

Gazette
officielle
DU Québec

Part

2

No. 47

19 November 2014

Laws and Regulations

Volume 146

Summary

Table of Contents
Regulations and other Acts
Draft Regulations
Notices
Index

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2014

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.

NOTICE TO USERS

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) and the Regulation respecting the *Gazette officielle du Québec* (chapter C-8.1.1, r. 1). Partie 1, entitled “Avis juridiques”, is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday. Partie 2, entitled “Lois et règlements”, and the English edition, Part 2 “Laws and Regulations”, are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 will be available on the Internet at noon each Wednesday at the following address:

www.publicationsduquebec.gouv.qc.ca

The *Gazette officielle du Québec* published on the website is available to all free of charge.

Contents

Part 2 contains:

- (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 (chapter C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
- (4) decisions of the Conseil du trésor and ministers’ orders whose publications in the *Gazette officielle du Québec* is required by law or by the Government;
- (5) regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by law;
- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

French edition

In addition to the documents referred to in paragraphs 1 to 7 above, the French version of the *Gazette officielle du Québec* contains the orders in council of the Government.

Rates*

1. Annual subscription:

	Printed version
Partie 1 “Avis juridiques”:	\$480
Partie 2 “Lois et règlements”:	\$656
Part 2 “Laws and Regulations”:	\$656

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$10.26 per copy.

3. Publication of a notice in Partie 1: \$1.65 per agate line.

4. Publication of a notice in Part 2: \$1.09 per agate line. A minimum rate of \$241 is applied, however, in the case of a publication of fewer than 220 agate lines.

* **Taxes not included.**

General conditions

The Division of the *Gazette officielle du Québec* must receive manuscripts, **at the latest, by 11:00 a.m. on the Monday** preceding the week of publication. Requests received after that time will appear in the following edition. All requests must be accompanied by a signed manuscript. In addition, the electronic version of each notice to be published must be provided by e-mail, to the following address: gazette.officielle@cspq.gouv.qc.ca

For information concerning the publication of notices, please call:

Gazette officielle du Québec
1000, route de l’Église, bureau 500
Québec (Québec) G1V 3V9
Telephone: 418 644-7794
Fax: 418 644-7813
Internet: gazette.officielle@cspq.gouv.qc.ca

Subscriptions

For a subscription to the *Gazette officielle du Québec* in paper form, contact the customer service.

Les Publications du Québec
Customer service – Subscriptions
1000, route de l’Église, bureau 500
Québec (Québec) G1V 3V9
Telephone: 418 643-5150
Toll free: 1 800 463-2100
Fax: 418 643-6177
Toll free: 1 800 561-3479

All claims must be reported to us within 20 days of the shipping date.

Table of Contents

Page

Regulations and other Acts

957-2014	Forms and statements of fees under the Health Insurance Act (Amend.)	2503
963-2014	Occupational health and safety in mines (Amend.)	2503
964-2014	Building service employees – Montréal and Québec (Amend.)	2505

Draft Regulations

Labour relations, vocational training and workforce management in the construction industry, An Act respecting... — Training Fund for Employees in the Construction Industry	2507
---	------

Notices

Lac-Indian Nature Reserve (Conservation de la nature Canada) — Recognition	2511
--	------

Regulations and other Acts

Gouvernement du Québec

O.C. 957-2014, 5 November 2014

Health Insurance Act
(chapter A-29)

Forms and statements of fees under the Act — Amendment

CONCERNING the Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act

WHEREAS, under subparagraph *c* of the first paragraph of section 72 of the Health Insurance Act (chapter A-29), the Régie de l'assurance maladie du Québec (the Régie) may, by regulation, set the costs exigible for the replacement of a health insurance card before its expiry;

WHEREAS, under subparagraph *c.2* of the first paragraph of that section, the Régie may, by regulation, set the costs exigible for an application to re-register in the case of an insured person who fails to send the Régie a registration renewal notice within the time fixed by regulation;

WHEREAS, under the second paragraph of that section, such a regulation of the Régie must be approved by the Government before coming into force;

WHEREAS, on 7 May 2014 and by way of resolution CA-498-14-19, the Régie adopted the proposed Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the proposed Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* on 2 July 2014, with notice that it could be submitted for the Government's approval on the expiry of the 45 days following that publication;

WHEREAS it is expedient to approve that Regulation without any amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance, attached to this Order in Council, be approved.

PIERRE REID,
Associate Secretary General

Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act

Health Insurance Act
(chapter A-29, s. 72, 1st par., subpars. (c) and (c.2))

1. Section 8.1 of the Regulation respecting forms and statements of fees under the Health Insurance Act (chapter A-29, r. 7) is amended by replacing what follows the word “card” with “before its expiry date shall amount to \$25 for a replacement in person or by mail and to \$15 for a replacement online”.

2. Section 8.3 of the Regulation is amended by replacing the number “23” with the number “25”.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except with respect to the costs of \$15 exigible for a replacement online which come into force on February 1st, 2015.

3526

Gouvernement du Québec

O.C. 963-2014, 5 November 2014

An Act respecting occupational health and safety
(chapter S-2.1)

Occupational health and safety in mines — Amendment

Regulation to amend the Regulation respecting occupational health and safety in mines

WHEREAS, under subparagraphs 7, 12, 19, 41 and 42 of the first paragraph or section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, under the second paragraph of section 223, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting occupational health and safety in mines was published in Part 2 of the *Gazette officielle du Québec* of 2 April 2014 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made, without amendment, the Regulation to amend the Regulation respecting occupational health and safety in mines at its sitting of 18 June 2014;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting occupational health and safety in mines, attached to this Order in Council, be approved.

PIERRE REID,
Associate Secretary General

Regulation to amend the Regulation respecting occupational health and safety in mines

An Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 12, 19, 41 and 42, and 2nd par.)

1. The Regulation respecting occupational health and safety in mines (chapter S-2.1, r. 14) is amended by inserting the following after the heading of subdivision 2 of Division II:

“**3.1.** Every person in an underground mine, except in a lunchroom, a cab or an office, is required to wear a body harness or safety belt.”

2. Section 53 is amended by adding the following paragraph at the end:

“Despite the foregoing, any new shaft dug as of 4 December 2014 that exceeds 500 metres (1,640 ft) in depth must be served by a motorized device for the transport of persons or another motorized means of transport.”

3. The following is inserted after section 71:

“**71.1.** Where the sole motorized device for the transport of persons to the surface is not available, no work may be undertaken underground, unless that means of transport is put back into operation within 2 hours.”

4. Section 108 is amended by replacing the first paragraph by the following:

“**108.** Every person who is underground is required to wear a miner’s lamp affixed to the safety hat and attached to the clothing, harness or safety belt.”

5. Section 126 is amended by adding the following paragraph at the end:

“A refuge station installed as of 4 December 2014 may not be located more than 1 kilometre from the nearest refuge station.”

6. The following is inserted after section 215:

“**215.1.** The shift planned on the workday schedule of the hoistman must not exceed 12 hours and a period of continuous work may not exceed 14 hours per 24-hour period.”

7. Section 232 is amended by adding the following at the end:

“(11) a high water level detection device, of the fail-safe type, placed under the lower limit of travel of the shaft.

During the sinking of a shaft, the device must be located under the lower chair of the timbering.”

8. The following is inserted after section 232:

“**232.1.** Sound and visual alarms must go off at the controls of the hoist when the high water level detection device goes off.”

9. Section 252 is revoked.

10. The following is inserted after section 252:

“**252.1.** A hoist may not be equipped with a friction clutch.

252.2. Despite section 252.1, a hoist installed before 1 April 1993 may be equipped with a belt-type friction clutch if the following conditions are met:

(1) its action is neutralized by a locking mechanism between the driving part and the driven part of a drum supporting the cage used for the transportation of persons;

(2) a slip detection device between the driving part and the driven part of a drum supporting a skip opens the safety circuit of the hoist.”

11. Section 411 is amended by replacing “3” by “6”.

12. This Regulation comes into force on 4 December 2014.

3527

Gouvernement du Québec

O.C. 964-2014, 5 November 2014

An Act respecting collective agreement decrees (chapter D-2)

Building service employees — Montréal and Québec — Amendment

Decree to amend the decrees respecting building service employees in the Montréal and Québec regions

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government made the Decree respecting building service employees in the Montréal region (chapter D-2, r. 15) and the Decree respecting building service employees in the Québec region (chapter D-2, r. 16);

WHEREAS, in accordance with section 8 of the Act, the Government may amend a decree, after consulting with the contracting parties or the parity committee, and after publication of a notice in the *Gazette officielle du Québec* and in a French language newspaper and in an English language newspaper;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and sections 5 and 8 of the Act respecting collective agreement decrees, a draft decree was published in Part 2 of the *Gazette officielle du Québec* of 17 April 2013 and in a French language newspaper and in an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 6 of the Act respecting collective agreement decrees, the Minister may, at the expiry of the time specified in the notice, recommend that the Government make such changes as are deemed expedient;

WHEREAS, under section 7 of the Act, despite section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the draft Decree with amendments;

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

THAT the Decree to amend the decrees respecting building service employees in the Montréal and Québec regions, attached to this Order in Council, be made.

PIERRE REID,
Associate Secretary General

Decree to amend the decrees respecting building service employees in the Montréal and Québec regions

An Act respecting collective agreement decrees (chapter D-2, ss. 2, 6 and 8)

1. The Decree respecting building service employees in the Montréal region (chapter D-2, r. 15) is amended in section 2.03 by adding the following at the end:

“(8) maintenance work performed by an employee of an owner of a private seniors’ residence.”.

2. The Decree respecting building service employees in the Québec region (chapter D-2, r. 16) is amended in section 2.03 by adding the following at the end:

“(7) maintenance work performed by an employee of an owner of a private seniors’ residence.”.

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

3528

Draft Regulations

Draft Regulation

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

Commission de la construction du Québec — Training Fund for Employees in the Construction Industry

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the Training Fund for Employees in the Construction Industry, made by the Commission de la construction du Québec and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

In accordance with subparagraph 13.2 of the first paragraph of section 123.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20), the draft Regulation establishes the conditions and method of operation of the Training Fund for Employees in the Construction Industry, including the contributions to be paid by employers according to their category and the rules for the administration and investment of the money making up the Fund.

The draft Regulation has no impact on the public and enterprises who are not in the construction industry. For construction employees, the Regulation preserves the mission of the Fund which is to offer development activities to a growing number of employees. For employers, the contribution provided for in the collective agreements in the industry will be lowered to \$0.15 per hour worked for five years following the coming into force of the Regulation. The contribution will then come back to \$0.20 per hour worked. The solution will help employers save about \$8 million per year in contributions.

Further information may be obtained by contacting Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6331.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Diane Lemieux, Chair and Chief Executive

Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6331.

SAM HAMAD,
Minister of Labour

Regulation respecting the Training Fund for Employees in the Construction Industry

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, ss. 93.7 and 123.1, 1st par., subpar. 13.2)

1. This Regulation establishes the conditions and method of operation of the Training Fund for Employees in the Construction Industry, established by the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20).

2. The Fund is to be used exclusively to promote and finance development activities for employees in the construction industry and comprises two components:

1° a component covering the institutional and commercial sector, the industrial sector, and the civil engineering and roads sector, dedicated to promoting and financing the development activities of the employees in those sectors;

2° the residential sector component, dedicated to promoting and financing the development activities of the employees in that sector.

“Development activities” means any project eligible under the general rules for the use of the Training Fund for Employees in the Construction Industry determined pursuant to section 18.2 of the Act.

3. The Fund is made up of

1° the amounts from the training fund for the construction industry and the training plan for the residential sector transferred pursuant to sections 81 and 82 of the Act to eliminate union placement and improve the operation of the construction industry (2011, chapter 30);

2° the contributions paid by an employer for each hour worked by each of its employees during the month preceding the monthly report to be provided by the employer

pursuant to the Regulation respecting the register, monthly report, notices from employers and the designation of a representative (chapter R-20, r. 11);

3° the interest earned on the money accumulated in the Fund;

4° amounts from any increase in the assets of the Fund; and

5° amounts from a loan contracted by the Commission de la construction du Québec to offset any insufficiency in the Fund.

4. The administrative and operating costs of the Fund are paid out of the money making up the Fund. The allocation method of the Commission applies to determine the amount of the payments from the Fund into the general administration fund.

5. The employer's contributions provided for in section 3 is \$0.20 per hour worked, except for a 5-year period during which it will be \$0.15 per hour worked, which begins on Sunday following the last day of the first full monthly period of work following the date of coming into force of this Regulation.

The Commission credits those contributions to the Fund component corresponding to their sector.

6. The fiscal year of the Fund is the calendar year.

7. The Commission adopts the annual budget of the Fund.

8. The expenses of the Fund comprise the administrative and operating costs of the Fund, including the promotion and financing of development activities, administrative expenses relating to the management of property used and the development projects for development activities.

9. The Commission administers the money making up the Fund as follows:

1° it deposits the part of the money that it plans to use in the short term with an institution governed by the Act respecting financial services cooperatives (chapter C-67.3), the Bank Act (Statutes of Canada, 1991, chapter 46) or the Trust and Loan Companies Act (Statutes of Canada, 1991, chapter 45);

2° it invests the rest of the money in accordance with the investment policy for funds under the management of the Commission.

10. The Commission finances development activities in accordance with the general rules for the use of the Training Fund for Employees in the Construction Industry determined pursuant to section 18.2 of the Act.

11. Representative associations referred to in subparagraph *b* of the first paragraph of section 1 and contractors' associations referred to in subparagraph *c.1* of the first paragraph of section 1 of the Act may receive subsidies to promote the development activities offered by the Commission.

12. The amount available each year to promote development activities corresponds to 8% of the budget adopted by the Commission for the annual financing of development activities.

From the percentage specified in the first paragraph, 3% is allocated to the promotion done by the Commission and 5% to the projects of the associations referred to in section 11.

13. The amount available for the projects submitted by the associations is divided equally between representative associations and contractors' associations.

14. The amount available for the projects submitted by representative associations is apportioned in proportion to the hours declared during the last calendar year by employers, pursuant to the Regulation respecting the register, monthly report, notices from employers and the designation of a representative, according to the union allegiance of each employee.

The preceding calendar year is the reference period to calculate the apportionment provided for in the first paragraph.

15. Between contractors' associations, the amount available is determined as follows:

1° Where the amount available in accordance with section 13 for contractors' associations is equal to or greater than \$800,000, a first lump sum of \$100,000 is available for each sector-based employers' association referred to in subparagraph *c.2* of the first paragraph of section 1 of the Act, per sector represented by the association, and to the Corporation des maîtres électriciens du Québec and to the Corporation des maîtres mécaniciens en tuyauterie du Québec;

2° The amount in excess of \$600,000 is available between each of the sector-based employers' associations per sector represented by each association, in proportion to the hours declared during the last 5 calendar years for the sector, out of all the hours so declared for all sectors;

3° Where the amount available for contractors' associations is less than \$800,000, a first amount corresponding to 12.5% of that amount is available for each sector-based employers' association, per sector represented by each association, and to the Corporation des maîtres électriciens du Québec and to the Corporation des maîtres mécaniciens en tuyauterie du Québec, and the balance is available for sector-based employers' associations in accordance with the proportion determined under paragraph 2, for the sector represented by the association.

16. An application for a subsidy must be received by the Commission not later than 31 October prior to the year covered by the application, in the manner prescribed by the Commission. The application must describe the eligible promotion projects that the association intends to carry out and contain a budget proposal whose amount is less than or equal to the amount available to the association for that purpose.

17. The Commission and the association must agree on conditions for the use of the subsidy. The agreement must pertain, in particular, to the following:

1° the eligible promotion projects in the application for a subsidy that the association may carry out;

2° the amount granted for those promotion projects;

3° the payment conditions, that is, a first payment representing 70% of the subsidy is given within 30 days of the signing of the agreement by the association, and a second payment payable within 30 days of the final rendering of accounts, corresponding to the difference between the actual costs of the promotion projects agreed upon and the first payment, up to the amount of the subsidy granted;

4° repayment conditions in case of failure to comply with the agreement;

5° accountability conditions.

18. The Commission may extend the time limit indicated in section 16 if the association proves that it could not comply with it for reasonable cause.

19. This Regulation comes into force on (*insert the date corresponding to the fifteenth day following the date of its publication in the Gazette officielle du Québec*).

Notices

Notice

Natural Heritage Conservation Act
(chapter C-61.01)

**Lac-Indian Nature Reserve
(Conservation de la nature Canada)
— Recognition**

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (chapter C-61.01), that the Minister of Sustainable Development, Environment and Fight Against Climate Change has recognized as a nature reserve, a private property of the area of 62,3 hectares, situated on the territory of the municipality of Val-des-Monts, Municipalité régionale de comté des Collines-de-l'Outaouais, known and designated as being the lots number 4 357 508, 4 357 552 and 4 359 512 of the Quebec Land Register, Gatineau Registry division.

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,
Director of Ecology and Conservation

3530

Index

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

	Page	Comments
Building service employees – Montréal and Québec (An Act respecting collective agreement decrees, chapter D-2)	2505	M
Collective agreement decrees, An Act respecting... — Building service employees – Montréal and Québec (chapter D-2)	2505	M
Forms and statements of fees under the Act (Health Insurance Act, chapter A-29)	2503	M
Health Insurance Act — Forms and statements of fees under the Act (chapter A-29)	2503	M
Labour relations, vocational training and workforce management in the construction industry, An Act respecting... — Training Fund for Employees in the Construction Industry (chapter R-20)	2507	Draft
Lac-Indian Nature Reserve (Conservation de la nature Canada) — Recognition (Natural Heritage Conservation Act, chapter C-61.01)	2511	Notice
Natural Heritage Conservation Act — Lac-Indian Nature Reserve (Conservation de la nature Canada) — Recognition (chapter C-61.01)	2511	Notice
Occupational health and safety in mines (An Act respecting occupational health and safety, chapter S-2.1)	2503	M
Occupational health and safety, An Act respecting... — Occupational health and safety in mines (chapter S-2.1)	2503	M
Training Fund for Employees in the Construction Industry (An Act respecting labour relations, vocational training and workforce management in the construction industry, chapter R-20)	2507	Draft

