 days. The Order determines the terms and conditions of training within 60 days of receipt of the notice informing it that the exemption is no longer required.

### DIVISION V MONITORING

**7.** The person referred to in section 1 must, not later than 31 May after the end of each reference period, send to the Order a declaration of training in which the following information is recorded:

- (1) the training activities attended during that reference period; and
- (2) the number of hours completed during that reference period.

The Order may request any document in support of the information recorded in the declaration of the person who must then send it within 10 days after the date of receipt of the request.

**8.** If the Order refuses to recognize declared training activities, the secretary of the Order notifies the person in writing of that decision and informs the person of his or her right to apply for a review of the decision within 15 days of receipt of the notice. The person must send the application for review in writing to the secretary of the Order, along with his or her written observations.

**9.** The Order sends a notice to the person who failed to comply with the requirements of sections 2 and 7, indicating the obligations not complied with and informing the person that the person has 90 days from the receipt of that notice to remedy the default.

Training hours completed after non-compliance may only be computed for the year of the reference period during which the person was in default.

**10.** The person must keep, at least 2 years after the end of a reference period, the documents in support of the information recorded in the person's declaration of training.

## DIVISION VI DEFAULT

**11.** The Order sends a final notice to the person who failed to remedy the default indicated in the notice sent pursuant to section 9, informing the person that the person has an additional 15-day period from the receipt of the final notice to remedy the default and failing that, the person must cease to engage in the professional activity concerned until the person provides the Order with proof that the person has complied with the requirements contained in the notice sent pursuant to section 9.

**12.** Where the person failed to remedy the default indicated in the notice sent pursuant to section 9 within 3 years after receipt of the final notice referred to in section 11, the Order notifies the person that he or she can resume to engage in the professional activity concerned provided that the person successfully completes a university-level course of 3 credits on assessment and completes the total number of hours of training required in accordance with section 2 since the default.

## DIVISION VII TRANSITIONAL AND FINAL

**13.** For the purposes of this Regulation, the first reference period begins on 1 April 2013.

**14.** This Regulation comes into force on the day of coming into force of Section 18 of the Statutes of 2009.

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## Draft Regulation

An Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations  
(2009, c. 28, s. 18)

### Psychoeducators — Training conditions of persons other than psychoeducators to engage in professional activities that may be engaged in by psychoeducators

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 training conditions of persons other than psychoeducators to engage in professional activities that may be engaged in by psychoeducators, made by the board of directors of the Ordre des psychoéducateurs et psychoéducatrices du Québec and

appearing below, may be submitted to the Government which may approve it with or without amendment on the expiry of 45 days following this publication.

The draft Regulation enables persons who do not meet the conditions for the issue of the permit by the Ordre des psychoéducateurs et psychoéducatrices du Québec and who were engaged in a professional activity reserved for psychoeducators, to engage in the professional activity reserved for psychoeducators under the training conditions and terms set out in the Regulation.

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

Further information may be obtained by contacting Renée Verville, Director General and Secretary, Ordre des psychoéducateurs et psychoéducatrices du Québec, 1600, boulevard Henri Bourassa Ouest, bureau 510, Montréal (Québec) H3M 3E2; telephone: 514 333-6601 or 1 877 913-6601; fax: 514 333-7502; email: rverville@ordrepesd.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45 day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*

## Regulation respecting the training conditions of persons other than psychoeducators to engage in professional activities that may be engaged in by psychoeducators

An Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations  
(2009, c. 28, s. 18, 2nd par.)

## DIVISION I PURPOSE

**1.** This Regulation is intended for the person who, on *(insert the date of coming into force of paragraph 1 of section 5 of chapter 28 of the Statutes of 2009, introducing paragraph 1.3.2 of section 37.1 of the Professional*

*Code (R.S.Q., c. C-26)*), does not meet the conditions for the issue of the permit by the Ordre des psychoéducateurs et psychoéducatrices du Québec and who was engaged in a professional activity referred to in paragraph 1.3.2 of section 37.1 of the Professional Code (R.S.Q., c. C-26) introduced by paragraph 1 of section 5 of chapter 28 of the Statutes of 2009.

## **DIVISION II** **MANDATORY TRAINING**

**2.** The person referred to in section 1 must complete at least 6 hours of training for each professional activity engaged in per 2 year reference period.

**3.** A person chooses, among the eligible training activities determined in section 4, those that are related to the professional activity engaged in.

## **DIVISION III** **TRAINING ACTIVITIES**

**4.** The following are eligible training activities:

(1) participation in courses, seminars, workshops, symposiums, conferences or congresses offered by persons, university educational institutions, organizations or specialized institutions;

(2) supervision received from a psychoeducator who engages in the same professional activity engaged as the person required to complete the training, in the case of the activities referred to in subparagraphs *a*, *e* and *f* of paragraph 1.3.2 of section 37.1 of the Professional Code; and

(3) supervision received from a member of a professional order who engages in the same professional activity as the person required to complete the training, in the case of the activities referred to in subparagraphs *b*, *c*, *d*, *g* and *h* of paragraph 1.3.2 of section 37.1 of the Code.

The training activities must relate to at least one of the following subjects:

- (1) evaluation procedures and methods;
- (2) intervention procedures and methods;
- (3) users for whom the training activity is intended;
- (4) legal and organizational aspects of the practice; or
- (5) problems related to human development and adjustment problems.

## **DIVISION IV** **EXEMPTION FROM TRAINING**

**5.** A person who shows that it is impossible for him or her to comply with the required training may, for a given reference period, be exempted from having to attend training.

To obtain an exemption, the person applies to the Order by completing the form provided for that purpose and provides the following information:

- (1) the reasons for the exemption; and
- (2) a doctor's note or any other proof attesting to the fact that the person is unable to attend.

Before refusing an application for exemption, the Order must so notify the applicant and inform the applicant of his or her right to submit written observations within 15 days. The Order sends its decision to the applicant within 60 days of receipt of the application.

**6.** As soon as the exemption is no longer required, the person must so notify the Order in writing and comply with the training requirement under the terms and conditions set by the Order.

Before setting the terms and conditions, the Order must so notify the person and inform the person of his or her right to submit written observations within 15 days. The Order determines the terms and conditions of training within 60 days of receipt of the notice informing it that the exemption is no longer required.

## **DIVISION V** **MONITORING**

**7.** The person referred to in section 1 must, not later than 31 May after the end of each reference period, send to the Order a declaration of training in which the following information is recorded:

- (1) the training activities attended during that reference period; and
- (2) the number of hours completed during that reference period.

The Order may request any document in support of the information recorded in the declaration of the person who must then send it within 10 days after the date of receipt of the request.



**8.** If the Order refuses to recognize declared training activities, the secretary of the Order notifies the person in writing of that decision and informs the person of his or her right to apply for a review of the decision within 15 days of receipt of the notice. The person must send the application for review in writing to the secretary of the Order, along with his or her written observations.

**9.** The Order sends a notice to the person who failed to comply with the requirements of sections 2 and 7, indicating the obligations not complied with and informing the person that the person has 90 days from the receipt of that notice to remedy the default.

Training hours completed after non-compliance may only be computed for the year of the reference period during which the person was in default.

**10.** The person must keep, at least 2 years after the end of a reference period, the documents in support of the information recorded in the person's declaration of training.

#### **DIVISION VI DEFAULT**

**11.** The Order sends a final notice to the person who failed to remedy the default indicated in the notice sent pursuant to section 9, informing the person that the person has an additional 15 day period from the receipt of the final notice to remedy the default and failing that, the person must cease to engage in the professional activity concerned until the person provides the Order with proof that the person has complied with the requirements contained in the notice sent pursuant to section 9.

**12.** Where the person failed to remedy the default indicated in the notice sent pursuant to section 9 within 3 years after receipt of the final notice referred to in section 11, the Order notifies the person that he or she can resume engaging in the professional activity concerned provided that the person successfully completes a university-level course of 3 credits on assessment and completes the total number of hours of training required in accordance with section 2 since the default.

#### **DIVISION VII TRANSITIONAL AND FINAL**

**13.** For the purposes of this Regulation, the first reference period begins on 1 April 2013.

**14.** This Regulation comes into force on the day of coming into force of Section 18 of the Statutes of 2009.

## **Draft Regulation**

An Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations  
(2009, c. 28, s. 18)

### **Social workers**

#### **— Training conditions of persons other than social workers to engage in professional activities that may be engaged in by social workers**

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 training conditions of persons other than social workers to engage in professional activities that may be engaged in by social workers, made by the board of directors of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, appearing below, may be submitted to the Government which may approve it with or without amendment on the expiry of 45 days following this publication.

The draft Regulation enables persons who do not meet the conditions for the issue of the permit of social worker by the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec and who were engaged in a professional activity reserved for social workers, to engage in the professional activity reserved for social workers under the training conditions and terms set out in the Regulation.

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

Further information may be obtained by contacting Richard Silver, Legal Counsel, Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, 255, boulevard Crémazie Est, bureau 520, 5<sup>e</sup> étage, Montréal (Québec) H2M 1M2; telephone: 514 731-3925 or 1 888 731-9420; fax: 514 731-6785; email: info.general@optsq.org

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*

## Regulation respecting the training conditions of persons other than social workers to engage in professional activities that may be engaged in by social workers

An Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations  
(2009, c. 28, s. 18, 2nd par.)

### DIVISION I PURPOSE

**1.** This Regulation is intended for the person who, on *(insert the date of coming into force of paragraph 1 of section 5 of chapter 28 of the Statutes of 2009, introducing paragraph 1.1.1 of section 37.1 of the Professional Code (R.S.Q., c. C-26))*, does not meet the conditions for the issue of the social worker's permit by the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec and who, on *(insert the date of coming into force of paragraph 1 of section 5 of chapter 28 of the Statutes of 2009, introducing paragraph 1.1.1 of section 37.1 of the Professional Code (R.S.Q., c. C-26))*, was engaged in a professional activity referred to in paragraph 1.1.1 of section 37.1 of the Professional Code (R.S.Q., c. C-26) introduced by paragraph 1 of section 5 of chapter 28 of the Statutes of 2009.

### DIVISION II MANDATORY TRAINING

**2.** The person referred to in section 1 must complete at least 6 hours of training for each professional activity engaged in per 2-year reference period.

**3.** A person chooses, among the eligible training activities determined in section 4, those provided for in the program of training activities established by the Order pursuant to section 5 or recognized by the Order pursuant to section 6 and that are related to the professional activity engaged in.

### DIVISION III TRAINING ACTIVITIES

**4.** The following are eligible training activities:

(1) participation in courses, seminars, symposiums, conferences or congresses offered by persons, university educational institutions, organizations or specialized institutions;

(2) supervision received from a social worker who engages in the same professional activity engaged as the person required to complete the training, in the case of the activities referred to in subparagraphs *a, c, e, f* and *h* of paragraph 1.1.1 of section 37.1 of the Professional Code; and

(3) supervision received from a member of a professional order who engages in the same professional activity as the person required to complete the training, in the case of the activities referred to in subparagraphs *b, d, g* and *i* of paragraph 1.1.1 of section 37.1 of the Code.

The training activities must relate to at least one of the following subjects:

- (1) evaluation procedures and methods;
- (2) intervention procedures and methods;
- (3) users for whom the training activity is intended;
- (4) legal and organizational aspects of the practice; or
- (5) problems related to human development.

**5.** The Order establishes a program of training activities referred to in subparagraph 1 of the first paragraph of section 4. To that end, the Order determines the training activities constituting the program, that is, courses, seminars, symposiums, conferences or congresses and the persons, university educational institutions, organizations or specialized institutions authorized to offer them.

The Order determines the activities constituting the program, taking into consideration the following criteria:

- (1) the relation between the training activity and the professional activities engaged in;
- (2) the existence of training objectives and their nature;
- (3) the competence and qualifications of the instructor in relation to the subject matter;
- (4) the curricular framework;
- (5) the quality of instructional material provided; and
- (6) the recognition of attendance to or successful completion of the training activity.

**6.** A training activity referred to in subparagraph 1 of the first paragraph of section 4 that is not listed in the program of training activities established by the Order may be recognized on request by the person referred to in section 1. The request must be sent to the Order at least 60 days before the date set for the holding of the activity or within 120 days following the date on which it is held, along with the supporting documents allowing to identify the activity concerned, its duration, content, the person in charge or the instructor of the activity and, if applicable, the result obtained and any other information allowing to establish that the activity complies with the criteria in the second paragraph of section 5.

The request for recognition following the date on which the training activity is held is valid only for the person having attended the training activity.

The Order rules on the request within 30 days of its receipt.

In case of refusal, the secretary of the Order notifies the person in writing of that decision. The secretary also informs the person of his or her right to apply for a review of the decision within 15 days of receipt of the notice. The person must send the application for review in writing to the secretary of the Order, along with his or her written observations.

In the case of a training activity referred to in subparagraphs 2 and 3 of the first paragraph of section 4, the person must keep a document signed by the supervisor and the person containing the objectives of the supervision, the nature of the supervision and the number of hours devoted directly to the supervised person.

#### **DIVISION IV EXEMPTION FROM TRAINING**

**7.** A person who shows that it is impossible for him or her to comply with the required training may, for a given reference period, be exempted from having to attend training.

To obtain an exemption, the person applies to the Order by completing the form provided for that purpose and provides the following information:

- (1) the reasons for the exemption; and
- (2) a doctor's note or any other proof attesting to the fact that the person is unable to attend.

Before refusing an application for exemption, the Order must so notify the applicant and inform the applicant of his or her right to submit written observations within 15 days. The Order sends its decision to the applicant within 60 days of receipt of the application.

**8.** As soon as the exemption is no longer required, the person must so notify the Order in writing and comply with the training requirement prescribed by this Regulation, under the terms and conditions set by the Order.

Before setting the terms and conditions, the Order must so notify the person in writing and inform the person of his or her right to submit written observations within 15 days. The Order determines the terms and conditions of training within 60 days of receipt of the notice informing it that the exemption is no longer required.

#### **DIVISION V MONITORING**

**9.** The person referred to in section 1 must, not later than 31 May after the end of each reference period, send to the Order a declaration of training in which the following information is recorded:

- (1) the training activities attended during that reference period; and
- (2) the number of hours completed during that reference period.

The Order may request any document in support of the information recorded in the declaration of the person who must then send it within 10 days after the date of receipt of the request.

**10.** The Order sends a notice to the person who failed to comply with the requirements of sections 2 and 9, indicating the obligations not complied with and informing the person that the person has 90 days from the receipt of that notice to remedy the default.

Training hours completed after non-compliance may only be computed for the year of the reference period during which the person was in default.

**11.** The person must keep, at least 2 years after the end of a reference period, the documents in support of the information recorded in the person's declaration of training.

**DIVISION VI**  
**DEFAULT**

**12.** The Order sends a final notice to the person who failed to remedy the default indicated in the notice sent pursuant to section 10, informing the person that the person has an additional 15-day period from the receipt of the final notice to remedy the default and failing that, the person must cease to engage in the professional activity concerned until the person provides the Order with proof that the person has complied with the requirements contained in the notice sent pursuant to section 10.

**13.** Where the person failed to remedy the default indicated in the notice sent pursuant to section 10, within 3 years after receipt of the final notice referred to in section 12, the Order notifies the person that he or she can resume engaging in the professional activity concerned provided that the person successfully completes a university-level course of 3 credits on social functioning assessment or intervention methods in social work and completes the total number of hours of training required in accordance with section 2 since the default.

**DIVISION VII**  
**TRANSITIONAL AND FINAL**

**14.** For the purposes of this Regulation, the first reference period begins on 1 April 2013.

**15.** This Regulation comes into force on the day of coming into force of Section 18 of chapter 28 of the Statutes of 2009.

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## Parliamentary Committees

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### Committee on Labour and the Economy

#### General consultation

#### Bill 80, An Act respecting voluntary retirement savings plans

The Committee on Labour and the Economy will be holding public hearings beginning September 11, 2012, as part of its general consultation on Bill 80, An Act respecting voluntary retirement savings plans. This bill is available on the Committee's web page at [www.assnat.qc.ca](http://www.assnat.qc.ca); it may also be obtained by contacting the Committee clerk. Any person wishing to voice an opinion on the subject may submit comments on line at [www.assnat.qc.ca](http://www.assnat.qc.ca)

Individuals and organizations wishing to express their views during the public hearings must submit a brief to the Committee clerk no later than August 30, 2012. Briefs must be on letter-size paper and include a summary of their contents. They may be sent by email (Word or unlocked PDF) or regular mail, or hand delivered at the reception desk of the Parliamentary Proceedings Directorate.

Individuals wishing to voice their views during the public hearings without submitting a brief must file a request to that effect with the Committee clerk no later than August 30, 2012. The request must include a short statement summarizing the nature of the presentation to be made.

On the basis of these briefs and requests, the Committee decides which individuals and organizations it will hear.

Unless the Committee decides otherwise, briefs will be made public and posted on the Committee's web page, along with any personal information they contain.

Deadlines for submitting briefs and requests are subject to change, as is the opening date for public hearings. If changes are made, the information will be made public via the National Assembly's website without further notice being published in the newspapers.

Briefs, requests, correspondence and inquiries should be addressed to Ms. Emilie Bevan, Substitute Clerk of the Committee, Édifice Pamphile-Le May, 1035, rue des Parlementaires, 3<sup>e</sup> étage, Québec (Québec) G1A 1A3.

Telephone: 418 643-2722  
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Abbreviations : **A** : Abrogated, **N** : New, **M** : Modified

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