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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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- (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;
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Regulations and other Acts

Gouvernement du Québec

O.C. 1043-2015, 25 November 2015

An Act respecting immigration to Québec
(chapter I-0.2)

Selection of foreign nationals — Amendment

Regulation to amend the Regulation respecting the selection of foreign nationals

WHEREAS, under subparagraphs *a* and *b* of the first paragraph of section 3.3 of the Act respecting immigration to Québec (chapter I-0.2), the Government may, by regulation, determine classes of foreign nationals who have filed an application for a selection certificate and determine the conditions of selection applicable to each of such classes;

WHEREAS, under subparagraph *c.2* of the first paragraph of section 3.3 of the Act, the Government may, by regulation, determine the conditions which must be met by the person or group of persons who subscribe to an undertaking;

WHEREAS, under subparagraph *f* of the first paragraph of section 3.3 of the Act, the Government may, by regulation, determine the procedure that must be followed in order to obtain in particular a selection certificate;

WHEREAS, under subparagraph *q* of the first paragraph of section 3.3 of the Act, the Government may determine the provisions of a regulation whose violation constitutes an offence;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the selection of foreign nationals was published in Part 2 of the *Gazette officielle du Québec* of 17 December 2014 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Immigration, Diversity and Inclusiveness:

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

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the selection of foreign nationals

An Act respecting immigration to Québec
(chapter I-0.2, s. 3.3, 1st par., subpars. *a*, *b*, *c.2*, *f* and *q*)

1. The Regulation respecting the selection of foreign nationals (chapter I0.2, r. 4) is amended in section 18 by replacing subparagraph ii of paragraph b by the following:

“(ii) a member of the humanitarian-protected persons abroad class who is a member of the Country of Asylum class;”

2. The following heading is inserted after section 27:

“§2.1. *Collective sponsorship*”.

3. Section 31 is struck out.

4. Section 32 is replaced by the following:

“**32.** The Minister, upon receiving an application for a selection certificate from a foreign national in the economic class, assesses the application by awarding the points as provided in the Regulation respecting weighting in respect of the factors and criteria listed in the Selection grid for the economic class in Schedule A that apply to the foreign national’s subclass.”

5. Section 38.3 is amended by replacing “Sections 31 and 32 do” by “Section 32 does”.

6. The following is inserted after section 43:

“**43.1.** A sponsor referred to in section 43 who gives an undertaking may not profit from it in any way, in particular by receiving interest on an investment.

The sponsor may, however, receive administration fees for the undertaking given.

The fees may not exceed 1% of the amount required to provide for the basic needs of the sponsored person and the members of the sponsored person’s family for whom the undertaking is given, as provided for in Schedule C or C-1, as the case may be.

Any violation of the first or third paragraph constitutes an offence.”

7. Schedule A is amended

(1) by adding the following paragraph at the end of criterion 1.1 of factor 1:

“The diploma attesting to training must have been obtained before the date of filing of the application for a selection certificate.”;

(2) by replacing the second paragraph of criterion 1.2 of factor 1 by the following:

“The diploma attesting to training must have been obtained before the date of filing of the application for a selection certificate.”;

(3) by adding the following paragraph at the end of criterion 6.1 of factor 6:

“The diploma attesting to training must have been obtained before the date of filing of the application for a selection certificate.”;

(4) by replacing the second paragraph of criterion 6.2 of factor 6 by the following:

“The diploma attesting to training must have been obtained before the date of filing of the application for a selection certificate.”

8. Sections 31 and 32 of the Regulation, as they read before 31 December 2015, continue to apply to applications for a selection certificate filed before that date.

9. Section 43.1 of the Regulation, as it is made by section 6 of this Regulation, does not apply to undertakings given before the date of coming into force of this Regulation.

10. Factors 1 and 6 of Schedule A to the Regulation, as they read before 31 December 2015, continue to apply to applications for a selection certificate filed before that date.

11. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 3, 4, 5 and 7, which come into force on 31 December 2015.

102379

Gouvernement du Québec

O.C. 1046-2015, 25 November 2015

Highway Safety Code
(chapter C-24.2)

**Road vehicle registration
—Amendment**

Regulation to amend the Regulation respecting road vehicle registration

WHEREAS, under section 619.5 of the Highway Safety Code (chapter C-24.2), the Government may establish, by regulation, a class of road vehicles equipped with an engine with a displacement it determines in respect of which an additional duty is payable and fix the amount of the additional duty according to the vehicle’s engine displacement or determine the methods to calculate the additional duty;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting road vehicle registration was published in Part 2 of the *Gazette officielle du Québec* of 17 June 2015 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting road vehicle registration, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting road vehicle registration

Highway Safety Code
(chapter C-24.2, s. 618, par. 11, ss. 619.1 and 619.5)

1. The Regulation respecting road vehicle registration (chapter C-24.2, r. 29) is amended by replacing Section 142.2 by the following:

“**142.2.** For the category of road vehicles having a large engine displacement, referred to in section 2.1.1, the additional annual duty payable to retain the right to operate such a vehicle is the duty shown in the following table, opposite the vehicle’s engine displacement:

Engine displacement (litres)	Additional annual duty
4	\$35,48
4,1	\$47,30
4,2	\$59,13
4,3	\$70,68
4,4	\$83,05
4,5	\$94,60
4,6	\$106,70
4,7	\$118,80
4,8	\$129,80
4,9	\$141,90
5	\$154,00
5,1	\$166,10
5,2	\$178,20
5,3	\$189,20
5,4	\$200,20
5,5	\$211,20
5,6	\$222,20
5,7	\$233,20
5,8	\$244,20
5,9	\$255,20
6	\$266,20
6,1	\$277,20
6,2	\$288,20
6,3	\$299,20

Engine displacement (litres)	Additional annual duty
6,4	\$310,20
6,5	\$321,20
6,6	\$332,20
6,7	\$343,20
6,8	\$354,20
6,9	\$365,20
7 et plus	\$376,20

”.

2. This Regulation comes into force on 1 January 2016.
102380

Gouvernement du Québec

O.C. 1048-2015, 25 November 2015

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

Automotive services industry – Drummond and Mauricie — Amendment

Decree to amend the Decree respecting the automotive services industry in the Drummond and the Mauricie regions

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government made the Decree respecting the automotive services industry in the Drummond and the Mauricie regions (chapter D-2, r. 8);

WHEREAS the contracting parties designated in the Decree made an application to the Minister of Labour, Employment and Social Solidarity under sections 4 and 6.1 of the Act to have the Decree amended;

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 8 July 2015 as well as in a French language and 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, under section 7 of the Act respecting collective agreement decrees and despite section 17 of the Regulations Act, a decree comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed in the decree;

WHEREAS it is expedient to make the Decree without amendment;

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

THAT the Decree to amend the Decree respecting the automotive services industry in the Drummond and the Mauricie regions, attached hereto, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the automotive services industry in the Drummond and the Mauricie regions

An Act respecting collective agreement decrees (chapter D-2, ss. 4 and 6.1)

1. The Decree respecting the automotive services industry in the Drummond and the Mauricie regions (chapter D-2, r. 8) is amended in section 1.02

(1) by replacing “Association des spécialistes du pneu du Québec inc.” in paragraph 1 by “Association des spécialistes de pneu et mécanique du Québec (ASPMQ)”;

(2) by replacing “Syndicat national de l’automobile, de l’aérospatiale, du transport et des autres travailleurs et travailleuses du Canada (TCA-Canada), section locale 4511” in paragraph 2 by «Unifor local 4511».

2. Section 9.01 is replaced by the following:

“**9.01.** The minimum hourly wage rates are the following:

Trades	As of 9 December 2015	As of 9 December 2016	As of 9 December 2017
1. Apprentice			
1st year	\$12.43	\$12.67	\$12.92
2nd year	\$12.97	\$13.20	\$13.46
3rd year	\$13.54	\$13.75	\$14.02
4th year	\$14.50	\$15.00	\$15.30

Trades	As of 9 December 2015	As of 9 December 2016	As of 9 December 2017
2. Journeyman			
A	\$21.48	\$21.90	\$22.23
B	\$19.17	\$19.55	\$20.55
C	\$18.25	\$18.61	\$18.98
3. Parts clerk			
Grade 1	\$11.60	\$11.80	\$12.03
Grade 2	\$12.35	\$12.55	\$12.80
Grade 3	\$13.21	\$13.42	\$13.67
Grade 4	\$13.94	\$14.15	\$14.43
Grade 5	\$14.71	\$14.95	\$15.24
Grade 6	\$15.62	\$15.90	\$16.21
Grade 7	\$16.62	\$16.85	\$17.19
4. Messenger			
	—	—	—
5. Dismantler			
Grade 1	\$11.19	\$11.42	\$11.65
Grade 2	\$11.94	\$12.18	\$12.42
Grade 3	\$12.97	\$13.23	\$13.49
6. Washer			
	—	—	—
7. Semiskilled worker			
Grade 1	\$12.63	\$12.88	\$13.14
Grade 2	\$13.70	\$13.98	\$14.26
Grade 3	\$14.78	\$15.08	\$15.38
8. Pump attendant			
9. Service attendant			
	—	—	—
Grade 1	\$11.60	\$11.85	\$12.09
Grade 2	\$12.30	\$12.54	\$12.80
Grade 3	\$13.05	\$13.30	\$13.56
Grade 4	\$13.80	\$14.07	\$14.35
Grade 5	\$14.50	\$14.79	\$15.08

The wage rate not provided for the trades of messenger, washer and pump attendant corresponds to the rate of the minimum wage payable to an employee, in accordance with section 3 of the Regulation respecting labour standards (chapter N-1.1, r. 3), increased by \$0.25 per hour as of the date of adjustment of the minimum wage rate.”

3. Section 12.01 is amended by replacing “31 December 2013” and “June 2013” by “31 December 2018” and “June 2018”, respectively.

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

102381

Gouvernement du Québec

O.C. 1050-2015, 25 November 2015

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

Construction Industry — Compensation Fund for Employees

Regulation respecting the Compensation Fund for Employees in the Construction Industry

Whereas, under subparagraph 13.1 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 Commission de la construction du Québec may, by regulation, establish the conditions and method of operation of the Compensation Fund for Employees in the Construction Industry, including the contributions to be paid by employers according to their category, the circumstances in which compensation is payable, the compensation procedure and the rules for the administration and investment of the money making up the Fund, and to prescribe the maximum compensation payable;

Whereas the Commission, after consulting the Committee on vocational training in the construction industry in accordance with section 123.3 of the Act, made the Regulation respecting the Compensation Fund for Employees in the Construction Industry on 12 February 2014;

Whereas, under section 123.2 of the Act, a regulation of the Commission is submitted to the Government for approval, with or without amendment;

Whereas, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the Compensation Fund for Employees in the Construction Industry was published in Part 2 of the *Gazette officielle du Québec* of 1 October 2014 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

Whereas, following that publication, no comments were received and it is expedient to approve the Regulation without amendment;

It is ordered, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

That the Regulation respecting the Compensation Fund for Employees in the Construction Industry, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation respecting the Compensation 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. 80.3, 93.2, 93.3, 93.5 and 123.1, 1st par., subpar. 13.1)

1. This Regulation establishes the conditions and method of operation of the Compensation 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. In this Regulation, “wages” means the amounts provided for in a collective agreement for remuneration in currency, travelling expenses, the amounts provided for the annual vacation, for statutory general holidays and sick leave days, the employer’s contribution for current service and the employee’s contribution into the complementary account of the supplemental pension plan provided for in the *Règlement sur les régimes complémentaires d’avantages sociaux dans l’industrie de la construction* (chapter R-20, r. 10). The employer’s contribution for current service is modified following any change in the apportionment of the employer’s contribution under that Regulation.

3. The Fund is made up of

(1) the amounts from the special compensation fund transferred pursuant to section 84 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 under section 4;

(3) the amounts recovered by the Commission de la construction du Québec following a proceeding brought under the Act;

(4) the interest earned on the money accumulated in the Fund;

(5) amounts from any increase in the assets of the Fund; and

(6) amounts from a loan contracted by the Commission to offset any insufficiency in the Fund.

4. The employer's contribution is \$0.02 for each hour worked by each of its employees, excluding the persons referred to in the second paragraph of section 8, during the month preceding the monthly report prescribed by the Regulation respecting the register, monthly report, notices from employers and the designation of a representative (chapter R-20, r. 11). Payment is to be made at the same time as the monthly report is sent to the Commission.

5. 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.

6. 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.

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

8. The Fund is to compensate an employer's employee

(1) for wages unpaid in case of bankruptcy, sequestration, proposal, consumer proposal, voluntary deposit by the employer or dissolution of legal person under section 59 of the Act respecting the legal publicity of enterprises (chapter P-44.1);

(2) for wages unpaid when, after a judgment rendered against the employer, the writ of execution is returned unsatisfied in whole or in part;

(3) for a maximum amount of \$1,000 when no proceeding is brought against the employer, considering the amount of loss of wages in relation to the foreseeable costs of such a proceeding;

(4) for the difference between the compensatory indemnity to which the employee is entitled under the Regulation respecting indemnities and allowances to jurors (chapter J-2, r. 1) and the wages the employee would have received for the regular working hours that would have been worked during the time the employee acts as a prospective juror after being summoned by the Court and during the time the employee acts as a juror;

(5) for the wages that the employee is entitled to receive but could not receive by reason of a homologated arbitration award or a final judgment on that award that remained unsatisfied in whole or in part.

For the purposes of this section, the following persons are not considered to be employees of an employer:

(1) a member, a manager, a senior officer of the partnership;

(2) a director, a senior officer or a shareholder holding 20% or more of the voting shares of a legal person;

(3) a guarantor for the issue of a licence issued under the Building Act (chapter B-1.1);

(4) a representative designated under the Act;

(5) a person related by filiation in the direct line or a spouse of a person designated in any of subparagraphs 1 to 4;

(6) an independent contractor.

“Spouse” means the person of the opposite or the same sex who is married or in a civil union with a person or with whom the person has been living in a conjugal relationship for at least 12 months.

9. The compensation that an employee may receive from the Fund corresponds to the wages the employee should have received, according to the collective agreement of the applicable sector.

10. Despite section 8, an employee may not receive compensation in excess of 6 weeks of remuneration in currency and travelling expenses and, for any other loss of wages, and of the amounts that should have been sent by the employer with its monthly report for the period covered by its complaint filed in accordance with section 13.

The compensation to be paid to an employee is reduced by any amount received by the employee or to which the employee is entitled under a workers' compensation program set up under the federal legislation or the legislation of a province.

11. An employee may not be compensated more than twice by the Fund in respect of the same employer.

An employee may not receive compensation from the Fund after receiving payment in wages or benefits, if the employee knows that the employer has not reported the payment in a monthly report that must be provided by the employer pursuant to the Regulation respecting the register, monthly report, notices from employers and the designation of a representative or if the employer knowingly participated in an unreported remuneration system.

An employer in which a person of the enterprise

(1) acted as a person of the enterprise that was the cause of losses of wages,

(2) is related by filiation in the direct line to a person of the enterprise that was the cause of losses of wages, or

(3) is the spouse, within the meaning of the third paragraph of section 8, of a person of the enterprise that was the cause of losses of wages, is deemed to be the same employer of an employee.

“Person of the enterprise” means the persons referred to in the second paragraph of section 8. “Losses of wages” means a loss of wages incurred by an employee who has been compensated under the Fund or the fund indicated in paragraph 1 of section 3.

12. An employee may not receive compensation from the Fund for work performed in contravention of the Act or any provision of a collective agreement.

13. To apply for compensation from the Fund, an employee must file, in the manner prescribed by the Commission, the documents and information required not later than 60 days after the expiry of the wages the employee should have received.

That expiry is that provided for in the collective agreement of the applicable sector for the loss of wages and reference period concerned.

14. The date of filing of an application for compensation is the date on which it is received by the Commission.

15. The Commission may extend the time limit indicated in the first paragraph of section 13 if the employee proves that he or she could not comply with it for a reason beyond the employee’s control.

16. The Commission decides as soon as possible an application for compensation filed by an employee and immediately informs the employee of the decision in writing.

17. The Commission pays compensation to an employee entitled to it within 60 days of its decision.

18. An employee who feels personally aggrieved by a decision made pursuant to this Regulation may, within 30 days of receiving the decision, apply for review to the Commission des relations de travail.

19. Where compensation from the Fund is paid to an employee under section 17 or where compensation is not paid in the cases provided for in section 11 or 12, the Commission makes public the name of the employer concerned, as well as the names of the directors of that employer declared under the Act respecting the legal publicity of enterprises (chapter P-44.1). This section does not apply where compensation is paid under subparagraph 4 of the first paragraph of section 8, on the grounds that the employee has acted as a prospective juror or juror after being summoned by the Court.

20. This Regulation comes into force on 6 January 2016.

102382

Gouvernement du Québec

O.C. 1051-2015, 25 November 2015

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

Letters describing the situation

Regulation respecting letters describing the situation

WHEREAS, under subparagraph *i* of the first paragraph of section 82 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20), the Commission de la construction du Québec may, by regulation approved by the Government and published in the *Gazette officielle du Québec*, make a regulation to determine the conditions to be met and the fee exigible for the issue of a letter describing the situation and the information that may be contained in such a letter on construction work carried out on a job site or for the purposes of a tender;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting letters describing the situation was published in Part 2 of the *Gazette officielle du Québec* of 11 February 2015 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS comments were received after that publication;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation respecting letters describing the situation, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation respecting letters describing the situation

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 82, par. *i*)

1. This Regulation determines the conditions to be met and the fee exigible for the issue of a letter describing the situation and the information that may be contained in the letter.

2. The Commission de la construction du Québec issues the following letters describing the situation to an employer who applies for a letter and who meets the requirements of this Regulation:

(1) a letter on construction work carried out on a job site and describing the situation of an employer and the employer's sub-contractors to whom the employer sub-contracted work, with respect to the construction activities on the job site and the obligations provided for in the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) and in this Regulation;

(2) a letter for the purposes of a tender which describes the situation of an employer who wishes to tender, with respect to the employer's activities on the construction site and the employer's obligations provided for in the Act and in this Regulation.

3. To be issued a letter describing the situation, an employer must be registered as such with the Commission, in accordance with the conditions provided for in the Regulation respecting the register, monthly report, notices from employers and the designation of a representative (chapter R-20, r. 11).

4. To apply for a letter describing the situation, an employer must use the online services of the Commission by completing the prescribed form and provide the information required.

5. A fee of \$30 is exigible for the issue of a letter describing the situation, payable by using the online services of the Commission.

The date of filing an application is the date on which the application is received by the online services of the Commission.

6. The Commission issues a letter describing the situation on the basis of the information brought to the attention of the Commission and the information sent by an employer at the time the application is filed.

7. A letter describing the situation contains, as the case may be,

(1) the identification of the job site, the nature and duration of the work, the name of the recognized client, the value of the contract before provincial and federal taxes, the employer's workforce assigned to the work with regards to the number of employees and the cost, and the name of the employer's sub-contractors;

(2) the statement of the monthly reports sent by the employer for a 12-month period preceding the date of filing an application for a letter for the purposes of a tender and, for an application for a letter on construction work carried out on a job site (i) the statement of the monthly reports sent by the employer for the duration of the work, without exceeding 12 months and (ii) the information concerning the monthly reports not sent by the sub-contractor and the reports sent by the sub-contractor without the corresponding delivery, for the duration of the work, without exceeding 12 months;

(3) any unpaid claim to the Commission by the employer, and the claim sent within the 24 months preceding the date of filing an application with a mention of the balance for a letter for the purposes of a tender. In the case of an application for a letter on construction work carried out on a job site, the letter mentions any unpaid claim sent to the employer and the employer's sub-contractors for a period of the construction work carried out on the job site;

(4) any disagreement notified in writing by the employer to the Commission regarding the subjection of the work to the scope of the Act or relating to the interpretation of a clause of the collective agreement after a claim is sent;

(5) any amount held to guarantee payment of a claim by the employer or one of the sub-contractors;

(6) any order to suspend work rendered in respect of the employer or one of the sub-contractors under section 7.4 of the Act and any contravention to such order,

if either occurs within the 24 months preceding the date of filing an application for a letter for the purposes of a tender and relating to the construction work on the job site identified in the application and, where applicable, if the order has been the subject of an application for review pursuant to section 7.7 of the Act;

(7) for a letter on construction work on a job site, that the employer or one of the sub-contractors, including one of their directors, shareholders, officers, partners or employees, while acting as such for the employer or sub-contractor, has been convicted of an offence provided for in Schedule I committed during the work and, for a letter for the purposes of a tender, that the employer, including one of the employer's directors, shareholders, officers, partners or employees, while acting as such for the employer, has been convicted of an offence provided for in Schedule I committed within the 24 months preceding the date of filing an application;

(8) that at the time of the work, the employer and the employer's sub-contractors have not sent the notice provided for in the Regulation respecting the register, monthly report, notices from employers and the designation of a representative;

SCHEDULE I

(section 7, par. 7)

OFFENCES

Law and regulation	Sections	Summary description of the offence
An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)	7.2 with 120	A person involved in any construction work who does not take the necessary means to enable the Commission and any person authorized by it for that purpose to exercise the powers provided for in section 7.1 of the Act.
	83(1)	An employer who refuses or neglects to furnish the Commission with the information provided for in subparagraph <i>a</i> of the first paragraph of section 82 of the Act.
	83(2)	An employer who fails to grant, on request of the Commission, or delays to grant the Commission, access to the register, the registration system or the pay-list provided for in subparagraph <i>a</i> of the first paragraph of section 82 of the Act.
	83(3)	A person who does not grant, or delays to grant, the Commission, or any person authorized by it, access to the place where construction work is being done or to an establishment of an employer.
	83.1	An employer who fails to comply with a request made by the Commission pursuant to subparagraph <i>f</i> of the first paragraph of section 81 of the Act.

(9) the holding by the employer of a licence issued under the Building Act (chapter B-1.1) and for the letter on the construction work carried out on a job site, by also indicating in the letter for each sub-contractor the periods in which they did not have a licence during the work;

(10) that the licence of the employer is subject to a restriction as regards the obtention of a public contract under section 65.1 of the Building Act.

The information in subparagraphs 2 to 10 applies to the time the letter describing the situation for the purposes of a tender is applied for and, for the letter on construction work carried out on a job site, to the work period.

8. A letter describing the situation issued by the Commission does not constitute a renunciation to the exercise of any of the recourses provided for in the Act.

9. This Regulation applies to applications for letters describing the situation that are ongoing on the date of the coming into force of the Regulation.

10. This Regulation comes into force on 7 January 2016.

Law and regulation	Sections	Summary description of the offence
	83.2	A person who fails to comply, within the prescribed period, with a written request made by the Commission pursuant to section 81.0.1 of the Act. A person who fails to comply with a request made by the Commission to furnish information or a document pursuant to section 81.0.1 of the Act.
	84	Whoever molests, hinders or insults any member or employee of the Commission in the performance of his duties, or otherwise obstructs such performance.
	111.1	Whoever carries out or causes to be carried out construction work in contravention of a decision to suspend work rendered under section 7.4.1 of the Act.
	119.1(3)	Whoever hires the services of or assigns to construction work an employee who is not the holder of a competency certificate.
	122 (4)	Whoever knowingly destroys, alters or falsifies any register, pay-list, registration system or document relating to the application of the Act, a regulation or a collective agreement.
Regulation respecting the register, monthly report, notices from employers and the designation of a representative (chapter R-20, r. 11)	2 with 82 and 119.7 of the Act	An employer who fails to send the written notice provided for in section 2 of the Regulation.
	8 with 82 and 120 of the Act	An employer who fails to keep a register or enter the number of hours worked in accordance with section 8 of the Regulation.
	11 with 82 and 119.7 of the Act	An employer who fails to enter the number of regular and extra hours of an employee in the monthly report.
	12 with 82 and 119.7 of the Act	An employer who fails to send the monthly report provided for in section 12 of the Regulation.

Gouvernement du Québec

O.C. 1052-2015, 25 November 2015

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

Mine workers

— Pulmonary health examinations

— Amendment

Regulation to amend the Regulation respecting pulmonary health examinations for mine workers

WHEREAS, under subparagraphs 13 and 42 of the first paragraph of 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, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting pulmonary health examinations for mine workers was published in Part 2 of the *Gazette officielle du Québec* of 15 April 2015 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 pulmonary health examinations for mine workers at its sitting of 17 September 2015;

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 is 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, Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting pulmonary health examinations for mine workers, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting pulmonary health examinations for mine workers

An Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 13 and 42)

1. The Regulation respecting pulmonary health examinations for mine workers (chapter S-2.1, r. 7) is amended in Schedule I by replacing Part III by the following:

“PART III LUNG X-RAY

1. The radiological facility required for digital lung x-rays must comply with the technical standards recommended by the National Institute for Occupational Safety and Health relating to the acquisition, reading, transfer and archiving of images so that the quality of the images and their interpretation are helpful for pneumoconiosis screening.

2. For the interpretation of a digital lung x-ray, the standard digital images from the International Labour Office and the Guidelines for the use of the ILO International Classification of Radiographs of Pneumoconioses must be used.”

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

Despite the first paragraph, a lung x-ray conforming to Part III of Schedule I as it read before that date may be provided to the physician administering the examination for the purposes of section 8 of the Regulation respecting pulmonary health examinations for mine workers.

102384

Draft Regulations

Draft Regulation

Supplemental Pension Plans Act
(chapter R-15.1)

An Act to provide for the establishment of target-benefit pension plans in certain pulp and paper sector enterprises
(2012, chapter 32)

Target-benefit pension plans in certain pulp and paper sector enterprises — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting target-benefit pension plans in certain pulp and paper sector enterprises, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to allow target-benefit pension plans to be funded solely on a funding basis and the amortization period for a funding deficiency to be 10 years instead of 15 years. The draft Regulation also aims to strengthen funding for those plans by means of an additional contribution to the plan that would be allocated to establishing the reserve.

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

Further information may be obtained by contacting Mathieu Guay, Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, 5^e étage, Québec (Québec) G1V 4T3 (telephone: 418 643-8282; fax: 418 643-7421; email: mathieu.guay@rrq.gouv.qc.ca).

Any person wishing to comment on the draft Regulation is asked to submit written comments within the 45-day period to Norman Johnston, President and Chief Executive Officer of the Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, 5^e étage, Québec (Québec) G1V 4T3. The comments will be forwarded by

the Régie to the Minister of Labour, Employment and Social Solidarity, who is responsible for the administration of the Supplemental Pension Plans Act.

SAM HAMAD,
*Minister of Labour, Employment
and Social Solidarity*

Regulation to amend the Regulation respecting target-benefit pension plans in certain pulp and paper sector enterprises

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

An Act to provide for the establishment of target-benefit pension plans in certain pulp and paper sector enterprises
(2012, chapter 32)

1. The Regulation respecting target-benefit pension plans in certain pulp and paper sector enterprises (chapter R-15.1, r. 6.1.01) is amended by replacing paragraph 2 of section 8 by the following:

“(2) the amortization payment determined in respect of the funding actuarial deficiency.”

2. Section 9 is replaced by the following:

“**9.** The amortization period for a funding actuarial deficiency ends, notwithstanding paragraph 2 of section 142 of the Act, no later than 10 years after the date of the actuarial valuation that determines the deficiency.”

3. Section 12 is replaced by the following:

“**12.** In addition to the actuarial gains that must be allocated to establishing the reserve referred to in section 128 of the Act, an additional contribution which represents at least 15% of the current service contribution referred to in section 38 of the Act must be made to the plan to be allocated to establishing the reserve. The additional contribution is established without taking into account any margin for adverse deviations provided for by the Canadian Institute of Actuaries.”

4. Section 15 is amended by replacing “solvency” by “funding” in the first paragraph.

5. The following sections are added after section 61:

“**62.** Amortization payments related to any technical deficiency determined on the date of an actuarial valuation prior to 31 December 2014, where applicable, are eliminated.

63. The pension committee must send the Régie, no later than (*insert the date that occurs 75 days after the coming into force of this Regulation*), a report which amends or replaces the actuarial valuation report as at 31 December 2014.”

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. However, it has effect from 31 December 2014.

102385

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

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