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DU Québec

Part

2

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Laws and Regulations

Volume 148

Summary

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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;
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- (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.

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PROVINCE OF QUÉBEC

1ST SESSION

41ST LEGISLATURE

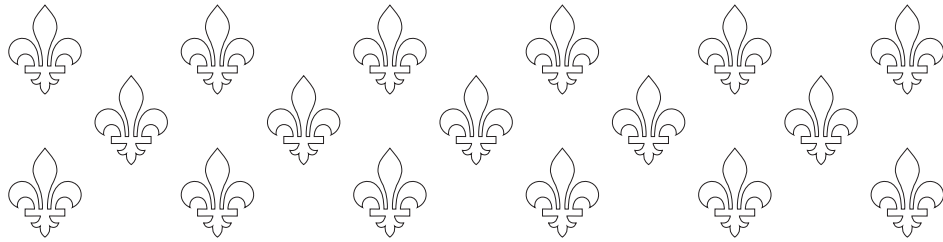
QUÉBEC, 3 DECEMBER 2015

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 3 December 2015*

This day, at ten minutes past four o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 71 An Act respecting the settlement of certain disputes in the automotive sector in the Saguenay–Lac-Saint-Jean region
- 78 An Act to regulate the granting of transition allowances to Members who resign during their term of office
- 80 An Act to enable municipalities to neutralize tax burden shifts onto residential immovables

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 71
(2015, chapter 32)

**An Act respecting the settlement of
certain disputes in the automotive sector
in the Saguenay–Lac-Saint-Jean region**

**Introduced 12 November 2015
Passed in principle 24 November 2015
Passed 3 December 2015
Assented to 3 December 2015**

**Québec Official Publisher
2015**

EXPLANATORY NOTES

The purpose of this Act is to put an end to the ongoing lock-out and strikes in the automotive sector in the Saguenay–Lac-Saint-Jean region and establish measures to settle the disputes between employees and employers in that sector over the renewal of their collective agreements.

The Act provides for a final mediation period concerning the terms governing the return to work and concerning the renewal of the collective agreements. It sets a final deadline for the return to work and provides that, failing agreements within the prescribed time limits, the disputes will be referred to arbitration.

Specific obligations relating to the employees' return to work are also imposed on employees and employers and their associations.

Lastly, penal sanctions are provided for failure to fulfill the obligations imposed by this Act.

Bill 71

AN ACT RESPECTING THE SETTLEMENT OF CERTAIN DISPUTES IN THE AUTOMOTIVE SECTOR IN THE SAGUENAY-LAC-SAINT-JEAN REGION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

PURPOSE

1. The purpose of this Act is to settle the disputes over the renewal of the collective agreements governing the employers listed in the schedule and the Syndicat démocratique des employés de garage Saguenay-Lac-St-Jean (CSD) concerning the bargaining units listed in the same schedule.

More specifically, the Act is intended to encourage a negotiated settlement of those disputes and the employees' return to work by providing for a final period of mediation and, failing an agreement between the parties, to refer to arbitration the determination of the terms of the employees' return to work and the disputes concerning the renewal of the collective agreements.

DIVISION II

MEDIATION

2. A mediator, appointed under paragraph 1 of section 13 of the Act respecting the Ministère du Travail (chapter M-32.2), assists the parties for the purpose of setting the date and terms of the employees' return to work and renewing the collective agreements.

3. Mediation concerning the date and terms of the employees' return to work ends no later than 23 December 2015.

The date agreed on for the employees' return to work may be no later than 22 January 2016.

Failing an agreement within the time prescribed in the first paragraph on all matters relating to the return to work, the date of return to work is the date specified in the second paragraph and the determination of the terms of the return to work is referred to arbitration in accordance with Division III.

4. Mediation concerning the renewal of the collective agreements ends no later than 22 January 2016.

Failing an agreement within the time prescribed in the first paragraph, the disputes concerning the renewal of the collective agreements are referred to arbitration in accordance with Division V.

5. If there is no agreement at the expiry of the mediation period, the mediator gives the parties a report without delay specifying the matters on which there has been agreement and the matters which are still in dispute.

At the same time, the mediator gives a copy of the report with comments to the Minister.

DIVISION III

ARBITRATION ON THE RETURN TO WORK

6. On receiving the mediator's report stating the absence of agreement on the employees' return to work, the Minister refers the determination of the terms of the return to work to arbitration.

The Minister appoints the arbitrator from the list drawn up annually by the Minister under the second paragraph of section 77 of the Labour Code (chapter C-27) and informs the parties.

7. The Minister sends the arbitrator a copy of the mediator's report. Only matters not identified as having been the subject of an agreement between the parties may be referred to arbitration.

Despite the end of the mediation process and even after sending the report, the mediator may continue to act at the request of the parties for the purpose of determining the terms of the return to work. However, the mediator may not continue to act once the arbitration hearings have begun.

Any agreement entered into after the mediator's report has been sent is included in an additional report that is sent to the parties and the Minister without delay. The Minister then sends the report to the arbitrator.

8. Arbitration is conducted jointly for all the employers and employees involved. However, the arbitrator may take into account the particular characteristics of each enterprise concerned and impose different terms of return to work based on those characteristics.

9. The arbitrator hears the dispute with diligence and according to the procedure and the method of proof the arbitrator considers appropriate. The arbitrator may proceed, clause by clause or globally, using the "best final offer" method.

10. Arbitration expenses and fees are shared equally by the Corporation des concessionnaires d'automobiles du Saguenay–Lac-Saint-Jean-Chibougamau and the Syndicat démocratique des employés de garage Saguenay–Lac-St-Jean (CSD).

The arbitrator's expenses and fees are those prescribed in the Regulation respecting the remuneration of arbitrators (chapter C-27, r. 6); the tariff of remuneration is that declared in accordance with section 12 of that regulation, if applicable.

The Corporation may claim part of its arbitration expenses from the employers that it does not represent and that are party to the arbitration, in proportion to the number of such employers in relation to all the employers that are party to the arbitration.

11. Sections 76 and 79, the first paragraph of section 80, sections 82 to 89, 91, 91.1, 93 and 139 to 140 of the Labour Code apply, with the necessary modifications, to the arbitration and regarding the arbitrator.

12. In the award, the arbitrator records the stipulations relating to the matters that have been agreed on, as evidenced in the mediator's report.

The parties may, at any time, come to an agreement on a matter in dispute and the corresponding stipulations must also be recorded in the arbitration award.

The arbitrator may not amend such stipulations except for the purpose of making modifications that are necessary to make the stipulations consistent with a clause of the award.

13. The arbitrator must render the arbitration award no later than 12 noon on the day that precedes the day set for the return to work under the third paragraph of section 3.

DIVISION IV

OBLIGATIONS AND PROHIBITIONS CONCERNING THE RETURN TO WORK

14. Employers listed in the schedule must, as of 6:30 a.m. on the date set for the return to work, take the appropriate measures to ensure that the employees return to work.

15. Employers are prohibited from continuing or declaring a lock-out or participating in any other form of concerted action that prevents the employees from returning to work.

16. The Corporation des concessionnaires d'automobiles du Saguenay–Lac-Saint-Jean-Chibougamau must take the appropriate measures to induce the employers it represents to comply with section 14 and not contravene section 15.

It must, in particular and before 3:00 p.m. on the day before the date set for the return to work, communicate the content of this Act and the date and terms of the return to work to the employers it represents and send the Minister an attestation that it has done so.

17. Unless they have formally given notice of their resignation to their employer before the date set for the return to work, employees included in a bargaining unit listed in the schedule must, as of 6:30 a.m. on the date set for the return to work, report for work according to their regular work schedule and other applicable conditions of employment.

18. Employees must, as of that time, perform all the duties attached to their respective functions, in accordance with the applicable conditions of employment, without any stoppage, slowdown, reduction or degradation of their normal activities.

Employees may not, as part of a concerted action, refuse to provide services to their employer.

Any employee who contravenes this section receives no remuneration for the contravention period.

19. The Syndicat démocratique des employés de garage Saguenay–Lac-St-Jean (CSD) and its officers and representatives are prohibited from calling or continuing a strike or participating in any other form of concerted action that prevents the employees from returning to work.

20. The Syndicat démocratique des employés de garage Saguenay–Lac-St-Jean (CSD) must take the appropriate measures to induce the employees it represents to comply with section 17 and not contravene section 18.

It must, in particular and before 3:00 p.m. on the day before the date set for the return to work, communicate the content of this Act and the date and terms of the return to work to the employees it represents and send the Minister an attestation that it has done so.

21. No one may, by omission or otherwise, in any manner prevent or impede the employees' return to work or the performance of work by employees, or directly or indirectly contribute to slowing down, degrading or delaying the performance of such work.

DIVISION V

ARBITRATION ON THE RENEWAL OF COLLECTIVE AGREEMENTS

22. On receiving the mediator's report stating the absence of agreement on the renewal of the collective agreements, the Minister refers the dispute to arbitration and notifies the parties.

23. Within 15 days after receiving the Minister's notice under section 22, the parties must consult each other as to the choice of an arbitrator and inform the Minister of the name of the arbitrator chosen. The Minister then appoints that arbitrator.

Failing agreement between the parties within the time prescribed, the Minister appoints an arbitrator from the list drawn up annually by the Minister under the second paragraph of section 77 of the Labour Code and informs the parties.

24. Sections 7 to 12 apply, with the necessary modifications, to the arbitration on the renewal of the collective agreements.

25. The arbitrator must render an award within six months of the date on which the disputes are referred to the arbitrator.

26. The award has effect, at the arbitrator's option, from the date the employees return to work or from the date the award is filed with the Minister, unless the parties have agreed otherwise.

Section 92 of the Labour Code applies with the necessary modifications.

DIVISION VI

PENAL PROVISIONS

27. Anyone who contravenes a provision of sections 14 to 21 is guilty of an offence and is liable, for each day or part of a day during which the offence continues, to a fine

(1) of \$100 to \$250 in the case of an employee or of a person not mentioned in paragraph 2 or 3;

(2) of \$1,000 to \$10,000 in the case of an officer, representative or employee of an association of employees or association of employers, or an officer or representative of an employer;

(3) of \$5,000 to \$50,000 in the case of an employer, an association of employers, an association of employees or a union, federation or confederation with which an association of employees is affiliated or to which it belongs.

28. Any person who, by an act or an omission, aids the commission of an offence or, by encouragement, advice, consent or order, induces another person to commit an offence is party to the offence and is liable to the same penalty as that prescribed for the offender.

When the offence is committed by a legal person or an association, any officer or representative who in any manner approves of the act constituting the offence or acquiesces to the commission of the offence is guilty of the offence.

DIVISION VII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

29. The Government may amend the schedule to correct any error in the identification of an employer or a bargaining unit after informing the employer concerned and the Syndicat démocratique des employés de garage Saguenay–Lac-St-Jean (CSD) of its intention.

30. The conditions of employment contained in each collective agreement in force on 28 February 2013 apply, with the necessary modifications, until a new collective agreement replacing it comes into effect.

31. The Minister of Labour, Employment and Social Solidarity is responsible for the administration of this Act.

32. This Act comes into force on 3 December 2015.

SCHEDULE

(Section 1)

Employers	Bargaining units
2431-9006 Québec Inc. (Alma Toyota)	AQ-1003-9618
2846-3982 Québec Inc. (La Maison Mazda Enr.)	AQ-1004-6192
9034-4227 Québec Inc. (St-Félicien Toyota)	AQ-2001-0584
9075-5125 Québec Inc. (Alma Honda)	AQ-2000-9125 AQ-2000-9356
9167-1446 Québec Inc. (Maison Mitsubishi)	AQ-2001-0160
9171-1440 Québec Inc. (Maison de l'auto Dolbeau Mistassini)	AQ-2000-8231
9192-1718 Québec Inc. (Intégral Subaru)	AQ-2000-8129
9254-9328 Québec Inc. (Excellence Nissan)	AQ-2001-4520 AQ-2001-4074
Arnold Chevrolet Buick GMC Cadillac Inc.	AQ-1003-5544 AQ-1004-1842
Automobiles Chicoutimi (1986) Inc.	AQ-1004-4136
Automobiles du Royaume Ltée	AQ-2000-8862 AQ-2000-8863
Automobiles Perron (Chicoutimi) Inc.	AQ-1004-9197
Chicoutimi Chrysler Dodge Jeep Inc.	AQ-1005-0456
Dolbeau Automobiles Ltée	AQ-1003-3686
Dupont Automobile Ltée	AQ-1003-6118 AQ-1003-9329
Garage Paul Dumas Ltée	AQ-1003-2453
Harold Autos Inc.	AQ-2001-2152

L.D. Auto (1986) Inc.	AQ-1003-2085 AQ-1004-3958
Léo Automobile Ltée	AQ-1003-2706 AQ-1003-9511
L'Étoile Dodge Chrysler Inc.	AQ-1004-1302 AQ-1004-2869
L.G. Automobile Ltée	AQ-1004-2964
Maison de l'auto St-Félicien (1983) Ltée (Maison de l'auto Roberval)	AQ-1005-3540 AQ-1003-1652
Paul Albert Chevrolet Buick Cadillac GMC Ltée	AQ-2000-2025
Roberval Pontiac-Buick Inc.	AQ-1004-1676 AQ-1005-0999
Rocoto Ltée	AQ-1003-1223

Regulations and other Acts

Gouvernement du Québec

O.C. 178-2016, 23 March 2016

An Act respecting municipal taxation
(chapter F-2.1)

Compensations in lieu of taxes —Amendment

Regulation to amend the Regulation respecting compensations in lieu of taxes

WHEREAS, under subparagraph *b.1* of subparagraph 2 of the first paragraph of section 262 of the Act respecting municipal taxation (chapter F-2.1), the Government may by regulation prescribe the rules for establishing, in respect of every local municipality and for each fiscal year, a weighted aggregate taxation rate that, when greater than the aggregate taxation rate of the municipality established for the same fiscal year under Division III of Chapter XVIII.1, is used under the third paragraph of section 256 for the purpose of calculating the amount payable to the municipality under section 254 for the fiscal year in respect of the immovables referred to in the second, third and fourth paragraphs of section 255;

WHEREAS the Government made the Regulation respecting compensations in lieu of taxes (chapter F-2.1, r. 2);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting compensations in lieu of taxes was published in Part 2 of the *Gazette officielle du Québec* of 16 December 2015 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments were received;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting compensations in lieu of taxes, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting compensations in lieu of taxes

An Act respecting municipal taxation
(chapter F-2.1, s. 262, 1st par., subpar. 2)

1. The Regulation respecting compensations in lieu of taxes (chapter F-2.1, r. 2) is amended in section 32.1 by replacing “2015” in the first paragraph by “2019”.

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

102541

Gouvernement du Québec

O.C. 196-2016, 23 March 2016

An Act respecting the Ministère de la Famille,
des Aînés et de la Condition féminine
(chapter M-17.2)

Terms and conditions of the signing of certain deeds, documents or writings concerning the application of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine in respect of seniors and the status of women, and to the Terms and conditions of the signing of certain deeds, documents or writings of the Ministère de la Famille —Amendments

Amendments to the Terms and conditions of the signing of certain deeds, documents or writings concerning the application of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine in respect of seniors and the status of women, and to the Terms and conditions of the signing of certain deeds, documents or writings of the Ministère de la Famille

WHEREAS, under the second paragraph of section 17 of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2),

no deed, document or writing is binding on the Minister or may be attributed to the Minister unless it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only so far as determined by the Government;

WHEREAS the Government made the Terms and conditions of the signing of certain deeds, documents or writings concerning the application of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine in respect of seniors and the status of women (chapter M-17.2, r. 1);

WHEREAS the Government made the Terms and conditions of the signing of certain deeds, documents or writings of the Ministère de la Famille (chapter M-17.2, r. 2);

WHEREAS it is expedient to amend the Terms and conditions of the signing of certain deeds, documents or writings concerning the application of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine in respect of seniors and the status of women (chapter M-17.2, r. 1);

WHEREAS it is expedient to amend the Terms and conditions of the signing of certain deeds, documents or writings of the Ministère de la Famille (chapter M-17.2, r. 2);

IT IS ORDERED, therefore, on the recommendation of the Minister of Families and the Minister responsible for Seniors and Anti-Bullying:

THAT the amendments to the Terms and conditions of the signing of certain deeds, documents or writings concerning the application of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine in respect of seniors and the status of women, and to the Terms and conditions of the signing of certain deeds, documents or writings of the Ministère de la Famille, attached to this Order in Council, be made;

THAT the amendments come into force on the date of its publication in the *Gazette officielle du Québec*.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Amendments to the Terms and conditions of the signing of certain deeds, documents or writings concerning the application of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine in respect of seniors and the status of women, and to the Terms and conditions of the signing of certain deeds, documents or writings of the Ministère de la Famille

An Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2, s. 17)

1. The Terms and conditions of the signing of certain deeds, documents or writings concerning the application of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine in respect of seniors and the status of women (chapter M-17.2, r. 1) is amended in the title by replacing “in respect of seniors and” by “in respect of”.

2. Section 9.4 is revoked.

3. The Terms and conditions of the signing of certain deeds, documents or writings of the Ministère de la Famille (chapter M-17.2, r. 2) is amended in section 2 by replacing subparagraph 1 of the first paragraph by the following:

“(1) calls for tenders and supply contracts for \$25,000 or less, except those related to telecommunications and information technologies;

(1.1) calls for tenders and services contracts for \$100,000 or less, except those related to telecommunications and information technologies;”.

4. Section 3 is amended

(1) by replacing “of the Direction générale de l’administration” in the part preceding paragraph 1 by “or the Director General of the Direction générale de l’administration et des technologies”;

(2) by replacing paragraph 1 by the following:

“(1) calls for tenders and supply contracts for \$25,000 or less, including those related to telecommunications and information technologies;

(1.1) calls for tenders and services contracts for \$100,000 or less, including those related to telecommunications and information technologies;”.

5. Section 4 is amended by replacing subparagraph 1 of the first paragraph by the following:

“(1) calls for tenders and supply contracts for \$15,000 or less, except those related to telecommunications and information technologies;

(1.1) calls for tenders and services contracts for \$50,000 or less, except those related to telecommunications and information technologies; and”.

6. Section 5 is amended by replacing subparagraph 1 of the first paragraph by the following:

“(1) calls for tenders and supply contracts for \$15,000 or less, except those related to telecommunications and information technologies;

(1.1) calls for tenders and services contracts for \$50,000 or less, except those related to telecommunications and information technologies; and”.

7. Section 6 is amended

(1) by replacing “Direction des ressources financières, matérielles et de la conformité” in the part preceding paragraph 1 by “Direction des ressources budgétaires, matérielles et du développement durable”;

(2) by replacing paragraph 1 by the following:

“(1) calls for tenders and supply contracts for \$15,000 or less, including those related to telecommunications but excluding those related to information technologies;

(1.1) calls for tenders and services contracts for \$50,000 or less, including those related to telecommunications but excluding those related to information technologies;”.

8. Section 7 is replaced by the following:

“7. In addition to the authorizations referred to in section 5, the Assistant Director General of the Direction générale adjointe des technologies de l’information is authorized to sign, for all the department’s activities,

(1) calls for tenders and supply contracts for \$20,000 or less related to telecommunications and information technologies; and

(2) calls for tenders and services contracts for \$75,000 or less related to telecommunications and information technologies.”.

9. Section 15 is amended by replacing “of the Direction générale de l’administration or the Director of the Direction des ressources financières, matérielles et de la conformité” in the part preceding paragraph 1 by “or the Director General of the Direction générale de l’administration et des technologies or the Director of the Direction des ressources financières et de la conformité”.

102542

Gouvernement du Québec

O.C. 215-2016, 23 March 2016

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

Construction industry —Election of a representative association by employees —Amendment

Regulation to amend the Regulation respecting the election of a representative association by employees of the construction industry

WHEREAS, under the second paragraph of section 32 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20), the election of a representative association by employees of the construction industry is made by secret ballot, as prescribed by regulation of the Government;

WHEREAS, under the first paragraph of section 35.2 of the Act, an employee whose name does not appear on the list prepared under section 30 of the Act may make known to the Commission de la construction du Québec, according to the procedure established by regulation of the Government, his or her election respecting one of the representative associations;

WHEREAS, under the second paragraph of section 35.3 of the Act, an employee who is deemed to have made an election respecting an association whose name has not been published or to maintain his or her election respecting such an association must, in accordance with the procedure established by regulation of the Government, make known to the Commission de la construction du Québec his or her election respecting one of the representative associations;

WHEREAS the Government made the Regulation respecting the election of a representative association by employees of the construction industry (chapter R-20, r. 4.1);

WHEREAS it is expedient to amend the Regulation;

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 election of a representative association by employees of the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 16 December 2015 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 responsible for Labour:

THAT the Regulation to amend the Regulation respecting the election of a representative association by employees of the construction industry, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the election of a representative association by employees of the construction industry

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, ss. 32, 35.2 and 35.3)

1. The Regulation respecting the election of a representative association by employees of the construction industry (chapter R-20, r. 4.1) is amended in section 8 by replacing “, the terms and conditions governing it and the method of updating a voter’s mailing address for the poll” in the first paragraph by “and the terms and conditions governing the poll”.

2. Section 11 is amended

(1) by replacing “seventh” in the first paragraph by “third”;

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

“The employee must request it between the third day and the tenth day following the date on which the poll begins.”.

3. Section 14 is amended

(1) by inserting “valid” before “document” in the first paragraph;

(2) by replacing “or another document recognized by government regulation made under section 337 of the Election Act (chapter E-3.3)” in the second paragraph by “another document recognized by government regulation made under section 337 of the Election Act (chapter E-3.3) or, if the employee is not a resident of Québec, an identification document including the employee’s name, photograph and signature, issued by the government of a province or territory of Canada or by an agency of such government”.

4. Section 15 is amended

(1) by adding the following at the end of the first paragraph:

“The employee must ensure that his or her ballot paper is received at the polling station before the counting of the votes.”.

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

“The use of a return envelope other than the one sent by the Commission does not entail rejection of the vote, provided that the envelope is also opaque and does not allow the identification of the employee.”.

5. Section 19 is replaced by the following:

“**19.** The counting of the votes begins on the business day that follows the end of the voting period, at the place determined by the returning officer.

“The returning officer informs each of the associations of the place of the counting at least 5 business days before the counting of the votes.”.

6. Section 20 is amended by replacing “observers, among which each association appoints its authorized representative. An association’s observer” by “an authorized representative. The authorized representative”.

7. Section 21 is replaced by the following:

“**21.** The authorized representative acts as observer during the counting of the votes.”.

8. Section 22 is revoked.

9. Section 23 is amended

(1) by replacing “each of the observers and specifying which observer is to act as the” by “its”;

(2) by replacing “each of the observers” by “its authorized representative”.

10. Section 26 is amended by replacing subparagraph 8 of the first paragraph by the following:

“(8) is not accompanied by a valid identification document provided for in section 14;

(9) includes a photocopy of the valid identification document provided for in section 14 that does not enable to clearly see the particulars and the employee’s photograph and signature, in contravention of the third paragraph of that section.”

11. Section 28 is replaced by the following:

“**28.** The deputy returning officer presents to the returning officer any ballot paper that, in his or her opinion, should be rejected pursuant to section 26 so that the returning officer may decide on its validity.”

12. Sections 29 and 30 are revoked.

13. Section 32 is amended

(1) by striking out paragraph 3;

(2) by striking out “, observers” in paragraph 4.

14. Section 34 is amended

(1) by replacing “sent to the returning officer at the address of destination of the return envelopes” in the first paragraph by “received at the address of the polling station”;

(2) by replacing “or received late is to be considered valid” in the second paragraph by “is to be considered valid, in particular after the employee’s intent and identity have been verified”.

15. Schedule II is amended by replacing

“UNDERTAKING BY THE AUTHORIZED REPRESENTATIVE AND OBSERVERS OF AN ASSOCIATION

I, the undersigned, acting as

(Indicate the position of observer or authorized representative)

for” by

“UNDERTAKING BY THE AUTHORIZED REPRESENTATIVE OF AN ASSOCIATION

I, the undersigned, acting as authorized representative for”.

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

102543

Draft Regulations

Draft ministerial order

Environment Quality Act
(chapter Q-2)

Fees payable — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Order to amend the Ministerial Order concerning the fees payable under the Environment Quality Act, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

The draft Order proposes an across-the-board increase in the fees currently payable for applications made under the Environment Quality Act (chapter Q-2), and clarifies a certain number of fees so that they reflect the actual costs incurred to process related applications.

It adds fees for projects to which environmental emission objectives apply owing to wastewater being discharged into the environment.

The Order also determines the fees to be paid for applications made for projects that concern the James Bay and Northern Québec region to which Chapter II of the Environment Quality Act applies.

The draft Order will have an incidence on enterprises, citizens, government departments and municipalities making applications under the Environment Quality Act.

Further information on the draft Order may be obtained by contacting Michèle Dumais, Direction des dossiers horizontaux et des études économiques, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 29^e étage, boîte 97, Québec (Québec) G1R 5V7, telephone: 418-521-3929, extension 4089; email: michele.dumais@mddelcc.gouv.qc.ca; fax: 418-644-3386.

Any person wishing to comment on the draft Order is requested to submit written comments within the 45-day period to Michèle Dumais using the contact information provided above.

DAVID HEURTEL,
*Minister of Sustainable Development,
Environment and the Fight against
Climate Change*

Order to amend the Ministerial Order concerning the fees payable under the Environment Quality Act

Environment Quality Act
(chapter Q-2, s. 31.0.1)

1. Section 2 of the Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28) is amended

(1) by replacing “\$2,847” in subparagraph *a* of paragraph 1 by “\$3,274”;

(2) by replacing “\$2,847” in subparagraph *b* of paragraph 1 by “\$3,274”;

(3) by replacing “\$5,694” in subparagraph *c* of paragraph 1 by “\$6,548” and “\$11,388” by “\$13,096”;

(4) by replacing “\$5,694” in subparagraph *d* of paragraph 1 by “\$6,548”;

(5) by replacing subparagraph *e* of paragraph 1 by the following:

“(e) subject to subparagraph *f*, an industrial establishment, a quarry, a sand pit or a mine: \$1,964, to which additional fees are added in the following cases:

“i. if, before issuing a certificate of authorization, the Minister in order to decide the environmental acceptability of the project must evaluate the toxicity of the contaminants discharged into the atmosphere by the industrial establishment, quarry, sand pit or mine, or under the fourth paragraph of section 22 of the Act requires an atmospheric dispersion study from the applicant: \$1,366; or

“ii. if environmental emission objectives apply to the project owing to wastewater being discharged into the environment: \$3,148;”;

(6) by replacing “\$569” in subparagraph *f* of paragraph 1 by “\$654”;

(7) by replacing “\$1,138” in subparagraph *g* of paragraph 1 by “\$1,309”;

(8) by replacing “\$5,694” in subparagraph *h* of paragraph 1 by “\$6,548” and “\$2,847” by “\$3,274”;

(9) by replacing “\$1,138” in subparagraph *i* of paragraph 1 by “\$1,309” and “\$569” by “\$654”;

(10) by replacing subparagraph *j* of paragraph 1 by the following:

“(j) the establishment or alteration with increase in capacity of a contaminated soil landfill: \$6,548 and for any other alteration of such a landfill: \$3,274, to which fees of \$2,320 are added if environmental emission objectives apply to the project owing to wastewater being discharged into the environment;”;

(11) by replacing subparagraph *k* of paragraph 1 by the following:

“(k) the establishment of a contaminated soil treatment facility: \$6,548 in the case of a thermal treatment unit or \$3,274 in the case of a biological or physico-chemical treatment unit; for any alteration of such a facility: \$3,274 in the case of a thermal treatment unit or \$1,636 in the case of a biological or physico-chemical treatment unit; fees of \$2,320 are added if environmental emission objectives apply to the project owing to wastewater being discharged into the environment;”;

(12) by replacing “\$5,694” in subparagraph *l* of paragraph 1 by “\$6,548” and “\$2,847” by “\$3,274”;

(13) by replacing subparagraph *m* of paragraph 1 by the following:

“(m) the establishment of an engineered landfill, a construction or demolition waste landfill or a residual materials incineration facility: \$6,548; for an alteration with increase in capacity of such a landfill or facility: \$3,274; for any other alteration of such a landfill or facility: \$1,309; fees of \$2,320 are added if environmental emission objectives apply to the project owing to wastewater being discharged into the environment;”;

(14) by replacing “\$2,847” in subparagraph *n* of paragraph 1 by “\$3,274”, “\$1,423” by “\$1,636” and “\$1,138; or” by “\$1,309;”;

(15) by replacing “\$1,138” in subparagraph *o* of paragraph 1 by “\$1,309” and “\$569;” by “\$654; or”;

(16) by adding the following after subparagraph *o* of paragraph 1:

“(p) exploration for petroleum and natural gas in shale formations by drilling or by fracturing operations: \$18,750; and”;

(17) by replacing “\$569” in the introductory portion of paragraph 2 by “\$654”.

2. Section 3 is amended by replacing “\$569” by “\$654”.

3. Section 4 is amended

(1) by replacing “\$1,138” in subparagraph *a* of paragraph 1 by “\$1,309”;

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

“(b) installation of a municipal wastewater treatment facility serving 1,000 persons or more: \$2,621; installation of a municipal wastewater treatment facility serving fewer than 1,000 persons or installation of any other domestic wastewater treatment facility: \$654. If environmental emission objectives apply to the project owing to wastewater being discharged into the environment, the following fees are added:

i. for a project involving installation of a wastewater treatment facility with an average annual flow rate equal to or lower than 20 m³ per day: \$287;

ii. for a project involving installation of a wastewater treatment facility with an average annual flow rate greater than 20 m³ per day but equal to or lower than 2,500 m³ per day: \$1,231; and;

iii. for a project involving installation of a wastewater treatment facility with an average annual flow rate greater than 2,500 m³ per day: \$1,930;”;

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

“(c) installation of a wastewater treatment facility for an industrial establishment, a quarry, a sand pit or a mine: \$1,309; fees of \$3,148 are added if environmental emission objectives apply to the project owing to wastewater being discharged into the environment; or

“(d) installation of a wastewater treatment facility for any other project not expressly covered by subparagraph *b* or *c*: \$654; fees of \$2,320 are added if environmental emission objectives, owing to wastewater being discharged into the environment, apply to a project involving a landfill, a contaminated soil treatment site or an engineered landfill; and”;

(4) by replacing “\$569” in paragraph 2 by “\$654”.

4. Section 5 is amended

(1) by replacing “mine is \$1,138” by “mine is \$1,309”;

(2) by striking out “Additional fees of \$1,138 are payable where the issue of a certificate of authorization for such a project is subject to the determination of environmental emission objectives due to contaminants emitted into the atmosphere.”;

(3) by adding the following paragraph:

“Fees are added to those set out in the first paragraph if, before issuing a certificate of authorization, the Minister in order to decide the environmental acceptability of the project must evaluate the toxicity of the contaminants discharged into the atmosphere or requires an atmospheric dispersion study from the applicant: \$1,366;”.

5. Section 6 is amended by replacing “\$2,279” by “\$2,621”.

6. Section 7 is amended by replacing “\$569” by “\$654”.

7. Section 8 is amended

(1) by replacing “\$1,477” in subparagraph 1 of the first paragraph by “\$1,699”;

(2) by replacing “\$2,047” in subparagraph 2 of the first paragraph by “\$2,354”;

(3) by replacing “\$3,288” in subparagraph 3 of the first paragraph by “\$3,781”.

8. Section 8.1 is amended

(1) by replacing “\$570” in subparagraph 1 of the first paragraph by “\$656”;

(2) by replacing “\$855” in subparagraph 2 of the first paragraph by “\$983”;

(3) by replacing “\$1,477” in subparagraph 3 of the first paragraph by “\$1,699”.

9. The Order is amended by replacing the heading of Division II by the following: “AUTHORIZATIONS RELATING TO PROJECTS SUBJECT TO THE ENVIRONMENTAL IMPACT ASSESSMENT AND REVIEW PROCEDURE”.

10. Section 9 is revoked.

11. Section 10 is replaced by the following:

“**10.** The following fees are payable by applicants for a certificate of authorization issued under section 31.5 of the Act, according to the rate class that applies to the project:

Steps in the environmental impact assessment and review procedure	Rate classes			
	1	2	3	4
1. Filing of the notice under section 31.2 of the Act	\$1,366	\$1,366	\$1,366	\$1,366
2. Impact statement under section 31.2 of the Act	\$5,464	\$19,128	\$32,792	\$46,458
3. Public information and consultation stage under the first paragraph section 31.3 of the Act	\$1,366	\$4,782	\$8,198	\$11,615
4. Public hearing under the third paragraph of section 31.3 of the Act	\$0	\$47,027	\$80,617	\$114,208
Total without public hearing	\$8,196	\$25,276	\$42,356	\$59,439
Total with public hearing	\$8,196	\$72,303	\$122,973	\$173,647

Schedule I determines the rate class for each class or subclass of projects listed in the Schedule.

If the application is for a project that is not listed in that Schedule but that is subject to the procedure under Division IV.1 of Chapter I of the Act, the fees for class 4 are payable.

“**10.1.** The following fees are payable by applicants for a certificate of authorization issued under section 160 or 196 of the Act, according to the rate class that applies to the project:

Steps in the environmental impact assessment and review procedure	Rate classes			
	1	2	3	4
1. Transmission to the Minister of the preliminary information under section 156 of the Act	\$1,366	\$1,366	\$1,366	\$1,366
2. Impact statement under the second paragraph of section 160 and the first paragraph of section 196 of the Act	\$6,830	\$23,910	\$40,990	\$58,073
Total with or without public hearing	\$8,196	\$25,276	\$42,356	\$59,439

Schedule II determines the rate class for each class or subclass of projects listed in the Schedule.

If the application is for a project that is not listed in that Schedule but that is subject to the procedure under subdivision 3 of Division II of Chapter II of the Act or the procedure under subdivision 3 of Division III of Chapter II of the Act, the rate classes set out in Schedule III apply or, if the project is not listed in either Schedule II or Schedule III, the fees for class 1 are payable.

Fees of \$1,366 are payable by an applicant for an attestation of exemption issued under paragraph *b* of section 154 or paragraph *b* of section 189 of the Act for a project not listed in either Schedule A or Schedule B to the Act or in Schedule III to this Order.”

12. Section 11 is amended by replacing the first paragraph by the following:

“**11.** Fees of \$2,800 are payable by an applicant for a certificate of authorization issued for a project that is wholly or partly exempt from the environmental impact assessment and review procedure under section 31.6 of the Act.

The fees set out in section 10 are added for each of the steps in the procedure that remain applicable.”

13. Section 12 is replaced by the following:

“**12.** The fees payable by an applicant for a certificate of authorization issued under section 31.5, 160 or 196 of the Act for a project covered by more than one rate class in Schedule I, II or III are,

(1) for applications under section 31.5, the fees set out in section 10 for the highest rate class that applies to the project; and

(2) for applications under section 160 or 196, the fees set out in section 10.1 for the highest rate class that applies to the project.

The fees payable by an applicant for a certificate of authorization issued for a project that is partly exempted from the environmental impact assessment and review procedure under section 31.6 of the Act and that is covered by more than one rate class in Schedule I are, for each of the steps in the procedure that remain applicable, the fees set out in section 10 for the highest rate class that applies to the project.”

14. Section 13 is replaced by the following:

“**13.** The following fees are payable by an applicant for an amendment under section 122.2 of the Act to a certificate of authorization issued under section 31.5 or 31.6 of the Act:

Type of amendment	Rate classes			
	1	2	3	4
1. Amendment to support documents or information already filed with an application and not involving capacity, production or a process change, or having no environmental impact	\$1,366	\$1,366	\$1,366	\$1,366
2. Amendment involving capacity, a production increase or a process change	\$4,098	\$12,638	\$21,178	\$29,720
3. Rate for any other amendment	\$2,732	\$9,564	\$9,564	\$9,564

Schedule I determines the rate class for each class or subclass of projects listed in the Schedule.

If the application is for a project that is not listed in that Schedule but that is subject to the procedure under Division IV.1 of Chapter I of the Act, the fees for class 4 are payable.

“**13.1.** The following fees are payable by an applicant for an amendment under section 122.2 of the Act to a certificate of authorization issued under section 164 or 201 of the Act:

Type of amendment	Rate classes			
	1	2	3	4
1. Amendment to support documents or information already filed with an application and not involving capacity, production or a process change, or having no environmental impact	\$1,366	\$1,366	\$1,366	\$1,366
2. Amendment involving capacity, a production increase or a process change	\$4,098	\$12,638	\$21,178	\$29,720
3. Rate for any other amendment	\$2,732	\$9,564	\$9,564	\$9,564

Schedule II determines the rate class for each class or subclass of projects listed in that Schedule.

If the application is for a project that is not listed in that Schedule but that is subject to the procedure under subdivision 3 of Division II of Chapter II of the Act or the procedure under subdivision 3 of Division III of Chapter II of the Act, the rate classes in Schedule III apply to each project class listed or, if the project is not listed in either Schedule II or Schedule III, the fees for class 1 are payable.”

15. Section 14 is amended by replacing “\$9,507” by “\$10,933” and “\$4,754” by “\$5,467”.

16. Section 15 is amended

- (1) by replacing “\$1,138” in paragraph 1 by “\$1,309”;
- (2) by replacing “\$3,417” in paragraph 2 by “\$3,930”;
- (3) by replacing “\$9,109” in paragraph 3 by “\$10,475”.

17. Section 16 is amended by replacing “\$11,388” by “\$13,096”.

18. Section 17 is amended

- (1) by replacing “\$2,847” in paragraph 1 by “\$3,274”;
- (2) by replacing “\$569” in paragraph 2 by “\$654”.

19. Section 18 is replaced by the following:

“**18.** The following fees are payable by an applicant for a permit issued under section 70.9 of the Act:

- (1) for a project involving

(a) the operation for commercial purposes of a physical, chemical, physico-chemical or biological treatment process for hazardous materials that are used, spent or outdated, or that appear on a list established for that purpose by regulation or belong to a class mentioned on the list: \$3,274;

(b) the storage of hazardous materials described in paragraph 2 of section 70.9 of the Act after possession has been taken of them for that purpose: \$3,274; or

(c) the carrying on of an activity determined by regulation involving a hazardous material: \$3,274; and

(2) for a project involving

(a) the operation of a hazardous materials disposal site for the applicant’s own purposes or for another person, or the offering of a hazardous materials disposal service: \$6,548;

(b) the operation for commercial purposes of a thermal treatment process for hazardous materials that are used, spent or outdated, or that appear on a list established for that purpose by regulation or belong to a class mentioned on the list: \$6,548; or

(c) the use of hazardous materials described in paragraph 2 of section 70.9 of the Act for energy generation after possession has been taken of them for that purpose: \$6,548.”

20. Section 19 is replaced by the following:

“**19.** The following fees are payable by an applicant for a modification to a permit under section 70.16 of the Act:

(1) if the purpose of the modification is to increase the nominal capacity of an activity or the total capacity of a facility (final disposal, storage) by more than 35%:

(a) for a project covered by paragraph 1 of section 18: \$1,661; or

(b) for a project covered by paragraph 2 of section 18: \$3,322; and

(2) for any other modification not expressly covered by paragraph 1 that involves

(a) a project covered by paragraph 1 of section 18: \$1,234; or

(b) a project covered by paragraph 2 of section 18: \$1,708.”

21. Section 20 is amended

- (1) by replacing “\$2,279” in paragraph 1 by “\$2,621”;
- (2) by replacing “\$3,417” in paragraph 2 by “\$3,930”;
- (3) by replacing “\$4,553” in paragraph 3 by “\$5,236”;
- (4) by replacing “\$5,694” in paragraph 4 by “\$6,548”.

22. Section 21 is amended by replacing “\$285” in the first paragraph by “\$328”.

23. Section 22 is amended by replacing “\$569” by “\$654”.

24. Section 23 is amended by inserting “or section 10.1” in the second paragraph after “section 10” and by replacing “the 3 steps” in that paragraph by “the steps”.

25. Section 25 is amended by replacing “\$1,138” by “\$1,309”.

26. Section 29 is revoked.

27. Schedule I is amended

(1) by replacing “(ss. 10, 11 and 12)” by “(ss. 10, 11, 12 and 13)”;

(2) by replacing “- metalliferous ore or asbestos ore, where the processing capacity of the plant is 7,000 metric tons or more per day” in paragraph *n.8* of the first column in the table by “- metalliferous ore or asbestos ore, where the processing capacity of the plant is 2,000 metric tons or more per day, except for rare earths”;

(3) by adding “- rare earth minerals” under “- uranium ore” in paragraph *n.8* of the first column in the table, to which rate class 4 applies;

(4) by replacing “- a metal mine or an asbestos mine that has a production capacity of 7,000 metric tons or more per day” in paragraph *p* of the first column in the table by “- a metal mine or an asbestos mine that has a production capacity of 2,000 metric tons or more per day, except for rare earths”;

(5) by adding “- a rare earth mine” under “- a uranium mine” in paragraph *p* of the first column in the table, to which rate class 4 applies.

28. The Order is amended by adding the following after Schedule I:

"SCHEDULE II

(ss. 10.1, 12 and 13.1)

RATE CLASSES FOR PROJECTS AUTOMATICALLY SUBJECT TO THE ENVIRONMENTAL IMPACT ASSESSMENT AND REVIEW PROCEDURE UNDER DIVISIONS II AND III OF CHAPTER II OF THE ACT

Classes of projects for rate class purposes	Rate classes			
	1	2	3	4
PROJECTS LISTED IN SCHEDULE A TO THE ACT				
Paragraph (a) All mining developments, including additions to, alterations or modifications of existing mining developments: - New project, alterations - Additions				X
Paragraph (b) All borrow, sand and gravel pits and quarries, with areas of or over 3 hectares	X			
Paragraph (c) All hydro-electric power plants and nuclear installations and their associated works				X
Paragraph (d) All storage and water supply reservoirs related to works intended to produce electricity	X			
Paragraph (e) All electric power transmission lines of over 75 kV				X
Paragraph (f) All operations or installations related to the extraction or processing of energy yielding materials			X	
Paragraph (g) All fossil-fuel fired power generating plants with a calorific capacity of or above 3,000 kW;			X	
Paragraph (h) Any road or branch of such road of at least 25 km in length which is intended for forestry operations for a period of at least 15 years				X
Paragraph (i) All wood, pulp and paper mills or other plants for the transformation or the treatment of forest products			X	

Paragraph (j) All land use projects which affect more than 65 km ²			X	
Paragraph (k) All sanitary sewage systems including more than 1 km of piping and all waste water treatment plants designed to treat more than 200 kl of waste water per day		X		
Paragraph (l) All systems for the collection and disposal of residual materials, except mine tailings and hazardous materials		X		
Paragraph (m) All projects for the creation of parks or ecological reserves			X	
Paragraph (n) All outfitting facilities designed to accommodate at one time 30 persons or more, including networks of outpost camps	X			
Paragraph (o) The delimitation of the territory of any new community or municipality and any expansion of 20% or more of their total territory or their urbanized areas		X		
Paragraph (p) All access roads to a locality or road network contemplated for a new development				X
Paragraph (q) All port and harbour facilities, railroads, airports, pipelines, or dredging operations for the improvement of navigation:				
- work related to a harbour facility		X		
- construction of a railroad				X
- siting of an airport		X		
- construction of a pipeline				X
- dredging operations for the improvement of navigation	X			

SCHEDULE III

(ss. 10.1, 12 and 13.1)

RATE CLASSES FOR PROJECTS AUTOMATICALLY SUBJECT TO THE ENVIRONMENTAL IMPACT ASSESSMENT AND REVIEW PROCEDURE UNDER DIVISIONS II AND III OF CHAPTER II OF THE ACT, BUT NOT LISTED IN SCHEDULE A TO THE ACT

Classes of projects for rate class purposes	Rate classes			
	1	2	3	4
PROJECTS INVOLVED				
(a) All borrow, sand and gravel pits and quarries with an area of less than 3 hectares, not in use solely for the purposes of road maintenance	X			
(b) All mining exploration activity not covered by paragraph g of Schedule B to the Act		X		
(c) All activity relating to improvement of the quality of life of local residents that is not covered by paragraph d of Schedule B to the Act	X			
(d) All facilities not covered by paragraph q of Schedule A to the Act that relate to nautical activities	X			
(e) All training activities	X			
(f) All activities of a military or ballistics nature	X			
(g) All energy generation projects not covered by paragraph c, d, e, f or g of Schedule A to the Act or by paragraph c of Schedule B to the Act			X	
(h) All energy conversion projects	X			
(i) All installations of wastewater treatment facilities and all drinking water supply systems not covered by paragraph k of Schedule A to the Act or by paragraph f of Schedule B to the Act	X			
(j) All road infrastructure not covered by paragraphs h and p of Schedule A to the Act	X			
(k) All decontamination, restoration and rehabilitation activities and associated activities	X			
(l) All solid waste management activities in a remote area	X			
(m) All temporary or permanent runways in a remote area	X			
(n) All bank stabilization or habitat protection projects	X			
(o) All plant and wildlife development projects	X			
(p) All petroleum depot management projects	X			
(q) All animal production projects			X	

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

102546

Draft Regulation

Food Products Act
(chapter P-29)

Fresh fruits and vegetables — Revocation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to revoke the Regulation respecting fresh fruits and vegetables, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation revokes the Regulation respecting fresh fruits and vegetables (chapter P-29, r. 3).

Study of the matter has shown no overall economic impact on enterprises, in the absence of direct costs for bringing into conformity, of costs related to administrative formalities and of costs for shortfalls.

Further information may be obtained by contacting Eduardo Diaz, Direction des stratégies d'inspection et de la réglementation, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 11^e étage, Québec (Québec) G1R 4X6; telephone: 418 380-2100; fax: 418 380-2169.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Christine Barthe, person in charge, Sous-ministériat à la santé animale et à l'inspection des aliments, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

PIERRE PARADIS,
Minister of Agriculture, Fisheries and Food

Regulation to revoke the Regulation respecting fresh fruits and vegetables

Food Products Act
(chapter P-29, s. 40)

1. The Regulation respecting fresh fruits and vegetables (chapter P-29, r. 3) is revoked.

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

102545

Draft regulation

Supplemental Pension Plans Act
(chapter R-15.1)

Pension Plan — 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 supplemental pension plans, appearing below, may be submitted to the Government for approval 30 days following this publication.

The draft Regulation provides the table that must be used to determine the level of the stabilization provision for a pension plan. It also provides the information that the pension committee must submit to Retraite Québec to inform it of the plan's financial situation at the end of a fiscal year of a pension plan for which no actuarial valuation is required.

Under section 12 of the Regulations Act, this draft Regulation may be approved before the expiry of the 45-day period provided for under section 11 of that Act. The government is of the opinion that the shorter time period is justified by the fact that the stabilization provision must be established in actuarial valuations as at 31 December 2015, which are required for all pension plans to which Chapter X of the Supplemental Pension Plans Act (chapter R-15.1) applies.

The effects of this draft Regulation on businesses, particularly on small businesses, are the same as those for the requirement to fund a stabilisation provision under Act to amend the Supplemental Pension Plans Act, mainly with respect to the funding of defined benefit pension plans (2015, chapter 29).

Further information may be obtained from Mr. Patrick Provost, Retraite Québec, Place de la Cité, 2600, boulevard Laurier, Québec (Québec) G1V 4T3 (telephone: 418 643-8282; fax: 418 643-7421; email: patrick.provost@retraitequebec.gouv.qc.ca).

Any person wishing to comment on the draft Regulation is asked to send his or her comments in writing before the expiry of the 30-day period mentioned above to Mr. Michel Després, President and Chief Executive Officer of Retraite Québec, Place de la Cité, 2600, boulevard Laurier, 5^e étage, Québec (Québec) G1V 4T3. Comments will be forwarded by Retraite Québec to the Minister of Finance, who is responsible for the application of the Supplemental Pension Plans Act.

CARLOS LEITÃO,
Minister of Finance

Regulation to amend the Regulation respecting supplemental pension plans

Supplemental Pension Plans Act
(chapter R-15.1, s. 244, 1st par., subpars. 8.0.1 and 8.0.2)

An Act to amend the Supplemental Pension Plans Act mainly with respect to the funding of defined benefit pension plans
(2015, chapter 29, s. 76)

1. The Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) is amended by inserting, after section 3, the following:

“**3.1.** The notice that the pension committee must send Retraite Québec under section 119.1 of the Act shall contain the following information:

- (1) the name of the plan and the number assigned to it by Retraite Québec;
- (2) the date of the end of the plan’s last fiscal year;
- (3) the degree of solvency of the plan as at that date.

“**3.2.** The notice must be accompanied with a document, prepared by an actuary, containing the following information:

- (1) the data, assumptions and methods used to determine the financial position of the plan on a solvency basis;
- (2) a certification of the actuary certifying the plan’s degree of solvency at the end of the plan’s last fiscal year;

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

2. The Regulation is amended by inserting, after section 60.5, the following division:

“DIVISION VI.2 “STABILIZATION PROVISION

“**60.6.** The target level of the stabilization provision provided for under section 125 of the Act is determined using the following scale, based on the percentage of the assets allocated to variable-yield investments in accordance with the target set out in the plan’s investment policy in effect at the date of the actuarial valuation of the plan, and the ratio between the duration of the assets and the duration of the liabilities at that date:

TARGET LEVEL OF THE STABILIZATION PROVISION (%)

		Duration of the assets/Duration of the liabilities (%)				
		0	25	50	75	100
Assets allocated to variable-income securities (%)	0	12	10	8	6	4
	20	14	12	10	8	6
	40	16	14	12	10	8
	50	17	15	13	11	9
	60	19	17	15	13	11
	70	22	20	18	16	14
	80	24	22	20	18	16
	100	27	25	23	21	20

Assets allocated to variable-income securities are those not allocated to fixed-income investments.

Where the percentage of the assets of the plan allocated to variable-income securities investments or the ratio between the duration of the assets and the duration of the liabilities is between two percentage points indicated on the scale, the target level of the stabilization provision is calculated using a linear interpolation and rounded off to the first decimal.

“**60.7.** For the purposes of this Division, fixed-income securities are:

- (1) cash on hand;
- (2) money market securities whose rating, attributed by a rating agency referred to in the third paragraph, is the one indicated with regard to that agency or a higher rating;
- (3) bond market securities whose rating, attributed by a rating agency referred to in the third paragraph, is the one indicated with regard to that agency or a higher rating;
- (4) first or second mortgages the amount of which is not more than 75% of the value of the property that is used as a security for the payment.

Up to 50% of the assets invested directly in infrastructure or in immovables (real estate) can be considered as fixed-income investments.

The minimum ratings, by rating agency and type of investment, are as follows:

Rating agency	Rating	
	Bond market securities	Money market securities
DBRS	BBB	R-2 (middle)
Fitch Ratings	BBB-	F-3
Moody's Investors Service	Baa3	P-3
Standard & Poor's	BBB-	A-3

Investments whose rating attributed by another rating agency recognized by a competent authority is at least equal to the one indicated for the agencies mentioned in the third paragraph can be considered as fixed-income investments.

“60.8. The duration of the assets is determined by the actuary who is responsible for carrying out the actuarial valuation. It is equal to the total of the durations of each of the fixed-income securities provided for in the investment policy weighted on the basis of the target determined for that investment in the policy.

The duration of each investment is calculated by the individual who invests any part of the plan's assets.

The duration attributed to an investment in infrastructure or in immovables (real estate) shall not exceed 6.

“60.9. The duration of the liabilities is established by the actuary responsible for carrying out the actuarial valuation using the following formula:

$$(P - P_+) / (2 * P * 0,01)$$

where

“P” is the value of the liabilities on a funding basis, as at the date of the actuarial valuation, established using the discount rate determined by the actuary;

“P₋” is the same value of the liabilities established using the discount rate minus 1%;

“P₊” is the same value of the liabilities established using the same discount rate plus 1%.

For the application of this section, the liabilities of the plan must be increased by the value of the additional obligations resulting from any amendment considered for the first time at the date of the actuarial valuation of the plan.”

2. 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 1 January 2016.

102544

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

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