

**Gazette**  
officielle  
**DU Québec**

**Part**

**2**

**No. 29**

20 July 2016

**Laws and Regulations**

Volume 148

**Summary**

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Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
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## Regulations and other Acts

Gouvernement du Québec

### O.C. 643-2016, 6 July 2016

Food Products Act  
(chapter P-29)

#### Food — Amendment

Regulation to amend the Regulation respecting food

WHEREAS, under paragraph *a* of section 40 of the Food Products Act (chapter P-29), the Government may, by regulation, prescribe rules respecting the sale of a product;

WHEREAS, under paragraph *e* of section 40 of the Act, the Government may, by regulation, establish categories of products, require the grading of products and set standards of composition, quality and colour;

WHEREAS, under paragraph *j* of section 40 of the Act, the Government may, by regulation, prescribe rules respecting containers and in particular their size, capacity and characteristics, the inscriptions, labelling or packaging of products;

WHEREAS the Government made the Regulation respecting food (chapter P-29, r. 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 food was published in Part 2 of the *Gazette officielle du Québec* of 30 March 2016 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 with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting food, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting food

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

**1.** The Regulation respecting food (chapter P-29, r. 1) is amended in section 8.1.1 by replacing “or” in paragraph *k* by “and”.

**2.** Sections 8.2.3 and 8.2.4 are amended by replacing “material” by “materials”.

**3.** The heading of Division 8.4 of Chapter 8 is replaced by the following: “MAPLE SYRUP CATEGORIES, COMPOSITION STANDARDS AND QUALITY STANDARDS”.

**4.** The following is added after the heading of Division 8.4 of Chapter 8:

“**8.4.0.1.** The categories of maple syrup are

- (1) “Category A”;
- (2) “Processing Category”.”.

**5.** Section 8.4.1 is amended

(1) by replacing the part preceding paragraph *a* by the following:

““Category A” maple syrup must meet the following requirements:”;

(2) by replacing paragraph *a* by the following:

“(a) be produced exclusively by the concentration of maple sap or by the dilution or solution of a maple product, other than maple sap, in drinking water;”;

(3) by replacing paragraph *e* by the following:

“(e) not have undergone fermentation and be free from mould;”;

(4) by replacing paragraph *g* by the following:

“(g) have, in dry soluble extracts at 20°C, a minimum content of 66% and a maximum content of 68.9%.”;

- (5) by striking out paragraph *h*;
- (6) by striking out paragraph *i*;
- (7) by adding the following second paragraph:  
 ““Category A” maple syrup must also meet the requirements in Schedule 8.A to this Regulation.”.

**6.** The following is added after section 8.4.1:

**“8.4.1.1.** Maple syrup, other than “Category A” maple syrup, may be graded as “Processing Category” if it meets the following requirements:

- (a) be produced exclusively by the concentration of maple sap or the dilution or solution of a maple product, other than maple sap, in drinking water;
- (b) be clean, wholesome and edible;
- (c) have a minimum content in dry soluble extracts of 66% at 20°C.”.

**7.** The second paragraph of section 8.4.2 is struck out.

**8.** Section 8.4.3 is amended

- (1) by replacing paragraph *a* by the following:

“(a) be produced exclusively by the concentration of maple sap or maple syrup, or the dilution or solution of a maple product, other than maple sap, in drinking water;”;

- (2) by replacing paragraph *e* by the following:

“(e) not have undergone fermentation and be free from mould;”;

- (3) by striking out paragraph *h*.

**9.** Section 8.4.4 is amended by striking out “kept for retail or” in the second paragraph.

**10.** The heading of Division 8.5 of Chapter 8 is amended by replacing “COMPULSORY GRADING AND INSPECTION” by “GRADING”.

**11.** Section 8.5.1 is replaced by the following:

**“8.5.1.** Maple syrup may be graded only on the following conditions:

- (a) meet the provisions of section 8.4.1 or 8.4.1.1;

(b) in the case of maple syrup referred to in section 8.4.1, have determined its colour grade in accordance with Schedule 8.B.

Maple syrup must be graded by the maple grove operator or the maker.”.

**12.** The heading of Division 8.6 of Chapter 8 is replaced by the following: “STANDARDS RESPECTING THE SALE, CONTAINERS AND PACKAGINGS”.

**13.** Section 8.6.1 is amended

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

“Maple products intended for retail must be sold in a small container. In the case of maple syrup, only “Category A” maple syrup may be sold at retail.”;

- (2) by adding “graded “Category A”” after “maple syrup” in the second paragraph;

- (3) by replacing “*a, b, c, e* and *f*” in the second paragraph by “*a, c* and *d*”.

**14.** Section 8.6.2 is replaced by the following:

**“8.6.2.** Small containers containing a maple product must be new and made of nontoxic materials.”.

**15.** The following is added after section 8.6.5:

**“8.6.5.1.** Maple syrup graded “Processing Category” must be placed in a large container.”.

**16.** Section 8.6.6 is amended by adding the following paragraph after the second paragraph:

“Large containers of maple syrup graded “Processing Category” must be identified by the name “maple syrup” followed by the designation “Processing Category”.”.

**17.** Section 8.7.1 is replaced by the following:

**“8.7.1.** Small maple product containers with a capacity greater than 60 ml or with a mass greater than 60 g must bear, on their main surface, in conspicuous, indelible and legible characters in conformity with Schedule 8.C, the following inscriptions:

- (a) the name of the product followed, in the case of maple syrup, by its designation and its colour grade;

(b) the exact indication of the net quantity expressed in litre or in kilogram or, if less than 1 litre, in millilitres or, if less than 1 kg, in grams;

(c) the indication of the origin;

(d) the name and address of the maple grove operator, maker, preparer, conditioner, packager, supplier or distributor.

The inscriptions provided for in subparagraphs *c* and *d* of the first paragraph may appear on a surface other than the main surface.”.

**18.** Section 8.7.2 is amended by striking out “Table B of”.

**19.** Section 8.7.3 is revoked.

**20.** Section 8.7.4 is amended

(1) by striking out “As of 1 January 1981,” in the first paragraph;

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

“The packaging in which are placed the small containers referred to in the first paragraph must bear, directly or on its label, the following inscriptions:

(a) the name of the product;

(b) the indication of the origin;

(c) the name and address of the maple grove operator, maker, preparer, conditioner, packager, supplier or distributor;

(d) the number of small containers it contains and the net quantity in each.”.

**21.** Section 8.7.5 is amended by replacing “8.7.1, 8.7.3 and 8.7.4” by “8.7.1 and 8.7.4”.

**22.** The following is added after section 8.7.7:

“**8.7.8.** A maple grove operator or maker who grades maple syrup must, in addition to the requirements provided for in this Chapter, identify the graded maple syrup containers using a lot number or production code in conspicuous, indelible and legible characters.”.

**23.** Section 8.8.3 is amended by striking out “As of 1 January 1981,” in the first paragraph.

**24.** Section 8.8.4 is amended by striking out “does not contain more than 15% water and” in the first paragraph.

**25.** Section 8.8.6 is revoked.

**26.** Schedule 8.A is replaced by the following:

“**SCHEDULE 8.A**  
(s. 8.4.1)

REQUIREMENTS RESPECTING “CATEGORY A”  
MAPLE SYRUP

**1.** “Category A” maple syrup must meet the following requirements:

(a) be clear, of a uniform colour and free from sediment and from any cloudiness or turbidity;

(b) be of one of the following colour grades:

i. golden, delicate taste;

ii. amber, rich taste;

iii. dark, robust taste;

iv. very dark, strong taste;

(c) have a maple flavour characteristic of its colour grade and be free from insoluble calcium malate, caramel or sap taste and any objectionable odour or taste.”.

**27.** Schedule 8.B is replaced by the following:

“**SCHEDULE 8.B**  
(ss. 8.5.1 and 8.7.2)

COLOUR GRADES OF “CATEGORY A”  
MAPLE SYRUP

**1.** The determination of the light transmission of “Category A” maple syrup is made with a spectrophotometer equipped with optical cells with parallel windows having a 10 mm path length at a wavelength of 560 nm, the colour values being expressed in percentage of light transmission, using as a reference glycerol with an analytical purity representing 100% of transmission.

2. “Category A” maple syrup is of the colour grade mentioned in column I of the table where its percentage of light transmission corresponds to that of column II.

Column I Colour grade	Column II Percentage of light transmission	
Golden, delicate taste	not less than	75.0
Amber, rich taste	less than but at least	75.0 50.0
Dark, robust taste	less than but at least	50.0 25.0
Very dark, strong taste	less than	25.0

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

However, the sale of maple syrup meeting the former provisions of Chapter 8 of the Regulation respecting food is allowed until 12 December 2017.

102690

Gouvernement du Québec

## O.C. 644-2016, 6 July 2016

Food Products Act  
(chapter P-29)

### Fresh fruits and vegetables —Revocation

Regulation to revoke the Regulation respecting fresh fruits and vegetables

WHEREAS, under paragraph *a* of section 40 of the Food Products Act (chapter P-29), the Government may, by regulation, prescribe rules respecting the sale of a product, the preservation, handling, preparation, conditioning, transportation or storing of a product with intent to sell it;

WHEREAS, under paragraph *b* of section 40 of the Act, the Government may, by regulation, prohibit or regulate the use of substances capable of impairing the quality or wholesomeness of a product;

WHEREAS, under paragraph *e* of section 40 of the Act, the Government may, by regulation, establish classes, categories, appellations, qualifiers or designations of products and prohibit any unlawful use thereof, require the grading of products and set standards of composition, form, quality, wholesomeness, colour and presentation;

WHEREAS, under paragraph *j* of section 40 of the Act, the Government may, by regulation, prescribe rules respecting containers and in particular their size, capacity and characteristics, the inscriptions, labelling or packaging of products;

WHEREAS the Government made the Regulation respecting fresh fruits and vegetables (chapter P-29, r. 3);

WHEREAS it is expedient to revoke the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to revoke the Regulation respecting fresh fruits and vegetables was published in Part 2 of the *Gazette officielle du Québec* of 6 April 2016 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 Agriculture, Fisheries and Food:

THAT the Regulation to revoke the Regulation respecting fresh fruits and vegetables, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

### 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*.

102691



Gouvernement du Québec

## O.C. 678-2016, 6 July 2016

Sustainable Forest Development Act  
(chapter A-18.1)

### Forest Protection — Amendment

Regulation to amend the Forest Protection Regulation

WHEREAS, under paragraph 1 of section 195 of the Sustainable Forest Development Act (chapter A-18.1), the Government may, by regulation, determine the reimbursement mechanisms for expenses incurred in forest fire suppression operations;

WHEREAS, under paragraph 1 of section 210 of the Act, the Government may, by regulation, determine the reimbursement mechanisms for expenses incurred to implement action plans against destructive insects and cryptogamic diseases;

WHEREAS the Government made the Forest Protection Regulation (chapter A-18.1, r. 10.1);

WHEREAS, under section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made without having been published, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec*, where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force for the Regulation to amend the Forest Protection Regulation, attached to this Order in Council:

— the amendments made by the Regulation establish an assistance measure for the forest industry that will gradually reduce the assessment it must pay regarding expenses incurred in forest fire suppression operations and expenses to implement action plans against destructive insects or cryptogamic diseases;

— those costs will begin to accrue with the next season soon to begin;

— since the forest industry is already severely affected by the current market conditions, any delay in the coming into force of the Regulation would expose the industry to additional expenses, which could entail layoffs and plant closures in the regions;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Forest Protection Regulation, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Forest Protection Regulation

Sustainable Forest Development Act  
(chapter A-18.1, s. 195, par. 1, and s. 210, par. 1)

**1.** The Forest Protection Regulation (chapter A-18.1, r. 10.1) is amended by replacing section 1 by the following:

“**1.** The rate of reimbursement of expenses incurred in forest fire suppression operations by an organization responsible for protecting forests is fixed as follows:

(1) as of 20 July 2016, at 62.5%;

(2) as of 1 April 2017, at 75%;

(3) as of 1 April 2018, at 100%.”.

**2.** Section 2 is replaced by the following:

“**2.** The rate of reimbursement of expenses incurred to implement action plans against destructive insects or cryptogamic diseases by an organization responsible for protecting forests is fixed as follows:

(1) as of 20 July 2016, at 62.5%;

(2) as of 1 April 2017, at 75%;

(3) as of 1 April 2018, at 100%.”.

**3.** This Regulation comes into force on 20 July 2016.

Gouvernement du Québec

**O.C. 680-2016, 6 July 2016**

An Act respecting the conservation and development of wildlife  
(chapter C-61.1)

**Trapping activities and the fur trade**  
— **Amendment**

Regulation to amend the Regulation respecting trapping activities and the fur trade

WHEREAS, under paragraph 2 of section 97 of the Act respecting the conservation and development of wildlife (chapter C-61.1), the Government may, by regulation, determine, for each class of lease, the conditions for obtaining, transferring and renewing a lease, the term of a lease and the method of computing and conditions of payment of the annual rent for a lease;

WHEREAS, under paragraph 3 of this section, the Government may, by regulation, determine the standards and conditions the lessee must observe regarding the construction and location of buildings and structures and the maximum value of such improvements or structures;

WHEREAS the Government made the Regulation respecting trapping activities and the fur trade (chapter C-61.1, r. 3);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting trapping activities and the fur trade was published in Part 2 of the *Gazette officielle du Québec* of 4 November 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 Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting trapping activities and the fur trade, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting trapping activities and the fur trade**

An Act respecting the conservation and development of wildlife  
(chapter C-61.1, s. 97, pars. 2 and 3)

**1.** The Regulation respecting trapping activities and the fur trade (chapter C-61.1, r. 3) is amended in section 14 by replacing “in paragraph 2 of section 3” in paragraph 2 by “in the Regulation respecting hunting (chapter C-61.1, r. 12)”.

**2.** Section 18 is amended by replacing “6,000” by “12,400”.

**3.** Section 19 is amended:

(1) by inserting “or only a toilet that has no electrical device, is not connected to a sewer system and is not permanent” after “outhouse” in subparagraph 5 of the first paragraph;

(2) by replacing “45 m<sup>2</sup>” at the end of subparagraph 6 of the first paragraph by “55 m<sup>2</sup> and the total area of the camp must not exceed 45 m<sup>2</sup>”;

(3) by inserting the following after subparagraph 9 of the first paragraph:

“(9.1) the storage shed and the toilet must not have direct access to the cabin, except in the case where the toilet referred to in subparagraph 5, other than an outhouse, has a waste reservoir with a maximum capacity of 22 litres;”;

(4) by striking out the second paragraph.

**4.** Section 20 is amended:

(1) by inserting “and only 1 outhouse” after “cabin” in the part preceding paragraph 1;

(2) by replacing “the second cabin” in paragraph 1 by “the buildings or structures”;

(3) by replacing “build that cabin” in paragraph 2 by “build the buildings or structures”;

(4) by replacing “the cabin” in paragraphs 3 and 4 by “the buildings or structures”;

(5) by replacing “the cabin” in paragraph 6 by “the buildings or structures”;

(6) by replacing “the cabin” in paragraph 7 by “the buildings or structures”;

(7) by inserting the following after paragraph 7:

“(7.1) the toilet must not have direct access to the cabin;”.

**5.** Section 22 is amended:

(1) by replacing “in subparagraph 2 of the second paragraph of section 3” in subparagraph 3 of the first paragraph by “in the Regulation respecting hunting (chapter C-61.1, r. 12)”;

(2) by replacing “in subparagraph 2 of the second paragraph of section 3” in subparagraph 1 of the second paragraph by “in the Regulation respecting hunting (chapter C-61.1, r. 12)”.

**6.** Section 23 is amended by replacing “in subparagraph 2 of the second paragraph of section 3” in paragraph 3 by “in the Regulation respecting hunting (chapter C-61.1, r. 12)”.

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

102694

Gouvernement du Québec

**O.C. 688-2016, 6 July 2016**

Pharmacy Act  
(chapter P-10)

**Sale of medications  
— Terms and conditions  
— Amendment**

Regulation to amend the Regulation respecting the terms and conditions for the sale of medications

WHEREAS, under section 37.1 of the Pharmacy Act (chapter P-10), the Office des professions du Québec, after consultation with the Institut national d'excellence en santé et en services sociaux, the Ordre professionnel des médecins du Québec, the Ordre professionnel des médecins vétérinaires du Québec and the Ordre des pharmaciens du Québec, may, by regulation, establish categories of medications and determine, for each category, if need be, by whom and subject to what terms and conditions the medications may be sold;

WHEREAS, after carrying out the required consultations, the Office adopted the Regulation to amend the Regulation respecting the terms and conditions for the sale of medications at its meeting of 10 December 2015;

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 terms and conditions for the sale of medications was published in Part 2 of the *Gazette officielle du Québec* of 23 December 2015 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, under section 13 of the Professional Code (chapter C-26), every regulation adopted by the Office under the Code or under an Act constituting a professional order must be submitted to the Government, which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the terms and conditions for the sale of medications, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation  
respecting the terms and conditions  
for the sale of medications**

Pharmacy Act  
(chapter P-10, s. 37.1)

**1.** The Regulation respecting the terms and conditions for the sale of medications (chapter P-10, r. 12) is amended in Schedule III

(1) by replacing the specification of the substances “HYDROCORTISONE” and “HYDROCORTISONE ACETATE” by the following:

“Dosage forms for topical use in concentrations of 1% or less in packaging units containing 30 g or less”;

(2) by replacing “2%” in the specification for the substance “MINOXIDIL” by “5%”.

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

102695

Gouvernement du Québec

## **O.C. 694-2016, 6 July 2016**

An Act respecting health services and social services (chapter S-4.2)

An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2)

### **Certification of community or private resources offering addiction lodging**

Regulation respecting the certification of community or private resources offering addiction lodging

WHEREAS, under the first paragraph of section 346.0.21 of the Act respecting health services and social services (chapter S-4.2) and subject to the exception provided for in the second paragraph of that section, the provisions of subdivision 2.1 of Division II of Chapter I of Title I of Part III of the Act apply, with the necessary modifications, to all resources and categories of resource offering lodging determined by government regulation except intermediary resources, family-type resources and specialized medical centres within the meaning of that Act;

WHEREAS, under section 1 of the Regulation respecting the certification of drug addiction or pathological gambling resources (chapter S-4.2, r. 1), subdivision 2.1 of Division II of Chapter I of Title I of Part III of the Act respecting health services and social services (chapter S-4.2) applies to any resource in drug addiction or pathological gambling;

WHEREAS, under section 346.0.6 of the Act respecting health services and social services, the Government may prescribe, by regulation, categories of drug addiction or pathological gambling resources, the qualifications an applicant for a temporary certificate of compliance must possess, the health and social criteria with which the

operator of an addiction resource must comply to receive a certificate of compliance, the standards applicable to such operation and the conditions that staff members and volunteers of such a resource and any other person working in such a resource must fulfill, in particular conditions relating to training and security, including conditions relating to judicial records;

WHEREAS the Regulation respecting the certification of drug addiction or pathological gambling resources (chapter S-4.2, r. 1) must be revised to include provisions concerning the qualifications an applicant for a temporary certificate of compliance must possess;

WHEREAS the health and social criteria and operating standards provided for in that Regulation must also be revised to take into account the problems encountered in the operation of addiction resources and their certification, and practices that are more up to date;

WHEREAS it is expedient to replace the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the certification of private or community resources offering addiction lodging was published in Part 2 of the *Gazette officielle du Québec* of 2 September 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 with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services and the Minister for Rehabilitation, Youth Protection, Public Health and Healthy Living:

THAT the Regulation respecting the certification of community or private resources offering addiction lodging, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

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## Regulation respecting the certification of community or private resources offering addiction lodging

An Act respecting health services and social services (chapter S-4.2, ss. 346.0.1, 346.0.3, 346.0.6, 346.0.7, 346.0.20, 346.0.20.1 and 346.0.21)

An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2, s. 46, 2nd par.)

### CHAPTER I GENERAL

#### DIVISION I SCOPE AND DEFINITIONS

**1.** For the purposes of this Regulation, a place that offers residential services and support services of various kinds, including therapy, social reintegration, assistance and support in recovering from an intoxication, and assistance and support in disintoxication, as part of a mission in addiction or, if the intervention in addiction is not the only mission of the operator of the resource, as part of a structured intervention program in that field, is an addiction resource.

Despite the first paragraph, a place accommodating exclusively persons referred by the correctional services of Québec or Canada that is recognized by either services as a community residential centre, is not an addiction resource.

Subdivision 2.1 of Division II of Chapter I of Title I of Part III of the Act respecting health services and social services (chapter S-4.2), except sections 346.0.17.1, 346.0.17.2, 346.0.20.3 and 346.0.20.4, apply to an addiction resource, with the necessary modifications.

**2.** An addiction resource is in one of the following categories:

- (a) resource offering therapy services;
- (b) resource offering social reintegration services;
- (c) resource offering assistance and support in recovering from an intoxication;
- (d) resource offering assistance and support in disintoxication.

A resource that only offers intervention programs in the field of pathological gambling is part of a category in subparagraph *a* or *b* of the first paragraph, depending on the programs offered.

A resource may belong to more than one category.

**3.** Only a legal person may operate an addiction resource.

**4.** For the purposes of this Regulation,

(1) “activities” means an organized and structured activity in connection with an approach, that is conducted at a determined time, involves one or more participants and has a specific content. The activity is conducted as part of an intervention program for or with persons lodged to modify or cease a behaviour, a thought or an emotion. The assessment, support, education and follow-up of the persons lodged and conjugal and family intervention are considered activities;

(2) “approach” means a theory of intervention that guides the manner in which a problem is dealt with or conceived and ensures the coherence of the interventions;

(3) “addiction” means an addiction to alcohol, drugs or gambling;

(4) “case worker” means a person, including an officer, if applicable, who, in carrying on duties in the operation of the resource, intervenes directly with persons lodged to provide assistance and support in the course of the activities;

(5) “individualized intervention plan” is a tool used to identify the needs of the person lodged, the objectives pursued, the means to be used and the estimated period during which services are to be provided to the person lodged. The intervention plan must ensure coordination of the services provided to the person lodged by the various case workers involved;

(6) “recognized practice” means a component of an intervention that must rely on evidence-based data, such as scientific consensus from a collection of studies supporting the efficiency of treatment protocols or specific practices on the clinical or organizational level, or on the consensus of a group of experts;

(7) “intervention program” means a coherent and organized system of objectives, activities and human, material and financial resources based on an approach to be implemented to meet the needs of a specific clientele to change the clientele’s state.



## DIVISION II REGISTER

**5.** In addition to the information referred to in the third paragraph of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2), an integrated health and social services centre must collect and update the following information for the purposes of establishing and maintaining the register of addiction resources:

- (1) the date on which the operation of the resource began;
- (2) the business number assigned to the operator by the enterprise registrar in accordance with the Act respecting the legal publicity of enterprises (chapter P-44.1);
- (3) the name of any other resource for which the operator holds a temporary certificate of compliance or a certificate of compliance;
- (4) for each work shift of the week and weekend, the number of volunteers and staff members working in the resource, and the number of those persons who meet the conditions set out in the first paragraph of section 45;
- (5) a description of the specific clientele accommodated by the resource;
- (6) the list of the agencies with which the operator of the resource is affiliated and any associations of which the operator is a member;
- (7) concerning the information on the building, the number of floors in the building and the type of elevator with which it is equipped, if any;
- (8) the number of rooms of the resource and the maximum number of persons it may accommodate;
- (9) the average annual rate of occupation of beds;
- (10) the cost of each service offered in the resource.

The information is public, except the information provided for in subparagraph 9 of the first paragraph.

## CHAPTER II OPERATION OF AN ADDICTION RESOURCE

### DIVISION I GENERAL

**6.** The operator of a resource must ensure compliance with the Act respecting health services and social services and this Regulation as part of the operation of the resource.

## DIVISION II TEMPORARY CERTIFICATE OF COMPLIANCE

**7.** In addition to the conditions set out in the Act respecting health services and social services (chapter S-4.2), every legal person who applies for a temporary certificate of compliance must meet the following conditions:

- (1) the legal person has not held a temporary certificate of compliance or a certificate of compliance that, in the year prior to the application, was revoked or, as the case may be, was not renewed pursuant to section 346.0.11 of the Act;
- (2) the legal person has not been refused, in the year prior to the application, the issue of a certificate of compliance pursuant to the Act;
- (3) the legal person has not been found guilty, in the year prior to the application, of an offence under the first paragraph of section 531.1 of the Act.

For the purposes of the first paragraph, every legal person one of whose directors or main officer acts or has acted as officer or director for a legal person that does not meet the conditions set out in any of subparagraphs 1 to 3 of the first paragraph or would not meet the conditions if they still existed, must demonstrate to the satisfaction of the integrated health and social services centre concerned that it will take the measures necessary to ensure that this Regulation is complied with.

**8.** Every legal person who applies for a temporary certificate of compliance must provide the following documents to the integrated health and social services centre concerned:

- (1) the name and contact information of the legal person and the officers assigned to the management of the resource;
- (2) the address where the legal person wishes to receive correspondence, if different from the address provided for the legal person under paragraph 1;
- (3) the name and address of the resource for which the application is made;
- (4) where applicable, the name of any resource for which the legal person holds or has held a temporary certificate of compliance or a certificate of compliance;
- (5) a certified copy of its constituting act;

(6) a copy of the registration declaration or, as the case may be, of the initial declaration filed in the enterprise register under the Act respecting the legal publicity of enterprises (chapter P-44.1) and of any updating declaration filed under that Act;

(7) a certified copy of the resolution of the board of directors authorizing the filing of the application for certification;

(8) a copy of all the information it provides for the purposes of the establishment and keeping of the register of addiction resources under the third paragraph of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2) and section 5;

(9) a written declaration by each officer assigned to the management of the resource and by each director stating that they are aware of the relevant provisions of the Act respecting health services and social services (chapter S-4.2) and of this Regulation and that they undertake to comply or ensure compliance with those provisions from the beginning of the period of validity of the temporary certificate of compliance;

(10) a written declaration by each officer assigned to the management of the resource and by each director, who is, or has been, charged with or convicted of an indictable or other offence, unless, in the case of a conviction, a pardon has been obtained, along with all the information required for the verification of the declaration and written consent, from the person concerned, to the verification and to the disclosure of the results of the verification to the integrated health and social services centre;

(11) an attestation from the municipality where the resource will be situated confirming that the project does not violate any zoning by-law;

(12) an attestation from a professional, such as an architect or engineer, confirming that the building or part of a building that will be used for the resource complies with any regulatory provision made under the Building Act (chapter B-1.1) concerning such use, in particular the requirements provided for in the Construction Code (chapter B-1.1, r. 2);

(13) a copy of the insurance policies that the operator must hold under the first and second paragraphs of section 12;

(14) a description of any intervention program that will be used in the resource, including a description of the elements provided for in the third paragraph of section 13 for each program, where applicable;

(15) a copy of the document describing the mission of the resource referred to in section 17;

(16) a copy of the contract referred to in section 18;

(17) the model of the documents that will be used for the assessments required under section 19 and paragraph 1 of section 24;

(18) a copy of the cooperation agreement with a pharmacist entered into under the second paragraph of section 30 and the care and pharmaceutical services protocol established under the same section;

(19) the models of the medication inventory grid and distribution log that will be used under subparagraphs 1 and 5 of the second paragraph of section 31, and the list of persons who will be authorized to distribute medication under the first paragraph of that section;

(20) a copy of the protocol for intervention in crisis and emergency situations and procedures established under section 33;

(21) the identification of the staff member responsible for coordinating and assessing the intervention team in accordance with section 43 and of the staff member responsible for supervising case workers in accordance with section 44, as well as their work schedule, written proof that they hold a diploma certifying that they successfully completed any of the training required under those sections, a résumé showing that they have acquired the necessary number of years of relevant experience and, where applicable, the copy of the service contract binding them to the operator of the resource;

(22) a copy of the policy concerning the roles and responsibilities that may be entrusted to the volunteers, the persons lodged and persons who have previously been lodged established under section 48;

(23) a copy of the evacuation plan in case of fire established under the first paragraph of section 65;

(24) a copy of the monitoring plan established under the second paragraph of section 67.

### **DIVISION III HEALTH AND SOCIAL CRITERIA**

#### *§1. General*

**9.** The board of directors of the operator of an addiction resource must be composed of at least 5 members representing the community served and a majority of whom are not staff members or volunteers working in the resource.

**10.** The operator of an addiction resource must make sure that every director completes, before taking up employment, a declaration describing any interest the director has or any particular situation that could present a conflict of interest with the functions of director of the resource or that could suggest such a conflict.

The declaration must be completed each year at the time determined by the operator's board of directors and kept on the premises of the resource.

**11.** The operator of an addiction resource must adopt general by-laws respecting its operation and the operation of the board of directors including

- (1) the criteria for becoming a member of the board of directors;
- (2) the number of seats on the board of directors;
- (3) the procedure for electing and dismissing directors, and the term of appointments;
- (4) the rules applicable where a declaration referred to in section 10 reveals a real or apparent conflict of interest;
- (5) the procedures for convening and organizing the annual meeting;
- (6) the number of meetings of the board of directors each year;
- (7) the procedure for convening meetings, the decision-making process and the quorum necessary at meetings of the board of directors; and
- (8) the content of the minutes of the meetings of the board of directors, which must describe the decisions made, and state that the decisions have been approved by the board of directors.

**12.** The operator of an addiction resource must hold and maintain current liability insurance coverage in a sufficient amount to cover any claim resulting from the operator's general professional or civil liability.

The operator must also hold and maintain current separate insurance coverage concerning the liability of the resource's directors and officers.

The documents showing coverage under this section must be kept on the premises of the resource.

**13.** The activities on addiction conducted as part of the operation of the resource must be part of an intervention program that relies on an approach based on practices

recognized in the field. The program must meet the needs of the specific clientele and be in conjunction with the category to which the resource concerned belongs.

An addiction intervention program must be adopted by the operator's board of directors. The board of directors may adopt more than one program.

An intervention program must include

- (1) the specific clientele and the main characteristics of the clientele;
- (2) the goals and objectives to be reached;
- (3) the approach chosen by the resource;
- (4) the nature and specific objectives of the activities to be conducted to reach the objectives of the program;
- (5) a schedule describing the program activities;
- (6) the schedule for the implementation of each activity under the program and the duration of the program; and
- (7) a mechanism for the review of the program.

**14.** The operator of an addiction resource must group the activities offered as part of a program or programs referred to in section 13 and the residential services offered to the clientele of those programs in a location dedicated exclusively to the programs.

Any activity offered by the operator that is not included in an addiction program must be conducted in a location physically separated from the location referred to in the first paragraph.

**15.** The operator of an addiction resource must immediately notify the integrated health and social services centre concerned of any modification to its activities and any change to the documents or information referred to in paragraphs 1 to 6, 13 to 20 and 22 to 24 of section 8.

In addition, where an operator designates a new person responsible for coordinating and assessing the intervention team in accordance with section 43 or for supervising the case workers in accordance with section 44, the operator must immediately so inform the integrated health and social services centre and send to the centre the documents referred to in paragraph 21 of section 8.

**16.** The operator of an addiction resource must establish and apply a written reception and integration procedure for new persons lodged.



§2. *Information intended for persons lodged*

**17.** The operator of an addiction resource must make available to all persons lodged and provide to any person who wishes to obtain services a document describing the mission of the resource and including

- (1) a description of the general mission of the resource, its objectives with respect to its mission and the category of resources to which it belongs;
- (2) a description of the approach or approaches it favours;
- (3) a general description of the intervention program or programs applied in the resource;
- (4) a description of the specific clientele of the resource and admission and exclusion criteria;
- (5) the cost of each service offered in the resource; and
- (6) an indication, if applicable, that the resource advocates religious values or that the resource is associated in any way to a religion, a cult or a religious-type organization, whatever it may be.

The operator must include the elements provided for in the first paragraph in every information document describing the services offered by the resource.

In addition, the operator must post in a conspicuous place accessible to the persons lodged the cost of each service offered in the resource.

**18.** Before accommodating a person, the operator of an addiction resource must enter into a service contract with the person or the person's representative, if applicable.

Before signing the contract, the operator must inform the person and the person's representative of

- (1) the right to directly file a complaint with the integrated health and social services centre concerned on the services that he or she received or should have received from the operator of the resource;
- (2) the nature and duration of the services proposed;
- (3) the terms of payment;
- (4) the rules respecting the stay; and
- (5) the elements of the person's assessment.

The contract must mention, before the space for the signature, that the person who wishes to receive services or the person's representative, if applicable, received the document provided for in section 17 and the information the document contains was explained to the person or the person's representative. The indication must also state that the person or the person's representative, if applicable, received and understood the information provided for in the second paragraph of this section.

§3. *Health and safety of persons lodged*

**19.** The operator of an addiction resource must, as soon as a person arrives in the resource and before signing the contract referred to in the first paragraph of section 18, conduct, in accordance with recognized practices,

- (1) an assessment of the dangerousness of an actual suicide attempt by that person;
- (2) an assessment of the person's risk of homicide;
- (3) an assessment of the degree of severity of the person's withdrawal.

The operator must also, as soon as possible, but not later than 7 days after the admission of a person and before the drawing up of the individualized intervention plan referred to in section 23, assess, in accordance with recognized practices, the severity of the person's substance use and the inventory and history of the products used.

The operator of a resource accommodating persons who are intoxicated must assess, within the period provided for in the first paragraph and in accordance with recognized practices, the risks of deterioration of the general physical health of the persons.

The operator of an addiction resource belonging to the category of resources offering social reintegration services must assess, within the period provided for in the second paragraph and in accordance with recognized practices, the person's needs in social reintegration.

In addition, the operator of an addiction resource who offers a pathological gambling intervention program must assess, within the period provided for in the second paragraph and in accordance with recognized practices, the gambling behaviours of a person who wishes to participate in the activities of such a program, and their consequences.

**20.** Despite section 19, the operator of an addiction resource does not have to conduct the assessment or assessments provided for therein where the person who

wishes to obtain services has been referred by another addiction resource that holds a certificate of compliance or by a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) who sent to the operator, with the person's consent, the results of its own corresponding assessments, to the extent that they are still valid.

In addition, the operator of an addiction resource who only offers pathological gambling intervention programs is not required to assess the degree of severity of the withdrawal or conduct an assessment to establish the severity of the substance use and the inventory and history of the products used.

**21.** The operator of an addiction resource may not accommodate a person whose assessment of the degree of severity of the withdrawal shows that there are risks associated with the withdrawal and the operator must refer the person to the resources best suited to assist the person. The same applies when the result of the assessment of the risks of deterioration of the general physical health indicates that a person should be seen by medical staff or where the operator notices, as soon as the person arrives in the resource, that the services offered are not adapted to the person's needs.

**22.** Despite section 21, the operator of a resource belonging to the categories of resources offering assistance and support in recovering from an intoxication or resources offering assistance and support in disintoxication may accommodate persons whose assessment shows risks associated with withdrawal, to the extent that the risk measured allows withdrawal without danger under the supervision of psychosocial workers.

**23.** The operator of an addiction resource must draw up, for each person lodged, an individualized intervention plan based on the assessments conducted including, in particular,

(1) the specific objectives, the methods to be used in meeting the objectives, and a timeframe for meeting the objectives;

(2) a timeframe relating to the assessment and review of the intervention plan of not more than 90 days;

(3) the name of a case worker responsible for the intervention plan and, if applicable, the follow-up plan drawn up in accordance with section 24;

(4) guidance of the person, if necessary, to additional resources better suited to assist the person during the person's stay in the resource.

The operator must allow and encourage the participation of the person lodged and, if applicable, the person's immediate circle, in the drafting and review of the intervention plan.

**24.** Before the departure of a person lodged, the operator of an addiction resource must draw up a follow-up plan including, in particular,

(1) the assessment, in accordance with recognized practices, of the dangerousness of an actual suicide attempt by the person;

(2) the planning of actions to be taken at the end of the person's stay;

(3) guidance of the person, if applicable, to the resources better suited to assist the person and referral to those resources, where applicable.

**25.** The assessments referred to in section 19 and in paragraph 1 of section 24 as well as the individualized intervention plan referred to in section 23 must be carried out by a case worker who meets any of the conditions set out in subparagraphs 1 to 3 of the first paragraph of section 45. Such case worker may not be a person lodged.

In addition, before carrying out an assessment referred to in the first paragraph, a case worker must also have completed specific training concerning any tool used under recognized practices, where the training is required for the use of the tool.

**26.** Subject to any other legislative or regulatory provision requiring the presence of a higher number of persons in an addiction resource, at least 1 case worker of full age, other than a person lodged, must be present on the premises of the resource for each group of 15 persons lodged for each work shift during which program activities are conducted. If the last group has less than 15 persons lodged, it counts as a group.

In every addiction resource that offers services to minors or in a resource belonging to the category of resources offering assistance and support in recovering from an intoxication or to the category of resources offering assistance and support in disintoxication, the rule set out in the first paragraph applies by reducing the ratio to 1 person of full age who is part of the case worker team for each group of 10 persons lodged or less. In an addiction resource belonging to the category of resources offering social reintegration services, the ratio is increased to 1 person of full age who is part of the case worker team for each group of 20 persons lodged or less.

Outside the hours during which program activities are conducted, at least 1 person of full age must be present in the resource in order to provide supervision. That person must remain awake at all times and may not be a person lodged.

**27.** Mixed occupation by persons of full age and minors is prohibited on all the premises and common spaces of the addiction resource. Mixed occupation by men and women is prohibited in the resource's bedrooms and dormitories. It must also be avoided in sanitary facilities and common spaces, to the extent that it hinders the assistance and support objectives.

In addition, mechanisms must be put in place by the operator to prevent any close contact between persons lodged, staff members and volunteers.

**28.** The operator of an addiction resource accommodating clients on replacement therapy must establish and apply, with a pharmacist, a written procedure for the management of replacement medication that defines measures for the control, reception and return of the product, safe storage and distribution conditions, and measures to be taken if a person lodged on replacement therapy leaves precipitately.

**29.** The operator of an addiction resource accommodating clients on replacement therapy must establish and apply an admission protocol specific to persons on replacement therapy.

The protocol provides in particular that the operator must, before admitting such a person in the resource and after obtaining the person's consent, establish written agreements with the person's prescribing physician and dispensing pharmacist and, if applicable, with the psychosocial worker or nurse monitoring the person, setting out the terms and conditions on which the person may continue the treatment during the stay.

The second paragraph does not apply to the operator of a resource offering assistance and support in recovering from an intoxication, but the operator of such a resource must provide in the admission protocol the terms according to which the person lodged who is on replacement therapy has access to his or her replacement medication.

**30.** The operator of an addiction resource must take charge of the distribution of medication prescribed to the persons lodged.

To that end, the operator must enter into a written agreement of cooperation with a pharmacist and ensure that a care and pharmaceutical services protocol complying with

practice standards that regulate the management of all medication of the persons lodged and provides control mechanisms.

The protocol defines in particular

- (1) the measures to be taken upon a person's arrival and departure;
- (2) the terms for the preparation of medication by the pharmacist;
- (3) conditions for the storage and conservation of medication;
- (4) measures that must be taken where medication is no longer taken by a person lodged or is outdated;
- (5) control measures to be implemented to ensure the application of the protocol.

**31.** The operator of an addiction resource must designate a person responsible for the application of the care and pharmaceutical services protocol from among the staff members that meet any of the conditions described in the first paragraph of section 45.

In addition to ensuring the application of the protocol, the person designated as responsible for the application of the care and pharmaceutical services protocol must in particular

- (1) complete an inventory grid for medication;
- (2) enter in the log the medication taken in charge by the operator on the admission of the person lodged and the medication given to the person on the person's departure;
- (3) designate staff members who may distribute medication, in accordance with the rules established under the policy concerning the roles and responsibilities that may be entrusted to volunteers, persons lodged and persons who have been lodged referred to in section 48;
- (4) make sure that every person distributing medication verifies the identity of the person lodged and ensures that the medication given is intended for that person;
- (5) make sure that a medication distribution log is updated by the staff members designated for distributing medication;

(6) make sure that the medication prescribed in the name of each person lodged is stored in a piece of furniture under lock and key or in a refrigerator reserved for that purpose under lock and key situated in a room also under lock and key.

**32.** Subject to sections 28 to 31, no medication may be sold or made available to persons lodged by the operator of an addiction resource, even in the case of medication that may be sold by any person under the Regulation respecting the terms and conditions for the sale of medications (chapter P-10, r. 12).

**33.** The operator of an addiction resource must establish a protocol for intervention in crisis and emergency situations providing actions that take into consideration the various types of crisis that may occur as well as procedures in a medical emergency.

**34.** The operator of an addiction resource must establish and apply hygiene and sanitation measures to prevent and control contagion, infection and contamination.

**35.** All dangerous products must, between each use, be stored in a secure storage space under lock and key.

**36.** Force, isolation, mechanical means and chemical substances may not be used as a control measure for a person lodged in an addiction resource.

#### *§4. Persons working in the resource*

**37.** For the purposes of this Regulation, a person employed by the operator of an addiction resource, whether under an employment contract or a service contract, is a staff member.

**38.** Case workers, persons called to ensure supervision under the third paragraph of section 26 and staff members designated as responsible for coordinating and assessing the intervention team under section 43 or supervising case workers under section 44 must not be charged with or have been convicted of an indictable or other offence related to the abilities and conduct required to work in the addiction resource, unless, in the case of a conviction, a pardon has been obtained.

The same applies to any person who, even if the person does not act as director or officer of the operator of the addiction resource, intervenes in its management or administration in any capacity.

**39.** Every person referred to in section 38 must, before taking up employment, provide the operator of an addiction resource with a declaration concerning any charge or

conviction of an indictable or other offence in the person's regard and for which, in the case of a conviction, a pardon has not been obtained.

The declaration must contain all the information necessary for verification and include written consent to the verification and to the disclosure of the results of the verification to the operator.

The operator must have the accuracy of the declarations verified before any person referred to in section 38 takes up employment. The operator must also, before the taking up of employment of a person for whom a verification has shown a charge or conviction of an indictable or other offence, give in writing the reasons for which the operator considers that there is no connection between the charge or conviction and the abilities and conduct required for the duties the person will carry on in the resource.

To the extent that it is necessary to ensure the conduct of the activities referred to in the programs, a person referred to in the first paragraph of section 38 may, provided that the person complies with the first paragraph of this section, take up employment as soon as the declaration and consent provided for in the second paragraph have been sent for verification.

**40.** The verification of a judicial record referred to in section 38 must be repeated when

(1) a person referred to in section 38 is charged with or convicted of an indictable or other offence; or

(2) the operator or the integrated health and social services centre concerned so requires.

Similarly, before a new director or officer assigned to the management of the addiction resource takes up employment, the operator must provide the integrated health and social services centre concerned with the declaration and consent of the director or officer, as described in paragraph 10 of section 8.

**41.** The operator of an addiction resource, the director of such a resource and the officer assigned to the management of such a resource must, as soon as possible, inform the integrated health and social services centre concerned if the operator, director or officer is charged with or convicted of an indictable or other offence.

The person referred to in section 38 must notify as soon as possible the operator of the resource in the same cases.

**42.** The operator of an addiction resource must ensure that at least 1 person of full age who holds an attestation of completion in standard first aid and cardiopulmonary

resuscitation in force issued by the persons or organizations listed in Schedule I to this Regulation that enables the acquisition of the skills listed in that Schedule, is present at all times on the premises.

That person may not be a person lodged.

**43.** The operator of an addiction resource must designate a staff member to act as person responsible for coordinating and assessing the intervention team.

The person responsible for coordinating and assessing the intervention team must carry on the following duties:

(1) act as clinical manager responsible for the planning, organization and operation of the intervention programs and the quality of services provided;

(2) take part in the management of human, material and information resources related to the intervention programs;

(3) ensure compliance with the policies and procedures of the resource related to the intervention programs;

(4) take part in the integration and assessment of volunteers, case workers and other staff members;

(5) ensure the quality of the programs, with a view of ongoing improvement.

The person responsible for coordinating and assessing the intervention team must meet any of the following conditions:

(1) hold a university-level diploma listed in Schedule II and have a minimum of 3 years of relevant experience in drug addiction or pathological gambling;

(2) hold a college-level diploma in intervention listed in Schedule II and a university certificate in drug addiction and have a minimum of 5 years of relevant experience in drug addiction or pathological gambling;

(3) hold a university certificate in drug addiction and have a minimum of 7 years of relevant experience in drug addiction or pathological gambling.

The person responsible for coordinating and assessing the intervention team must be replaced in the event of an extended absence.

**44.** The operator of an addiction resource must designate a staff member to act as person responsible for supervising case workers.

The person responsible for supervising case workers must carry on the following duties:

(1) act as clinical expert responsible for guiding and supporting case workers to ensure the provision of relevant and quality services to the persons lodged;

(2) support the drawing up of the intervention plans of the persons lodged;

(3) ensure that the assessments and interventions conducted are based on the best practices;

(4) promote the development of professional qualifications of case workers.

The person responsible for supervising case workers must also hold a university-level diploma listed in Schedule II and have a minimum of 3 years of relevant experience in the field of addiction.

The person responsible for supervising case workers must be replaced in the event of an extended absence.

**45.** Where program activities are conducted, not less than 75% of the total case workers present in the resource must meet any of the following conditions:

(1) hold a university-level diploma listed in Schedule II;

(2) hold a college-level diploma listed in Schedule II;

(3) hold a university certificate in drug addiction.

Where only 1 case worker is present when program activities are conducted, the case worker must meet any of the conditions set out in the first paragraph.

**46.** The operator of an addiction resource offering services intended for clients with concurrent addiction and a mental health disorder must ensure that at least 1 staff member has the required skills to provide support to the intervention team with clients having mental health disorders.

The staff member has the required skills if the staff member meets any of the following conditions:

(1) hold a university-level diploma listed in Schedule III and have a minimum of 2 years of experience in intervention with clients having mental health disorders;

(2) hold a college-level diploma listed in Schedule III and have a minimum of 5 years of experience in intervention with clients having mental health disorders.



The operator of such a resource must ensure that 1 staff member who meets any of the conditions set out in the second paragraph may be reached at all times.

**47.** The staff members responsible for applying the procedure provided for in section 28 and the protocol in section 29 must have completed specific training on the management and monitoring of clients on replacement therapy developed by the Institut national de santé publique du Québec.

**48.** The operator of an addiction resource must draw up a policy concerning the roles and responsibilities that may be entrusted to volunteers, persons lodged and persons that have been lodged. The policy must meet the requirements referred to in this Regulation and be adopted by the operator's board of directors.

The policy must include

(1) the cases and conditions in which a person who has been lodged may be considered suited to work in the resource;

(2) the prohibition for a person lodged to work in the resource except as part of activities provided for in the person's individualized intervention plan drawn up under section 23;

(3) the duties that may be entrusted to volunteers, persons lodged and persons who have been lodged;

(4) the cases and conditions in which the application of the care and pharmaceutical services protocol and the distribution of medication may be entrusted to a person who has been lodged;

(5) measures for supervising duties entrusted to volunteers, persons lodged or persons who have been lodged.

The operator must make the policy known to volunteers and staff members.

## DIVISION IV OPERATION STANDARDS

### §1. *General*

**49.** The board of directors of the operator of an addiction resource must meet at least 4 times a year.

**50.** The board of directors of the operator of an addiction resource must produce an annual activity report containing the following elements:

(1) the profile of the clientele served;

(2) the number of persons having received services from the resource;

(3) the type of services provided;

(4) the report referred to in the fourth paragraph of section 57;

(5) the measures planned to improve the quality of the services provided to clients.

The report is submitted at the annual meeting.

**51.** The operator of an addiction resource must send to the integrated health and social services centre concerned any updated declaration that the operator produced under the Act respecting the legal publicity of enterprises (chapter P-44.1).

**52.** The physical layout of the resource must facilitate activities and programs offered in the resource as well as daily life.

In addition, every individual interview with a person lodged must be held in a room laid out to ensure confidentiality.

**53.** The bedroom or dormitory used by the persons lodged must be a comfortable place to rest and recover.

**54.** The operator of an addiction resource must draw up for the persons lodged cohabitation rules promoting the supervision of the action, the reaching of objectives referred to in the individualized intervention plan and quality of life in the resource. The rules must include provisions to prevent any close contact.

Cohabitation rules must be adopted by the board of directors of the operator of the resource.

The operator of the resource must ensure that every person lodged has read and understood the cohabitation rules and has undertaken, in writing, to comply with them.

**55.** The operator of an addiction resource and staff members must treat persons lodged with courtesy, fairness and understanding, and with respect for their dignity, autonomy and needs. The same applies to every close relation of the person lodged.

**56.** The operator of an addiction resource may not, in any way, use advertising that is false, misleading or likely to mislead. The operator must ensure that the advertising accurately represents the services offered.

In addition, the advertising of an addiction resource may not refer to success rates.

**57.** The operator of an addiction resource must establish an internal procedure for processing dissatisfactions including

(1) the obligation to inform every person lodged, in writing or with the use of a poster located in a place accessible to the persons lodged, that the person may make comments or express dissatisfactions on services received or that the person should have received, verbally or in writing;

(2) the designation of a person responsible for examining the comments or dissatisfactions expressed by the persons lodged; and

(3) the obligation for the person responsible to justify every decision rendered following the examination of dissatisfactions.

The procedure must remind that at all times, a person lodged may, in accordance with paragraph 1 of section 60 of the Act respecting health services and social services (chapter S-4.2) and the first paragraph of section 51 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2), directly file a complaint with the integrated health and social services centre concerned with regard to services that the person received or should have received from the operator of the resource.

In addition, the operator must, during the person's stay, ask the person to complete a service assessment form adapted to the services offered in the resource that allows the assessment of the following elements:

- (1) the reception;
- (2) respect of the rights of the persons lodged and of the code of ethics;
- (3) the quality of the services offered by staff members;
- (4) the reaching of the objectives of the stay;
- (5) the premises of the resource;
- (6) the food offered by the operator of the resource;
- (7) ambiance;
- (8) the preparation of the return to the living environment.

The person responsible for the examination of dissatisfactions must prepare each year a report dealing in particular with the number of dissatisfactions, their type and follow-up measures taken. The report must also include a summary of the content of the assessment forms.

**58.** The operator of an addiction resource must inform every person lodged that they have the right, in accordance with paragraph 1 of section 60 of the Act respecting health services and social services (chapter S-4.2) and the first paragraph of section 51 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2), to address a complaint directly to the integrated health and social services centre concerned with regard to the services that the person received or should have received from the operator of the resource.

The operator must post in a conspicuous place accessible to the persons lodged information about the exercise of the right, including the information that a complaint must be sent to the local service quality and complaints commissioner and the contact information of the commissioner.

**59.** The operator of an addiction resource must allow every person lodged to request the assistance of a representative or attendant in all the steps taken to express a dissatisfaction or a complaint concerning the services the person received or should have received and inform every person lodged of that right.

## *§2. File keeping and confidentiality of information*

**60.** The operator of an addiction resource must keep a file for each person lodged containing, in particular,

(1) the person's name, date of birth and contact information;

(2) where applicable, the contact information of the person's representative and a description of the acts that the representative is authorized to perform for the person;

(3) the contact information of a person who may be contacted in an emergency or, if the person is a minor, of a parent or tutor;

(4) the service contract referred to in section 18 entered into with the person or the person's representative, where applicable;

(5) where applicable, the written consent to services other than those already provided for in the contract entered into under section 18;

- (6) assessments conducted under section 19 and paragraph 1 of section 24;
- (7) the individualized intervention plan established under section 23;
- (8) the follow-up plan drawn up under section 24;
- (9) every incident and accident report made pursuant to the procedure referred to in the second paragraph of section 70, where applicable;
- (10) the consent obtained by the operator for each disclosure of personal information concerning the person;
- (11) a summary of the person's stay;
- (12) the list of all medication and dosage;
- (13) a description of the person's health problems that must be taken into account in the event of an emergency, including any allergies;
- (14) notes concerning the person's progress during the stay;
- (15) any information provided by a third person concerning the person; and
- (16) any other information or document that must be placed in the person's file pursuant to this Regulation.

The files of the persons lodged must be kept on the premises of the resource during the stay of the persons.

In addition, the information contained in the file of a person lodged must be kept up to date and the case workers must sign and date any note added to the file.

**61.** The operator of an addiction resource must protect the confidentiality of personal information the operator holds and give access to the information only in accordance with the Act respecting the protection of personal information in the private sector (chapter P-39.1).

The operator must also establish a file management procedure that includes measures to ensure confidentiality and to permit access by the persons lodged, in accordance with the Act.

In the procedure, the operator must, in particular, appoint a person responsible for the custody, consultation, conservation and management of files. The operator must, in addition, establish a procedure for the archiving and destruction of files of persons lodged that provides in particular for their conservation for a minimum of 5 years after the departure of a person lodged.

**62.** The operator of an addiction resource must keep a file for each staff member and keep the file up to date.

The file must be kept on the premises of the resource.

The file must contain any information or document to be kept in the file of the staff member under this Regulation. It must also contain a description of the qualifications of the staff member and tasks performed as well as the documents certifying training received to meet the requirements of this Regulation.

The first paragraph of section 61 applies, with the necessary modifications, to the file and to any personal information concerning staff members.

**63.** The operator of an addiction resource must keep on the premises of the resource the declarations and consents referred to in the first and second paragraphs of section 39, and the result of the verifications performed with respect to the declarations and the reasons for which the operator considers that there is no connection between the charge or conviction of an indictable or other offence in the person's regard and the abilities and conduct required for the duties the person will carry on in the resource, if applicable.

In addition, the documents referred to in the first paragraph must be kept for at least 3 years following the date of termination of duties of a person referred to in the first paragraph of section 38.

### §3. *Health and safety of persons lodged*

**64.** The operator of an addiction resource must ensure the health and safety of persons lodged by offering and maintaining an environment complying with every law or regulation, including a municipal by-law, that apply to the operator or to the resource, in particular every standard on hygiene, sanitation, construction, building, food products and safety, including fire safety.

Where the operator offers services through subcontractors, the operator must ensure that the subcontractors comply with the applicable legislative and regulatory provisions.

In addition, the operator of an addiction resource must keep on the premises of the resource, for at least 3 years, the orders, remedial notices and other documents of the same type issued to the operator by any authority responsible for the application of every applicable legislative and regulatory provision, along with proof that the operator has complied with them by taking the appropriate



remedial action, where applicable. Where the documents or proofs concern the building, they must be kept for the life of the building.

**65.** The operator of an addiction resource must establish, with a fire prevention technician, an evacuation plan in case of fire. The plan must be kept up to date and must comply with the provisions of every applicable Act and regulation, including a municipal by-law, where applicable. It must also be adapted where the physical modifications made to the resource have an impact on the evacuation routes.

Every modification to the plan is made in cooperation with a fire prevention technician.

**66.** The operator of an addiction resource must establish and apply a maintenance plan for the resource's premises so as to maintain them in a state favouring the health and physical security of the persons lodged.

**67.** The operator of an addiction resource must establish and apply safety measures that take into account the type of clientele accommodated in the resource, the environment in which the services are provided and the schedule of program activities.

To implement the first paragraph, the operator of a resource belonging to the categories of resources offering assistance and support in recovering from an intoxication or resources offering assistance and support in disintoxication must establish and apply a monitoring plan that takes into account

(1) the work schedule of the staff members and volunteers that hold the certificates and diplomas referred to in sections 42 and 45 and of those who have successfully completed specific training concerning the assessment of the degree of severity of a person's withdrawal and the assessment of the risks of deterioration of the general health referred to in the first and third paragraphs of section 19;

(2) admission hours;

(3) the physical layout of the premises; and

(4) the monitoring tools and means at its disposal.

**68.** Every addiction resource must be equipped with mobile first-aid kits, in good condition, that are easily accessible to the staff members and volunteers. They must not contain any medication.

The content of the kits must be adapted to the number of persons lodged, in particular with respect to the quantity of elements included in the kits.

**69.** The operator of an addiction resource must establish a procedure for the management of biomedical waste.

The operator must also make the procedure known to staff members and ensure its application.

**70.** To prevent situations creating a risk, correct them and reduce their frequency, the operator of an addiction resource must implement a procedure for reporting known incidents and accidents that occur in the resource involving a person lodged. The operator must designate a person responsible for the procedure.

The procedure must contain at least

(1) the keeping of a log to record the names of witnesses, the time and place of the incident or accident, a description of the facts observed and the circumstances of such an incident or accident;

(2) the means used by the operator to prevent the occurrence of other incidents or accidents; and

(3) the obligation to disclose any accident to the person lodged or the person's representative, where applicable, and the rules to be followed for the disclosure.

For the purposes of this section,

(1) "accident" means an action or situation in which a risk is realized that has, or could have, consequences for the state of health or well-being of a person lodged, staff member, volunteer, professional or third person;

(2) "incident" means an action or situation that has no consequences for the state of health or well-being of a person lodged, staff member, volunteer, professional or third person but that has an unusual outcome and could, in other circumstances, have had consequences.

**71.** The operator of an addiction resource who provides meals to persons lodged must offer varied menus in keeping with Canada's Food Guide published by Health Canada.

The person responsible for meal preparation may not be a person lodged.

#### *§4. Persons working in the resource*

**72.** The operator of an addiction resource must ensure that each case worker has received all necessary information on the program or programs the operator offers.

The operator must also ensure that all staff members and volunteers know the rights of the persons lodged and the rules, codes, agreements, protocols and procedures applicable in the resource.

Every staff member and volunteer must certify in writing that the protocol for intervention in crisis and procedures in the event of a medical emergency established under section 33 were explained to them and, in the case of a staff member, the attestation must be added to the file held under section 62.

**73.** The operator of an addiction resource must prepare, for the directors, officers assigned to the management of the resource, staff members and volunteers, a code of ethics that sets out the rules concerning their practices and behaviours with respect to the persons lodged. They must undertake in writing to comply with the code. In the case of a staff member, the undertaking must be added to the file held under section 62.

The code of ethics must be adopted by the board of directors of the operator of the resource.

The operator must post the code of ethics in a conspicuous place accessible to the persons lodged. The operator must also ensure the code is complied with in the resource.

### CHAPTER III RENEWAL, CESSATION OF ACTIVITIES AND TRANSFER

**74.** The operator of an addiction resource who wishes to renew his or her certificate of compliance must provide to the integrated health and social services centre concerned the documents and information provided for in section 8, except documents and information previously provided to the integrated health and social services centre if the operator attests that they are still complete and accurate. This exception does not apply to the declarations referred to in paragraphs 9 and 10 of that section.

The operator must also provide the integrated health and social services centre with any information it requires concerning compliance with the conditions set out in section 7 and complete the form for self-assessment of compliance with the conditions of the Act respecting health services and social services (chapter S-4.2) and of this Regulation provided by the integrated centre.

**75.** The operator of an addiction resource who wishes to cease activities, even with respect to only part of the resource, must give at least 15 days' prior notice of his or her intention to the integrated health and social services centre concerned.

The prior notice indicates the expected date of the cessation of activities of the resource, the contact information of the persons lodged and that of any of their representatives.

The directors of the operator of an addiction resource and the chief officer of the resource must ensure that the declaration is sent.

**76.** Every legal person that wishes to become a transferee of the rights conferred by a temporary certificate of compliance or a certificate of compliance must meet the conditions set out in section 7 and provide the documents and information provided for in section 8.

### CHAPTER IV OFFENCES

**77.** A violation of sections 9 to 12, 14 to 19, 21 to 24, the second paragraph of section 27, sections 28 to 34, 41, the first paragraph of section 42, the first paragraph of sections 43 and 44, the first and third paragraphs of section 46, section 48, section 51, the first and third paragraphs of section 54, section 55, the first paragraph of section 56, sections 57 to 67, sections 69 and 70, the first paragraph of section 71, the first and second paragraphs of section 72, the first and third paragraphs of section 73 and sections 74, 75, 79 to 81 and 83 constitutes an offence.

The fact that the operator of an addiction resource did not ensure compliance with sections 13, 25, 26, the first paragraph of section 27, sections 35, 36, 38 to 40, the second paragraph of section 42, the second, third and fourth paragraphs of sections 43 and 44, section 45, the second paragraph of section 46, section 47, sections 49, 50, 52, 53, the second paragraph of section 54, the second paragraph of section 56, section 68, the second paragraph of section 71, the third paragraph of section 72 and the second paragraph of section 73 also constitutes an offence.

### CHAPTER V MISCELLANEOUS, TRANSITIONAL AND FINAL

**78.** This Regulation replaces the Regulation respecting the certification of drug addiction or pathological gambling resources (chapter S-4.2, r. 1).

**79.** Until the coming into force of subparagraph 1 of the first paragraph of section 19 and paragraph 1 of section 24, the operator of an addiction resource must assess, in accordance with recognized practices, the suicide risk of each resident at the resident's arrival and departure.

**80.** The operator of an addiction resource has until (*insert the date that occurs 1 year after the date of coming into force of section 39*) to obtain from staff members and

volunteers who took up employment before (*insert the date of coming into force of section 39*) the declaration referred to in section 39 and have it verified in accordance with that section.

**81.** Every person who, on (*insert the date of coming into force of section 45 with respect to the operator of an addiction resource not referred to in paragraph 3 of section 84*), carries on duties in an addiction resource and holds a university-level diploma in sociology is deemed to meet the condition provided for in subparagraph 1 of the first paragraph of section 45.

In addition, until the coming into force of section 45 with respect to the operator of an addiction resource holding a certificate of compliance on (*insert the date of coming into force of section 45 with respect to the operator of an addiction resource referred to in paragraph 3 of section 84*) the rules provided for apply to such an operator, but the percentage of case workers present in the resource that must meet the conditions provided for therein is 50%.

**82.** The operator of an addiction resource holding a certificate of compliance on (*insert the date of coming into force of section 65*) is deemed to have established the evacuation plan in case of fire with a fire prevention technician.

**83.** The operator of an addiction resource who, on (*insert the date of coming into force of section 7*), does not hold a certificate of compliance must, not later than (*insert the date that occurs 1 month after the date of coming into force of section 7*), submit an application for a temporary certificate of compliance with the integrated health and social services centre concerned and obtain from that integrated centre such a certificate within 3 months following the submission of the application.

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

(1) the second paragraph of section 25 relating to the obligation for a case worker to have completed specific training concerning assessment tools provided for in subparagraph 3 of the first paragraph of section 19 and in the second, fourth and fifth paragraphs of section 19, as well as section 48, the second paragraph of section 67 except the words “and the assessment of the risks of deterioration of the general health” in subparagraph 1, and section 70, which come into force 6 months after that date;

(2) subparagraphs 1 and 2 of the first paragraph of section 19 and paragraph 1 of section 24, which come into force 1 year after that date;

(3) the third paragraph of section 19, section 45 regarding the operator of an addiction resource holding a certificate of compliance on (*insert the date of coming into force of section 1*), and the words “and the assessment of the risks of deterioration of the general health” in subparagraph 1 of the second paragraph of section 67, which come into force 2 years after that date.

## SCHEDULE I (section 42)

Organizations recognized for cardiopulmonary resuscitation and standard first aid are

— St. John Ambulance;

— Heart & Stroke Foundation of Québec;

— Canadian Red Cross;

— any other organization contractually linked with the Commission de la santé et de la sécurité du travail (CSST) to provide first aid training.

Those organizations are recognized for their training that allows the acquisition of the following skills:

(a) skills in cardiopulmonary resuscitation:

— assess properly vital functions;

— be familiar with techniques to unblock airways, apply artificial respiration and perform cardiac massage;

— be able to apply the techniques;

(b) skills in standard first aid:

— understand the role and responsibilities of a first aid provider with regard to the legislative and regulatory provisions in force;

— know how to take charge of an emergency situation;

— recognize urgent situations and intervene appropriately while waiting for emergency services, in particular in the following situations:

— allergic reactions;

— problems related to heat or cold, such as heatstroke and hypothermia;

— poisoning;

— hemorrhaging and shock, including the prevention of blood-borne contamination;

– muscular and skeletal injuries, including prevention during convulsions;

– eye injuries;

– open wounds of medical or accidental origin, including the application of sealed compression dressings;

– medical problems such as chest pain, hypoglycemia and epilepsy.

## **SCHEDULE II**

(sections 43 to 45)

(a) College level

Diploma of college studies in

— Nursing;

— Special care counselling;

— Social service;

— Youth and adult correctional intervention;

(b) University level

Bachelor's degree, master's degree or doctorate in

— Special education;

— Criminology;

— Psycho-education;

— Psychology;

— Counselling;

— Social service or social work;

— Sexology;

— Nursing;

— Drug addiction.

Multidisciplinary bachelor's degree composed of 3 training fields in the fields listed in paragraph *b* of this Schedule.

## **SCHEDULE III** (section 46)

(a) College level

Diploma of college studies in

— Nursing;

— Special care counselling;

— Social service;

— Youth and adult correctional intervention.

(b) University level

Bachelor's degree, master's degree or doctorate in

— Criminology;

— Psycho-education;

— Psychology;

— Social service or social work;

— Sexology;

— Nursing;

— Drug addiction.

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Gouvernement du Québec

## **O.C. 703-2016, 6 July 2016**

Building Act  
(chapter B-1.1)

### **Professional qualification of contractors and owner-builders — Amendment**

Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders

WHEREAS, under section 84 and paragraphs 17, 19.7 and 38 of section 185 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec may, by regulation,

determine classes and subclasses of licences, determine the amount of the security it requires from a contractor and adopt any other related or supplementary provision it considered necessary to give effect to the provisions of section 185 and of the Act;

WHEREAS the Board made the Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders on 12 May 2015;

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 professional qualification of contractors and owner-builders was published in Part 2 of the *Gazette officielle du Québec* of 22 July 2015 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, under section 189 of the Building Act, every code or regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve 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 professional qualification of contractors and owner-builders, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders

Building Act  
(chapter B-1.1, ss. 84 and 185, pars. 17, 19.7 and 38)

**1.** The Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) is amended in section 27

- (1) by replacing “\$20,000” in paragraph 1 by “\$40,000;
- (2) by replacing “\$10,000” in paragraph 2 by “\$20,000.

**2.** Subclass 15.1 of Schedule II is amended

(1) by replacing “warm air” in the heading and the first paragraph by “pulsed air”;

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

“It also authorizes construction work that is not already authorized by the first paragraph and relating to pulsed air heating systems, particularly those relating to propane gas burners and those included in subclass 15.1.1.

In addition, this subclass authorizes construction work relating to pulsed air heating and air conditioning systems. However, work relating to heating and air conditioning devices that are part of such systems may not be carried out unless the contractor also holds the appropriate subclass 15.9 or 15.10.”.

**3.** Subclass 15.1.1 of Schedule II is amended

(1) by replacing “warm air” in the heading and the first paragraph by “pulsed air”;

(2) by inserting the following after the second paragraph:

“In addition, this subclass authorizes construction work relating to pulsed air heating and air conditioning systems that is carried out in the territories referred to in the second paragraph. However, work relating to heating and air conditioning devices that are part of such systems may not be carried out unless the contractor also holds the appropriate subclass 15.9 or 15.10.”.

**4.** Subclass 15.4 of Schedule II is amended

(1) by replacing “hot water and steam” in the heading by “hydronic”;

(2) by replacing “hot water and steam” in the first paragraph by “hydronic”;

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

“It also authorizes construction work that is not already authorized by the first paragraph and relating to hydronic heating systems, particularly those relating to propane gas burners and those included in subclass 15.4.1.

In addition, this subclass authorizes construction work relating to hydronic heating and air conditioning systems. However, work relating to heating and air conditioning devices that are part of such systems may not be carried out unless the contractor also holds the appropriate subclass 15.9 or 15.10.”.

**5.** Subclass 15.4.1 of Schedule II is amended

(1) by replacing “hot water and steam” in the heading by “hydronic”;



(2) by replacing “hot water and steam” in the first paragraph by “hydronic”;

(3) by inserting the following after the second paragraph:

“In addition, this subclass authorizes construction work relating to hydronic heating and air conditioning systems carried out in the territories referred to in the second paragraph. However, work relating to heating and air conditioning devices that are part of such systems may not be carried out unless the contractor also holds the appropriate subclass 15.9 or 15.10.”

**6.** Subclass 15.7 of Schedule II is amended by replacing the second paragraph by the following:

“It also authorizes, for buildings referred to in the first paragraph, construction work relating to the heating duct systems and the installation of the heating devices of a pulsed air heating system as well as construction work relating to the heating duct systems of a pulsed air heating and air conditioning system.

In addition, this subclass authorizes, for the same buildings, construction work relating to the heating and air conditioning devices of a pulsed air system provided that the contractor also holds the appropriate subclass 15.9 or 15.10.”

**7.** Subclass 15.8 of Schedule II is amended by replacing the second paragraph by the following:

“It also authorizes construction work relating to the heating duct systems and the installation of the heating devices of a pulsed air heating system as well as construction work relating to the heating duct systems of a pulsed air heating and air conditioning system.

In addition, that subclass authorizes construction work relating to the heating and air conditioning devices of a pulsed air system provided that the contractor also holds the appropriate subclass 15.9 or 15.10.”

**8.** Subclass 15.9 of Schedule II is amended

(1) by replacing “according to the classification in Clause 3.4 of CSA B-52 Mechanical Refrigeration Code, 1999 edition, published by the Canadian Standards Association, taking into account further amendments that may be made” in the first paragraph by “according to the classification in the table on refrigerants and charges of the Mechanical Refrigeration Code, published by the Canadian Standards Association”;

(2) by inserting the following after the first paragraph:

“It also authorizes construction work relating to the heating and air conditioning devices of a pulsed air system, whose capacity does not exceed 40 kW and that use a refrigerant referred to in the first paragraph, provided that the contractor also holds the appropriate subclass 15.1, 15.1.1, 15.7 or 15.8.

In addition, this subclass authorizes construction work relating to the heating and air conditioning devices of a hydronic system, whose capacity does not exceed 40 kW and that use a refrigerant referred to in the first paragraph, provided that the contractor also holds the appropriate subclass 15.4 or 15.4.1.”

**9.** Subclass 15.10 of Schedule II is amended by replacing the second paragraph by the following:

“It also authorizes construction work relating to the heating and air conditioning devices of a pulsed air system provided that the contractor also holds the appropriate subclass 15.1, 15.1.1, 15.7 or 15.8.

In addition, this subclass authorizes construction work relating to the heating and air conditioning devices of a hydronic system provided that the contractor also holds the appropriate subclass 15.4 or 15.4.1.”

**10.** Filing with the Régie du bâtiment du Québec the security provided for in section 27 of the Regulation respecting the professional qualification of contractors and owner-builders amended by section 1 of this Regulation terminates, for the future, the security provided in accordance with the former provisions of section 27, without the surety or contractor being required to give the 60-day written notice provided for in the second paragraph of section 36 of the Regulation.

**11.** This Regulation comes into force on the 180th day following the date of its publication in the *Gazette officielle du Québec*. However,

(1) section 1 of this Regulation comes into force on the 60th day following the date of its publication in the *Gazette officielle du Québec*;

(2) a contractor who holds a licence at the coming into force of section 1 of this Regulation is required to provide the new amount of security only from the expiry date of the payment of the fees and charges payable to maintain the contractor’s licence.

Gouvernement du Québec

## O.C. 704-2016, 6 July 2016

An Act to establish the Administrative Labour Tribunal  
(chapter T-15.1)

### **Administrative Labour Tribunal — Remuneration and other conditions of employment of the members**

Regulation respecting the remuneration and other conditions of employment of the members of the Administrative Labour Tribunal

WHEREAS, under the first paragraph of section 61 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1), the Government makes regulations determining the mode of remuneration of the members of the Administrative Labour Tribunal and the applicable standards and scales as well as the method for determining the annual percentage of salary advancement up to the maximum salary rate and the annual percentage of the adjustment of the remuneration of members whose salary has reached the maximum rate and the conditions under which and the extent to which a member may be reimbursed for expenses incurred in the exercise of the functions or office;

WHEREAS, under the second paragraph of section 61 of the Act, the Government may also make regulations determining other conditions of employment applicable to all or some members, including employee benefits other than a pension plan;

WHEREAS the third paragraph of section 61 of the Act provides that regulatory provisions may vary according to whether they apply to a member holding an administrative office within the Tribunal;

WHEREAS the fourth paragraph of section 61 of the Act provides that the regulations come into force on the 15th day following the date of their publication in the *Gazette officielle du Québec* or on a later date specified in the regulations;

WHEREAS it is expedient to make the Regulation respecting the remuneration and other conditions of employment of members of the Administrative Labour Tribunal;

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

THAT the Regulation respecting the remuneration and other conditions of employment of the members of the Administrative Labour Tribunal, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

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### **Regulation respecting the remuneration and other conditions of employment of the members of the Administrative Labour Tribunal**

An Act to establish the Administrative Labour Tribunal  
(chapter T-15.1, s. 61)

#### **DIVISION I SALARY**

**1.** The salary scales applicable to the president and vice-presidents and to members of the Administrative Labour Tribunal are those appearing in Schedule I.

The salary scales are revised pursuant to the policy determined by the Government for all the holders of a senior position appointed by the Government.

**2.** Members who perform their functions on a part-time basis are remunerated in fees according to an hourly rate appearing in Schedule I, for a maximum of 7 hours of work per day.

Despite the foregoing, the president of the Tribunal may allow that the maximum number of hours be exceeded where special circumstances so warrant.

For the purposes of this Regulation, the fees paid to members are considered as a salary.

**3.** When members of the Tribunal take office, their initial salary is determined by taking into account their experience, education, the level of the position to be filled and their income when they take office, determined by taking into account the standards prescribed in Schedule II.

Public servants who are appointed member of the Tribunal may not receive a salary lower than the regular salary to which they were entitled before being appointed in accordance with their classification in the public service.

**4.** A person retired from the public sector as defined in Schedule III and appointed member of the Tribunal receives a salary corresponding to the salary fixed in accordance with the standards established in this Regulation, from which an amount corresponding to half the retirement pension received from the public sector is deducted. Such deduction is made at the time of appointment or when the member's term is renewed. The salary thus fixed may be less than the normal minimum of the salary scale applicable to that position.

**5.** Any person who has received or is receiving a severance allowance or payment from the public sector as defined in Schedule III and who receives a salary as a member of the Tribunal during the period corresponding to that allowance or payment must refund the part of the allowance or payment covering the period for which the person receives a salary, or must cease to receive it during that period.

Despite the foregoing, where the salary received as a member of the Tribunal is lower than the salary received previously, the person must refund the allowance or payment only up to the amount of the new salary, or the person may continue to receive the part of the allowance or payment that exceeds the new salary.

The period covered by the severance allowance or payment corresponds to the period that would have been covered by the same amount if the person had received it as salary in the person's previous function, employment or position.

**6.** When a member's term is renewed, subject to section 4, the salary is the same as the salary that was paid before the renewal.

**7.** Where a member already holding office within the Tribunal is designated vice-president of the Tribunal, the salary is increased by 5%. However, the new salary may not be less than the normal minimum of the salary scale applicable to that position.

Where a vice-president already holding office within the Tribunal is designated president of the Tribunal, the salary is increased by 10%. However, the new salary may not be less than the normal minimum of the salary scale applicable to that position.

Where a member already holding office within the Tribunal is designated president of the Tribunal, the salary is increased by 15%. However, the new salary may not be less than the normal minimum of the salary scale applicable to that position.

**8.** A full-time member who, in accordance with section 80 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1), ceases to hold an administrative office within the Tribunal receives, as of that date, a salary corresponding to the salary previously received without exceeding the maximum of the salary scale applicable to that member's position.

Despite the foregoing, in such a case, public servants may not receive a salary lower than the regular salary to which they would be entitled in accordance with their classification in the public service.

**9.** A member's salary increases, up to the normal maximum of the applicable salary scale, according to the annual percentage corresponding to the result of the following formula:

$(0.1 \times \% \text{ granted for the performance evaluation grade A}) + (0.3 \times \% \text{ granted for the performance evaluation grade B}) + (0.6 \times \% \text{ granted for the performance evaluation grade C}).$

Those percentages are those provided for each year for advancement in the salary scale pursuant to the policy determined by the Government to evaluate the performance of the members of a body who are appointed by the Government.

Where the salary of such a member reaches the maximum, his or her remuneration is adjusted with a lump sum whose annual percentage corresponds to the result of the formula set out above. However, the percentages are then those provided for each year for the performance premium pursuant to that policy. That lump sum must, if applicable, be reduced to take into account the percentage of advancement that the member received under the first paragraph or the amount by which the member's salary exceeds the normal maximum of the salary scale applicable to the member.

In the case of a member who is retired from the public sector as defined in Schedule III, the normal maximum of the applicable salary scale is established by taking into account the deduction made at the time of appointment or renewal of term in accordance with section 4.

Members who have performed their functions for less than 4 months during the reference period for salary progression and remuneration adjustment do not benefit from the provisions of this section.

**10.** The annual performance evaluation of a member of the Tribunal is made by the president of the Tribunal or the vice-president designated by the president. The criteria



and grades used to evaluate a member's performance, in accordance with the principle of independence in the performance of adjudicative functions, are those appearing in Schedule IV.

The annual performance evaluation of vice-presidents of the Tribunal is made by the president of the Tribunal and pertains, as regards the carrying out of their administrative office, to efficiency and effectiveness in the management of the resources put at their disposal to carry out the Tribunal's mission. If applicable, it also pertains to the exercise of their function as members and the criteria and grades used to evaluate their performance, in accordance with the principle of independence in the performance of adjudicative functions, are those appearing in Schedule IV.

The annual performance evaluation of the president of the Tribunal is made by the Minister responsible for the administration of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) and pertains exclusively to the efficiency and effectiveness of the management of the resources put at the president's disposal to carry out the Tribunal's mission. The grades used to evaluate the president's performance are those appearing in Schedule IV.

**11.** Members of the Tribunal whose term has expired and who finish the cases that they have already begun to hear and on which they have not yet ruled continue, for the period determined by the president, to receive remuneration from the Tribunal at the annual salary to which they were entitled. However, if the president considers that the members' new situation allows them to exercise their functions on a part-time basis, the members may be remunerated according to an hourly rate calculated on the basis of the annual salary that the members received when their term came to an end. For the purposes of this paragraph, a member is deemed to work 35 hours a week.

In the case of a part-time member, such member continues to be remunerated at the hourly rate to which he or she was entitled.

**12.** A vice-president of the Tribunal who is to replace the president under section 78 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) receives, while acting as replacement, an additional remuneration corresponding to 5% of the replacement's annual salary.

A vice-president of the Tribunal who is to replace a vice-president under the same section receives, while acting as replacement, an additional remuneration corresponding to 3% of the replacement's annual salary.

Despite the foregoing, the additional remuneration is paid only if the replacement acts for at least 45 consecutive days.

**13.** A member of the Tribunal who is designated by the president of the Tribunal to be responsible for the administration of a regional office under subparagraph 3 of the second paragraph of section 82 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) receives, for the time of that responsibility, an additional remuneration corresponding to 5% of his or her annual salary.

Despite the foregoing, the additional remuneration is paid only if the responsibility is exercised for at least 45 consecutive days

## DIVISION II OTHER CONDITIONS OF EMPLOYMENT

### §1. Insurance plans

**14.** Full-time members of the Tribunal participate in the group insurance plans of the management personnel of the public and parapublic sectors of Québec.

If a disability giving entitlement to salary insurance occurs during the term of a member of the Tribunal, the benefits provided by the short-term and long-term salary insurance plans are payable and the exemption from paying contributions to the insurance and pension plans applies as long as the disability lasts, even if the member's term expires during that time.

### §2. Pension plans

**15.** In accordance with section 64 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) and subject to the special provisions authorized by the Pension Plan of Management Personnel and provided for by order:

(1) the members of the Tribunal participate in the Pension Plan of Management Personnel;

(2) the vice-presidents of the Tribunal are members of the Pension Plan of Management Personnel and benefit from the special retirement provisions provided for in the Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 2) and the Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 3), as employees not covered by Schedule I to the latter provisions;

(3) the president of the Tribunal is a member of the Pension Plan of Management Personnel and benefits from the special retirement provisions provided for in the Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 2) and the Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 3), with the necessary modifications.

### §3. Annual vacation

**16.** Full-time members and vice-presidents of the Tribunal are entitled to paid annual vacation of 20 to 25 business days, allocated in accordance with the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein (D. 450-2007, 2007-06-20, in French only).

Where it is impossible for a member or a vice-president to take all or part of their annual vacation during the fiscal year for which the vacation days were granted, the member or vice-president must apply to the president of the Tribunal for a carry-over, before the end of that fiscal year.

The number of vacation days that may be carried over may not exceed the annual number of vacation days to which the member or vice-president is entitled.

**17.** The president of the Tribunal is entitled to paid annual vacation of 25 business days, that number of days being calculated in proportion to the time spent in office during the fiscal year.

Where it is impossible for the president to take all or part of his or her annual vacation during the fiscal year for which the vacation days were granted, the president of the Tribunal must apply for a carry-over to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif.

The number of vacation days that may be carried over may not exceed the annual number of vacation days to which the president is entitled.

### §4. Statutory holidays

**18.** Full-time members of the Tribunal benefit each year from the same statutory holidays as those applicable in the public service.

### §5. Official expenses

**19.** The president and vice-presidents of the Tribunal are entitled, upon presentation of vouchers but without prior authorizations, to the reimbursement of the expenses incurred in the performance of their functions, for each fiscal year, up to \$4,140 yearly in the case of the president and \$2,415 in the case of vice-presidents.

The expenses are reimbursed in accordance with the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein (D. 450-2007, 2007-06-20, in French only).

### §6. Travel and accommodation expenses

**20.** Members of the Tribunal are entitled to the reimbursement of travel and accommodation expenses incurred in the performance of their functions in accordance with the Règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux (D. 2500-83, 83-11-30, in French only).

**21.** For the reimbursement of such expenses, the main place where a member of the Tribunal performs his or her functions is the place designated by the president of the Tribunal.

### §7. Notice of resignation

**22.** For the purposes of section 73 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1), the notice of resignation given to the Minister responsible for the administration of that Act is sent to the president of the Tribunal, who sends a copy thereof to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif.

### §8. Full leave without pay from the public service

**23.** For the purposes of section 65 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1), public servants appointed as members of the Tribunal are, for the duration of the term of office and for the purpose of discharging the duties of office, on full leave without pay from the Ministère du Travail, de l'Emploi et de la Solidarité sociale.

**24.** Members on full leave without pay from the public service, who resign from their office as members of the Tribunal or whose term is not renewed, are reinstated in the personnel of the Ministère du Travail, de l'Emploi et de la Solidarité sociale with the salary they received as members of the Tribunal if that salary is lower than or

equal to the maximum of the salary scale applicable to them in the public service. Should the salary as member of the Tribunal be higher, the members are reinstated at a salary corresponding to the maximum of the applicable salary scale according to their classification in the public service.

*§9. Transition allowance and other similar measures*

**25.** Full-time members of the Tribunal, other than a member on full leave without pay from the public service, whose term is not renewed or who do not wish their term to be renewed, receive a transition allowance.

Such allowance corresponds to one month of salary at the time of leaving, per year of continuous service since taking office as the full-time holder of a senior position appointed by the Government, without exceeding 12 months.

For any period of service shorter than 1 year, the allowance is calculated in proportion to the days of service completed.

**26.** A member of the Tribunal may not receive a transition allowance in case of dismissal or removal from office.

**27.** A full-time member of the Tribunal who has left office, who has received or who receives the transition allowance provided for in section 25 and who holds an office, employment or any other remunerated position in the public sector as defined in Schedule III during the period corresponding to that allowance must reimburse the part of the allowance covering the period for which the member receives a salary, or cease to receive the allowance during that period.

Despite the foregoing, if the salary received is less than the salary previously received, the member is required to reimburse the allowance only up to the new salary, or the member may continue to receive the part of the allowance in excess of the new salary.

The period covered by the transition allowance corresponds to the period that would have been covered by the same amount had the person received it as salary in his or her previous office, employment or position.

**28.** A full-time member of the Tribunal who has left office, who has benefited from assisted departure measures or the equivalent and who, within 2 years of that departure, accepts an office, employment or any other remunerated position in the public sector as defined in Schedule III must reimburse the amount corresponding to the value of the measures received by the member,

up to the amount of the remuneration received, by the fact of his or her return to the public sector, during that 2-year period.

**29.** Engaging in part-time teaching activities is not covered by sections 27 and 28.

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

**SCHEDULE I**  
(ss. 1 and 2)

**SALARY SCALES APPLICABLE TO THE  
PRESIDENT, VICE-PRESIDENTS AND MEMBERS  
OF THE ADMINISTRATIVE LABOUR TRIBUNAL**

**1.** The salary scale applicable to the president of the Tribunal is that established for chief executive officers of level-7 bodies (Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein (D. 450-2007, 2007-06-20, in French only)).

**2.** The salary scale applicable to vice-presidents of the Tribunal is that established for vice-presidents of level-5 bodies under the Décret referred to in section 1 of this Schedule.

**3.** The salary scale applicable to members of the Tribunal is that established for full-time members of level-4 bodies under the Décret referred to in section 1 of this Schedule.

**4.** The hourly rate paid to members performing their duties on a part-time basis is determined as follows:

(Maximum of the scale applicable to full-time members of level-4 bodies + 20%\*) ÷ 261 days ÷ 7 hours per business day.

\* To compensate for the absence of employee benefits.

**SCHEDULE II**  
(s. 3)

**DETERMINATION OF INITIAL SALARY WHEN  
A MEMBER OF THE ADMINISTRATIVE LABOUR  
TRIBUNAL TAKES OFFICE**

To establish the salary that must be used to determine the initial salary of a member of the Tribunal taking office, the following rules apply:

1. Taking into account the regular salary received from the previous employer by requiring an attestation of salary from that employer.

2. Establishing the income from self-employment taking into consideration

—a financial statement prepared by an accounting firm;

—a copy of the T4 or RL-1 slip stating the gains of the last required reference year or years required;

—an affidavit whereby the candidate attests to the amount of his or her gains; or

—any other proof deemed acceptable and representative of the candidate's income.

3. Excluding from the salaries, gains or income provided, any amount that is not regular, such as premiums, overtime pay or other similar gratuities.

4. Taking into account, to determine salary, only the income from the main employment, excluding income from casual employment or employment occupied outside regular working hours.

5. Deducting, for candidates in the employ of the Gouvernement du Québec as a contractual or casual worker, the percentage of their salary intended to compensate for the absence of employee benefits, when such a percentage is provided.

6. Calculating, over an average of a few years, the income that varies notably from one year to the next because that income is in the form of profit sharing or another form.

### SCHEDULE III

(ss. 4, 5, 9, 27, 28)

#### PUBLIC SECTOR

1. The Government and its departments, the Conseil exécutif and the Conseil du trésor.

2. The staff of the Lieutenant-Governor, the National Assembly, the Public Protector, any person designated by the National Assembly to perform duties that come under the National Assembly where its personnel is, by law, appointed in accordance with the Public Service Act (chapter F-3.1.1), and any body to which the National Assembly or a committee thereof appoints the majority of the members.

3. Any body which is established by or under an act or by a decision of the Government, the Conseil du trésor or a minister and which meets one of the following conditions:

(1) all or part of its appropriations for operating purposes appear under that heading in the budgetary estimates tabled in the National Assembly;

(2) its employees are required by law to be appointed in accordance with the Public Service Act (chapter F-3.1.1);

(3) the Government or a minister appoints at least half of its members or directors, and at least half of its operating expenses are borne directly or indirectly by the Consolidated Revenue Fund or by other funds administered by a body referred to in section 1 or 2 of this Schedule, or both situations hold true at the same time.

4. The Public Curator.

5. Any body, other than those mentioned in sections 1, 2 and 3 of this Schedule, which is established by or under an Act or by a decision of the Government, the Conseil du trésor or a minister and at least half of whose members or directors are appointed by the Government or a minister.

6. Any joint-stock company, other than a body mentioned in section 3 of this Schedule, more than 50% of whose voting shares are part of the domain of the State or are owned by a body referred to in sections 1 to 3 and 5 of this Schedule or by an enterprise referred to in this section.

7. Any educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1).

8. Any general and vocational college established under the General and Vocational Colleges Act (chapter C-29).

9. Any school board subject to the Education Act (chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) and the Comité de gestion de la taxe scolaire de l'Île de Montréal.

10. Any private institution accredited for the purposes of subsidies under the Act respecting private education (chapter E-9.1).

11. Any other educational institution more than half of whose operating expenses are paid out of appropriations appearing in the budgetary estimates tabled in the National Assembly.

12. Any public or private institution under agreement and any agency referred to in the Act respecting health services and social services (chapter S-4.2).

13. The regional council established by the Act respecting health services and social services for Cree Native persons (chapter S-5).

14. Any municipality, any body declared by law to be the mandatary or agent of a municipality, any body more than half of whose board of directors are members of a municipal council and any body otherwise under a municipal authority.

15. Any metropolitan community, intermunicipal board, intermunicipal transit authority, any intermunicipal board of transport, the Kativik Regional Government and any other body, except a private body, more than half of whose board of directors are elected municipal officers.

#### SCHEDULE IV

(s. 10)

#### PERFORMANCE EVALUATION CRITERIA AND GRADES

The annual performance evaluation is carried out according to the following criteria:

(1) Qualitative evaluation criteria: they comprise factors and standards intended to assess the knowledge, skills, attitudes and behaviours of the member in the performance of duties, particularly with regard to

(a) the knowledge and use of statutes, regulations, evidence and procedure rules and jurisprudence using the means put at his or her disposal to master them;

(b) the quality of the drafting of decisions, particularly with regard to clarity, precision and concision;

(c) behaviour with the parties and their witnesses and representatives, particularly at the hearing;

(d) compliance with the code of ethics applicable to the members of the Tribunal;

(e) availability and dedication to work;

(f) communications and relations with the Tribunal's management and staff;

(g) participation in the committees and activities related to the office of Tribunal member;

(2) Quantitative evaluation criteria: they are intended to assess the quantitative contribution of the member in the processing of records, particularly with regard to

(a) the number of records closed following conciliation, discontinuance or an amicable settlement;

(b) the number of records processed following investigations and hearings of parties, cases taken under advisement to assess testimonies, arguments and all the documents related to a record;

(c) the number of decisions rendered.

The annual performance evaluation is carried out using the following evaluation grades:

A: performance that considerably exceeds the required standards;

B: performance that exceeds the required standards;

C: performance that meets the required standards;

D: performance that falls below the required standards;

E: performance that falls considerably below the required standards.

102698

Gouvernement du Québec

#### **O.C. 705-2016, 6 July 2016**

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

#### **Construction industry**

##### **— Vocational training of the workforce**

##### **— Amendment**

Regulation to amend the Regulation respecting the vocational training of the workforce in the construction industry

WHEREAS, under subparagraphs 2 and 14 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, determine the activities included in a trade and adopt any other related or suppletive provision considered necessary to give effect to the provisions of the section and of the Act with respect to vocational training;



WHEREAS the Commission, after consulting the Committee on vocational training in the construction industry, in accordance with the first paragraph of section 123.3 of the Act, made the Regulation to amend the Regulation respecting the vocational training of the workforce in the construction industry on 27 August 2014;

WHEREAS, under section 123.2 of the Act, such a regulation of the Commission made under section 123.1 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 to amend the Regulation respecting the vocational training of the workforce in the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 11 November 2015 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, following the publication, comments were received and it is expedient to approve 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 vocational training of the workforce in the construction industry, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the vocational training of the workforce in the construction industry

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123.1, 1st par., subpars. 2 and 14)

**1.** The Regulation respecting the vocational training of the workforce in the construction industry (chapter R-20, r. 8) is amended in section 4 by inserting “or D” after “Schedule C” in the third paragraph.

**2.** The following paragraph is added after section 18:

“The holder of a journeyman competency certificate corresponding to an activity listed in Schedule C or D may not exercise the immediate supervision of an apprentice in the trade of which that activity is a part.”

**3.** The following is inserted after Schedule C:

### “SCHEDULE D (s. 4)

#### 1. ELEVATING DEVICES MECHANIC

##### —PLATFORM LIFTS

The holder of a journeyman competency certificate corresponding to the “platform lifts” activity is authorized to execute solely installation, repair or alteration work on lifts for persons with physical disabilities referred to in the CAN/CSA standard or standards governing lifts for persons with physical disabilities, including the operation of a temporary or unfinished system and the electrical connection of the apparatus or accessories from the main line connection switch specific to the mechanical conveyor system.”

**4.** This Regulation comes into force on 24 August 2016.

102699

Gouvernement du Québec

## O.C. 706-2016, 6 July 2016

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

### Issuance of competency certificates —Amendment

Regulation to amend the Regulation respecting the issuance of competency certificates

WHEREAS, under subparagraphs 1, 6 and 14 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, determine the qualifications required for the practice of each trade, determine the conditions of issue and renewal of a journeyman competency certificate in respect of a trade or of part of the activities of a trade, and adopt any other related or suppletive provision considered necessary to give effect to the provisions of the section and of the Act with respect to vocational training;

WHEREAS the Commission, after consulting the Committee on vocational training in the construction industry, in accordance with the first paragraph of

section 123.3 of the Act, made the Regulation to amend the Regulation respecting the issuance of competency certificates on 27 August 2014;

WHEREAS, under section 123.2 of the Act, such a regulation of the Commission made under section 123.1 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 to amend the Regulation respecting the issuance of competency certificates was published in Part 2 of the *Gazette officielle du Québec* of 11 November 2015 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, following the publication, no comments were received and it is expedient to approve 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 issuance of competency certificates, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

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## **Regulation to amend the Regulation respecting the issuance of competency certificates**

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123.1, 1st par. subpars. 1, 6 and 14)

**1.** The Regulation respecting the issuance of competency certificates (chapter R-20, r. 5) is amended in section 1.3 by adding the following paragraph:

“Despite the first paragraph, the Commission issues, on request, a journeyman competency certificate pertaining to the “elevated platforms” activity, described in Schedule D to the Regulation respecting the vocational training of the workforce in the construction industry (chapter R-20, r. 8), to a person who holds a valid certificate of qualification issued under the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1) in recognition of his or her qualification

in mechanical conveyor systems mechanics or in elevated platforms mechanics and who successfully completed the safety course required by the Safety Code for the construction industry (chapter S-2.1, r. 4).”.

**2.** Section 7 is amended by adding the following paragraph:

“For the renewal of the journeyman competency certificate issued under the third paragraph of section 1.3, the holder must also demonstrate that at the time of the application for renewal, he or she is the holder of a valid certificate of qualification issued under the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1) in recognition of his or her qualification in mechanical conveyor systems mechanics or in elevated platforms mechanics. The same applies to every subsequent renewal of the certificate.”.

**3.** This Regulation comes into force on 24 August 2016.

102700





## Draft Regulations

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### Draft Regulation

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

#### Construction industry

##### — Hiring and mobility of employees

##### — 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 the hiring and mobility of employees in the construction industry, made by the Commission de la construction du Québec and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation is intended to facilitate access and retention of women in the construction industry. In particular, it includes measures to promote the hiring of women.

The draft Regulation has no impact on enterprises not in the construction industry and it will have a small administrative impact on employers in the industry. As for the public, the draft Regulation will increase the presence and retention of women in the construction industry.

Further information may be obtained by contacting Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

Any person wishing to comment on the matter is requested to submit written comments before the expiry of the 45-day period to Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

DOMINIQUE VIEN,

*Minister responsible for Labour*

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### Regulation to amend the Regulation respecting the hiring and mobility of employees in the construction industry

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123.1, 1st par., subpar. 13, and 4th and 5th pars.)

**1.** The Regulation respecting the hiring and mobility of employees in the construction industry (chapter R-20, r. 6.1) is amended in section 38 by inserting the following sentence at the end of the first paragraph:

“An employer may assign a female employee holding such a certificate anywhere in Québec, if that female employee has worked for the employer 500 hours or more in the construction industry in Québec or elsewhere in Canada during the same period.”.

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

102704

### Draft Regulation

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

#### Issuance of competency certificates

##### — 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 the issuance of competency certificates, made by the Commission de la construction du Québec and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation is intended to facilitate the access and retention of women in the construction industry. In particular, it includes measures to promote the hiring of women.

The draft Regulation has no impact on enterprises not in the construction industry and it will have a small administrative impact on employers in the industry. As for the public, the draft Regulation will increase the presence and retention of women in the construction industry.

Further information may be obtained by contacting Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

Any person wishing to comment on the matter is requested to submit written comments before the expiry of the 45-day period to Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

DOMINIQUE VIEN,  
*Minister responsible for Labour*

## Regulation to amend the Regulation respecting the issuance of competency certificates

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123.1, 1st par., subpar. 5, and 4th and 5th pars.)

**1.** The Regulation respecting the issuance of competency certificates (chapter R-20, r. 5) is amended in section 7

(1) by adding “8.3,” in the second paragraph after “under section 2, 3,”;

(2) by adding “8.4,” in the third paragraph after “under section 4.2,”.

**2.** Section 8.1 is amended

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

“The Commission may issue, under section 2.1, an apprentice competency certificate to a woman who has never been the holder of a certificate issued under this section, without the employer having to file a workforce request or guarantee that person an employment for not less than 150 hours over a period not exceeding 3 months.”;

(2) by striking out “Notwithstanding section 6,” in the second paragraph;

(3) by inserting the following paragraph after the second paragraph:

“If the employee does not work 150 hours during the 2-year period, the Commission issues a new certificate to the employee if an employer confirms in writing with the Commission that it undertakes to hire that person. That apprentice competency certificate expires 2 years after the date it was issued and it is renewed if monthly reports sent to the Commission by employers registered with it prove that the employee has worked 150 hours during those 2 years. Should the employee fail to reach 150 hours during the 2-year period, the Commission may again issue a certificate, in accordance with the conditions set out in this paragraph.”.

**3.** The following is added after section 8.2:

“**8.3.** Where 30% or less of the total number of employees holding an apprentice competency certificate issued for a trade and a region contemplated in an application for a certificate are available at the time of the application, the Commission may issue an apprentice competency certificate to a woman 16 years of age or older:

(1) who provides an attestation that she has successfully completed a safety course required under the Safety Code for the construction industry (chapter S-2.1, r. 4);

(2) who demonstrates that she meets the admission requirements prescribed in basic school regulations (régime pédagogique) made under the Education Act (chapter I-13.3) for a program of studies leading to a vocational training diploma pertaining to the trade indicated in that application;

(3) in respect of whom an employer registered with the Commission files a workforce request, guarantees that woman employment for not less than 150 hours over a period not exceeding 3 months and provides the Commission with proof of the guarantee.

**8.4.** Where 30% or less of the total number of employees holding an occupation competency certificate issued for the region contemplated in an application for a certificate are available at the time of the application, the Commission may issue an occupation competency certificate to a woman 16 years of age or older, in respect of whom an employer registered with the Commission files a workforce request, guarantees that person employment for not less than 150 hours over a period not exceeding 3 months and provides the Commission with proof of the guarantee and an attestation that she has successfully completed a safety course required under the Safety Code for the construction industry (chapter S-2.1, r. 4).”.

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

102702

## Draft Regulation

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

### Construction industry — Vocational training of the workforce — Amendments

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 the vocational training of the workforce in the construction industry, made by the Commission de la construction du Québec and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation is intended to facilitate the access and retention of women in the construction industry. In particular, it includes measures to promote the hiring of women.

The draft Regulation has no impact on enterprises not in the construction industry and it will have a small administrative impact on employers in the industry. As for the public, the draft Regulation will increase the presence and retention of women in the construction industry.

Further information may be obtained by contacting Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

Any person wishing to comment on the matter is requested to submit written comments before the expiry of the 45-day period to Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

DOMINIQUE VIEN,  
*Minister responsible for Labour*

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## Regulation to amend the Regulation respecting the vocational training of the workforce in the construction industry

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123.1, 1st par., subpar. 10, and 4th and 5th pars.)

**1.** The Regulation respecting the vocational training of the workforce in the construction industry (chapter R-20, r. 8) is amended in the second paragraph of section 18 by striking out “in the same trade or, where the tasks form a part of the practice of more than one trade, under the immediate supervision of a journeyman in each of those trades”.

**2.** Section 20 is amended

(1) by striking out “in the same trade” after “at least as many journeymen”;

(2) by adding the following paragraphs at the end of section 20:

“On a construction site, an employer may use the services of one more apprentice per journeyman than the ratio in the first paragraph, for each female apprentice whose services are used by the employer, up to a maximum of 20 additional apprentices.

The apprentices and journeymen whose services are used by the employer, under section 18 and this section, are the employer’s employees and are in the same trade. If the tasks performed by the apprentices form part of the practice of more than one trade, the journeymen may be of one of those trades.

For the purposes of calculating the ratios provided for in sections 19 and 22, female apprentices are not taken into account.”

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

102703

## 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 draft Regulation to amend the Regulation respecting supplemental pension plans, appearing below, may be submitted to the Government for approval upon the expiry of 30 days following this publication.

The purpose of the draft Regulation is to set out various measures concerning the funding of plans and enacted by the Act to amend the Supplemental Pension Plans Act mainly with respect to the funding of defined benefit pension plans (2015, chapter 29). The measures concern in particular the contents of the report on the actuarial valuation of a pension plan and the various notices provided for under the Supplemental Pension Plans Act (chapter R-15.1), and the special conditions regarding variable benefits, letters of credit and benefits.

Under section 12 of the Regulations Act, the draft Regulation may be approved on the expiry of the 45-day period provided for under section 11 of that Act. The Government is of the opinion that the shorter publication period is warranted due to the fact that the report on the actuarial valuation as at 31 December 2015 that is required for every pension plan to which Chapter X of the Supplemental Pension Plans Act applies must take into account the amendments made by the draft Regulation.

The draft Regulation has no negative impact on businesses, particularly on small businesses.

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 to Mr. Michel Després, President and Chief Executive Officer of Retraite Québec, Place de la Cité, 2600, boulevard Laurier, 5<sup>e</sup> étage, Québec (Québec) G1V 4T3. Comments will be forwarded by Retraite Québec to the Minister of Finance, who is responsible for the administration 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. 1, 2, 2.1, 3.1.1, 7, 8 and 14)

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 “, notices” in the heading of Division I after “registration”;

**2.** The Regulation is amended by inserting, before section 1, the following heading:

“§1. *Application for registration*”.

**3.** The Regulation is amended by inserting, after section 3, the following heading:

“§2. *Notices*”.

**4.** Sections 4 to 11.1 of the Regulation are replaced by the following:

“§3. *Actuarial valuation report*

“General provisions

“4. Any actuarial valuation report referred to in section 120 of the Act must contain the following information:

(1) the name of the plan and the number assigned to it by Retraite Québec;

(2) the date of the actuarial valuation;

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

Unless otherwise indicated, the provisions of this subdivision are applied using a funding basis.

“Complete actuarial valuation

“5. The report on a complete actuarial valuation shall contain the information and statements of the actuary provided for in Section 3260 of the Standards of Practice of the Canadian Institute of Actuaries, those provided for under sections 6 to 9, under sections 10 to 11.1, where applicable, and under section 11.2, and the following information:

(1) the number of active members apportioned, if applicable, according to whether their benefits are accumulated under defined benefit provisions or money purchase provisions within the meaning of section 965.0.1 of the Taxation Act (chapter I-3) or both types of provisions, the number of non-active members to whom no pension is being paid and the number of the other non-active members and beneficiaries whose benefits are covered by the actuarial valuation;

(2) a summary of the provisions of the plan that must be taken into account for the purposes of the valuation, including those bearing on contributions, normal retirement age, conditions to be met to be entitled to an early pension, the pension indexation formula, assumptions used in accordance with the second paragraph of section 61 of the Act and the refunds and benefits payable under the pension plan;

(3) the value of the plan's assets and its liabilities, and the actuarial assumptions and methods used to determine those values;

(4) the value of the plan's liabilities distributed among the group of active members of the plan, the group of non-active members to whom no pension is paid and the group of the other non-active members and beneficiaries, and the actuarial assumptions and methods used to determine the value;

(5) the plan's funding ratio and its degree of solvency.

“6. The report must contain the following financial information:

(1) the current service contribution projected for the fiscal year or part of a fiscal year immediately following the actuarial valuation and the rule used to determine the service contribution;

(2) the portion of the current service contribution that constitutes the stabilisation provision referred to in section 128 of the Act;

(3) the rule used to determine the service contribution for the two subsequent fiscal years;

(4) the amounts to be paid respectively by the employer and by the members for each fiscal year or part of a fiscal year referred to in subparagraphs 1 and 3 and, for each amount, in the case of a defined benefit plan for which certain provisions are identical to those of a defined contribution plan, the share that must be paid for those provisions and the share that must be paid for the defined benefit provisions;

(5) where the members contribute to amortization payments, the types of amortization payments to which they contribute, the portion for which they are responsible, and the amount, hourly rate or rate of the remuneration that must be paid for the purpose;

(6) the employer contribution under the plan, where it is greater than the contribution provided for in section 39 of the Act;

(7) a description of the contribution adjustments resulting from the application of the third paragraph of section 41 of the Act;

(8) the amount of the letter of credit or the total amount of the letters of credit taken into account in the assets of the pension plan on a funding basis and on a solvency basis;

(9) amounts recorded pursuant to section 42.2 of the Act.

In the case of a pension plan to which Chapter X.2 of the Act applies, the report must also include a certification of the actuary that the negotiated contributions are sufficient or a mention by the actuary that the contributions are insufficient.

“7. The report must contain, with regard to the stabilization provision, the following information:

(1) the target level of the stabilization provision, established in accordance with Division VI.2;

(2) the list of investments provided for in the investment policy of the plan that is in force at the date of the actuarial valuation;

(3) the target of the investment policy for each investment along with the acceptable deviation from its target;

(4) the percentage of the assets allocated to fixed-income securities, within the meaning of section 60.8, and to variable-yield investments;

(5) the duration of each fixed-income security;

(6) the duration of the assets, determined in accordance with section 60.9;

(7) the value of  $P$ ,  $P_+$  and  $P_-$  determined in accordance with section 60.10, as well as the formula used to calculate the duration of the liabilities;

(8) the duration of the liabilities;



(9) the proportion of assets of the plan allocated to each investment provided for in the investment policy.

“8. The report must contain, for each type of funding deficiency referred to in section 130 of the Act, the following information:

(1) the date of its determination as well as the date of the end of the period provided for its amortization;

(2) the monthly payments related to amortization payments to be made until the end of that period and their present value.

The report must also contain a description of the amendments made pursuant to section 135 of the Act to improvement unfunded actuarial liabilities indicated in the most recent report on an actuarial valuation of the plan.

“9. The report must also contain the following information, determined on a solvency basis:

(1) the value of the plan’s assets and its liabilities, and the actuarial assumptions and methods used to determine those values;

(2) the value of the plan’s liabilities distributed among the group of active members of the plan, the group of non-active members to whom no pension is paid and the group of the other non-active members and beneficiaries, the actuarial assumptions and methods used to determine the value, and the degree of solvency of the plan;

(3) the estimated amount of the administration costs referred to in the first paragraph of section 141 of the Act;

(4) where the plan provides for obligations to which the last sentence of the first paragraph of section 142.1 of the Act applies:

(a) a description of the obligations;

(b) the scenario used by the actuary to determine the plan’s liabilities and, where that scenario results in liabilities that are less than the value of the obligations arising from the plan assuming that the plan is terminated at the valuation date in such circumstances that the benefits accrued to the members must be estimated at their maximum value, such maximum value;

(5) the description of the approach used to estimate the premium referred to in section 142.3 of the Act.

“10. Where the actuarial valuation considers for the first time an amendment to the plan that has an impact on the plan’s funding, the report must also contain a summary of the amendment, the date on which the amendment occurred, and its effective date.

If additional obligations arise due to the amendment, the report must also contain the following information:

(1) the value of the additional obligations as well as the value of the target level of the stabilization provision with regard to the obligations;

(2) the special improvement payment determined pursuant to section 139 of the Act, where applicable;

(3) the amount of surplus assets that may be appropriated to the payment of the value of the additional obligations;

(4) the value, determined on a solvency basis, of the additional obligations.

Where the amendment has the effect of reducing the plan’s obligations, the report must indicate the value of the reduction of the liabilities on a funding basis and on a solvency basis.

The report must also indicate the effect of the amendment, where applicable, on each item of information required under sections 5 to 9.

In the case of a plan referred to in Chapter X.2 of the Act, the report must include a certification of the actuary that the negotiated contributions are sufficient even taking into account the additional obligations arising from the amendment, or a statement by the actuary that the contributions are insufficient.

“11. In the case of the appropriation of surplus assets, the report must also contain the following information:

(1) the maximum amount of surplus assets that may be used, established in accordance with section 146.7 of the Act;

(2) the amount of the surplus assets used and the conditions for their allocation in accordance with section 146.8 and, where applicable, section 146.9 of the Act;

(3) the effect of the allocation of the surplus assets on the amounts recorded in accordance with section 42.2 of the Act;



(4) where applicable, the portion of the surplus assets allocated to the reduction of the amount of a letter of credit in accordance with paragraph 2 of section 15.0.0.4.

“Partial actuarial valuation

“**11.1.** The report on a partial actuarial valuation must contain the following information:

(1) the financial information mentioned in the first paragraph of section 6;

(2) the target level of the stabilization provision determined in accordance with Division VI.2.

Where the actuarial valuation considers for the first time an amendment to the plan that has an impact on the plan’s funding, the report must also contain

(1) any adjustment made to the rule referred to in subparagraph 3 of the first paragraph of section 6 that is related to the fiscal year immediately following the actuarial valuation, to take into account the amendment;

(2) the information referred to in the first paragraph of section 8 that is related to each improvement unfunded actuarial liability determined in accordance with section 134 of the Act;

(3) the information referred to in section 10, accompanied with the actuary’s certification that, on a funding basis, the value of the additional obligations arising from the amendment was estimated using the same actuarial assumptions and methods as those used during the most recent complete actuarial valuation of the plan, unless those assumptions and methods are not appropriate to the nature of the amendment.

In the case of the allocation of surplus assets, the report must also contain the information referred to in section 11, accompanied with a certification of the actuary certifying that a complete actuarial valuation of the plan carried out at the valuation date would have established amounts equal to or less than the amounts indicated.

“**11.2.** The certifications referred to in section 122 of the Act that are required for the purpose of a partial actuarial valuation must be established on the basis of a conservative estimate made by the actuary.

“Special measures

“**11.3.** A report relating to an actuarial valuation of the plan at a date that is prior to 1 January 2019 must include:

(1) the amount of the employer amortization payment determined in accordance with the Act as it read on 31 December 2015, taking into account any instruction referred to in the third paragraph of section 318.4 of the Act;

(2) the sum of the employer amortization payment and employer current service stabilization contribution determined in accordance with the rules set forth in the Act as it read as of 1 January 2016;

(3) the proportion of the difference between the amounts provided for under paragraphs 2 and 1 that is required for the fiscal year;

(4) the portion of the stabilization amortization payment that can be paid using a letter of credit.”

**5.** Section 14 of the Regulation is amended

(1) by inserting, in the fourth paragraph after “to produce”, “the notice required under section 119.1 of the Act or”;

(2) by inserting, after “section 120 of the Act” in the fourth paragraph, “, barring the report on the actuarial valuation referred to in subparagraph 1 of the first paragraph of section 118 of the Act,”;

(3) by striking out, in the fourth paragraph, “ended on the date of the actuarial valuation”.

**6.** Section 15.0.0.2 of the Regulation is amended by replacing, in the table in paragraph 2, “Dominion Bond Rating Service” with “DBRS”.

**7.** Section 15.0.0.4 of the Regulation is amended

(1) by replacing paragraph 2 with the following:

“(2) an actuarial valuation report mentions that surplus assets can be appropriated, in accordance with section 146.8 or 146.9 of the Act, to the payment of the employer current service contribution or be transferred to the employer, and the employer informs the pension committee of the amount of the surplus that must be appropriated to the reduction of the amount of a letter of credit.”;

(2) by adding the following paragraph:

“The appropriation referred to in subparagraph 2 of the first paragraph does not prevent the application of the fourth paragraph of section 146.8 of the Act.”

**8.** Sections 15.0.0.5 to 15.0.0.7 of the Regulation are revoked.

**9.** Division II.0.1 of the Regulation, which contains sections 15.0.1 to 15.0.3, is revoked.

**10.** The Regulation is amended by inserting, after section 15.4, the following division:

**“DIVISION II.3  
“VARIABLE BENEFITS**

**“15.5.** Where a pension plan provides for the payment, as a life income, of the variable benefits referred to in section 90.1 of the Act, the following rules apply:

(1) for each fiscal year, the member sets the income to be received as variable benefits;

(2) the maximum income paid is set in accordance with sections 20 and 20.1, which apply with the necessary modifications, and with schedules 0.6 and 0.7;

**“15.6.** Where a pension plan provides for the payment of variable benefits as a temporary income, the following rules apply:

(1) where the member is at least 55 years of age but less than 65 years of age at the time the application is filed, the conditions set out under sections 19.1, 20.3, 20.4 and 21 apply with the necessary modifications, along with schedules 0.4 and 0.8;

(2) where the member is less than 55 years of age at the time the application is filed, the conditions set out under sections 19.2, 20.5 and 21, along with Schedule 0.5, apply with the necessary modifications.

**“15.7.** The minimum income paid as variable benefits during a fiscal year is the one prescribed under subsection 5 of section 8506 of the Income Tax Regulations (C.R.C., ch. 945), enacted by the Income Tax Act (R.S.C. 1985, ch. 1 (5th Suppl.);

**“15.8.** The pension committee shall, at the beginning of each fiscal year of the plan, provide the member with a statement that indicates the information provided for in the first paragraph of section 24, with the necessary modifications.

Where the plan provides for the payment of a temporary income and the member is at least age 55 or will reach that age during the fiscal year, the pension committee shall also accompany the statement with a copy of the declarations that are prescribed in schedules 0.4 and 0.8, with the necessary modifications.”

**11.** Section 20 of the Regulation is amended by replacing “or”, in the description of “C” and after “a life income fund” with “, from a supplemental pension plan that offers variable benefits referred to in Division II.3 or from”.

**12.** Section 20.3 of the Regulation is amended by inserting “from a supplemental pension plan that offers variable benefits referred to in Division II.3” after “of the purchaser,” in the description of “C”.

**13.** Section 20.4 of the Regulation is amended

(1) by inserting, after subparagraph (b) in the description of “T” in subparagraph 2 of the first paragraph:

(b.1) the total of the variable benefits that the purchaser must receive during the year covered by the fiscal year under a pension plan referred to under Division II.3;

(2) by inserting, after “of the purchaser,” in subparagraph 2 of the second paragraph “from a supplemental pension plan that offers the variable benefits referred to in Division II.3”.

**14.** Section 20.5 of the Regulation is amended by adding “or from a supplemental pension plan that offers the variable benefits referred to in Division II.3” in the first paragraph and after “from another life income fund”.

**15.** Section 22.2 of the Regulation is amended by inserting “from a supplemental pension plan that offers the variable benefits referred to in Division II.3” after “from a life income fund”.

**16.** Section 24 of the Regulation is amended by inserting “from a supplemental pension plan that offers the variable benefits referred to in Division II.3”

(1) after “of the purchaser,” in subparagraph 2 of the first paragraph;

(2) after “of the purchaser,” in subparagraph 7 of the first paragraph.

**17.** Section 24.1 of the Regulation is amended by inserting “from a supplemental pension plan that offers the variable benefits referred to in Division II.3,” after “of the purchaser” in the first paragraph and in paragraph 1.

**18.** Section 33 of the Regulation is amended by striking out “, and benefits relative to the additional pension benefit provided for in section 60.1 of the Act” at the end of the definition of “pension benefits”.

**19.** Section 36.1 of the Regulation is amended by striking out subparagraph 3 of the second paragraph.

**20.** Section 37 of the Regulation is amended by replacing the fourth paragraph with the following:

“However, in the case of a member whose benefits correspond to a deferred pension to which the member would be entitled if the member terminated active membership on the valuation date, the value of the benefits related to excess member contributions, with accrued interest, is the one established according to the formula provided for in the third paragraph of this section.”.

**21.** Section 50 of the Regulation is amended by replacing subparagraph 2 of the first paragraph with the following:

“(2) provided that the plan so allows, transfer the sum to the account of the spouse where the spouse already has benefits under the plan;”.

**22.** Section 52 of the Regulation is revoked.

**23.** Section 54 of the Regulation is amended by replacing the first sentence of the first paragraph with the following: “The pension committee must, where no retirement, disability or replacement pension is being paid to the member at the date of execution of the partition or transfer of pension benefits, determine at the date of the valuation the amount of the portion of the normal pension that corresponds to the proportion that the sum paid to the spouse or transferred to the spouse’s account represents of the value of the pension benefits of the member.”.

**24.** Section 55 of the Regulation is amended:

(1) by replacing, in the first bullet point of subparagraph 2 of the first paragraph “the value that the pension paid to the member on the day preceding the effective date of the judgment, dissolution of the civil union or cessation of conjugal relationship would have had on the date of execution of the partition or transfer” by “the value that the benefits of the member would have had on the date of execution of the partition or transfer”;

(2) by inserting, after the first paragraph, the following:

“For the purposes of subparagraph 2 of the first paragraph, the amount referred to in section 54 must be adjusted to take into account any amendment to the plan made after the date of the valuation that would have had an effect on the value of the benefits of the member at that date.”.

**25.** Section 56.0.3 of the Regulation is amended by replacing, in the first paragraph, “that, determined according to the value of the benefits attributed to the spouse, would have been paid to the member by the plan for that pension” with “that corresponds to the proportion that the value of the benefits attributed to the spouse represents of the value of the benefits of the member”.

**26.** Section 56.0.6 of the Regulation is amended by inserting, after the first paragraph, the following:

“For the purposes of subparagraph 2 of the first paragraph, the amount referred to in section 56.0.3 must be adjusted to take into account any amendment to the plan made after the date the seizure is effected that would have had an effect on the value of the benefits of the member at that date.”.

**27.** Section 57 of the Regulation is amended:

(1) by replacing “the member contributions” in subparagraph 10 of the first paragraph with “the member’s current service contributions and amortization payments,”;

(2) by replacing “benefits that the member would have been able to transfer” in subparagraph 1 of the first paragraph with “member’s benefits”;

(3) by inserting, after subparagraph 1 of the second paragraph, the following:

“(1.1) the value referred to in subparagraph 1, adjusted in proportion to the plan’s degree of solvency or as provided for in the plan text, that the member would have been able to transfer, accompanied with the mention provided for in subparagraph 1;

“(1.2) a mention that the value of the member’s benefits that may be transferred will be calculated using the most recent degree of solvency of the plan and determined on the date of payment in accordance with the notice referred to under section 119.1 of the Act or the most recent actuarial valuation of the plan;

“(1.3) with regard to the payment of residual benefits, a mention of the rules provided for under sections 143 to 146 of the Act or, where applicable, the rules set out in the plan text;”;

(4) by inserting, after subparagraph 2 of the second paragraph, the following:

“(2.1) with regard to the time limits applicable for exercising a right to transfer, a mention of the rules established under the second paragraph of section 99 of the Act or, where applicable, the rules set out in the plan text;”.

**28.** Section 58 of the Regulation is amended:

- (1) by striking out subparagraph *f* of paragraph 4;
- (2) by striking out subparagraph *e* of paragraph 5;
- (3) by striking out subparagraph *c* of paragraph 8;
- (4) by replacing paragraph 9 with the following:

“(9) the most recent degree of solvency of the plan and determined, at the date of the statement, using most recent actuarial valuation of the plan or, if it is more recent, the notice referred to under section 119.1 of the Act;

“(9.1) a mention that the degree of solvency may vary between the date of the statement and the date on which the payment is made;

“(9.2) with regard to the payment of the balance of the benefits, a mention of the rules provided for under sections 143 to 146 of the Act or, where applicable, the rules set out in the plan text;

“(9.3) with regard to the time limits applicable for exercising a right to transfer, a mention of the rules established under the second paragraph of section 99 of the Act or, where applicable, the rules set out in the plan text;”.

**29.** Section 59 of the Regulation is amended:

(1) by striking out subparagraph *f* of subparagraph 4 of the first paragraph;

(2) by replacing subparagraph 5 of the first paragraph with the following:

“(5) where the value of the member’s benefits has been paid only in part, a mention of the rules provided for under sections 143 to 146 of the Act or set out in the plan text with regard to the payment of the balance of the benefits and a mention of each year in which a payment will be made, where applicable.”;

(3) by replacing, in subparagraph 1 of the second paragraph, “benefits that may be transferred” with “member’s benefits”;

(4) by inserting, after subparagraph 1 of the second paragraph, the following:

“(1.1) the value referred to in subparagraph 1, adjusted in proportion to the plan’s degree of solvency or as provided for in the plan text, that that may be transferred, accompanied with the mention provided for in subparagraph 1;

“(1.2) the most recent degree of solvency of the plan and determined, at the date of the statement, using the notice referred to under section 119.1 of the Act or the most recent actuarial valuation of the plan;

“(1.3) a mention that the degree of solvency may vary between the date of the statement and the date on which the payment is made;

“(1.4) a mention that the value of the member’s benefits that may be transferred will be calculated using the most recent degree of solvency of the plan and determined on the date of payment in accordance with the notice referred to under section 119.1 of the Act or the most recent actuarial valuation of the plan;

“(1.5) with regard to the payment of residual benefits, a mention of the rules provided for under sections 143 to 146 of the Act or, where applicable, the rules set out in the plan text;

“(1.6) with regard to the time limits applicable for exercising a right to transfer, a mention of the rules established under the second paragraph of section 99 of the Act or, where applicable, the rules set out in the plan text;”.

**30.** Section 59.0.2 of the Regulation is amended:

(1) by replacing subparagraph 1 of the first paragraph with the following:

“(1) the degree of funding of the pension plan determined at the date of the most recent complete actuarial valuation of the plan and the degree of solvency of the plan determined at the date of the most recent actuarial valuation of the plan or, if it is more recent at the date the notice referred to under section 119.1 of the Act;”;

(2) by inserting, after subparagraph 1 of the first paragraph, the following:

“(1.1) the target level of the stabilization provision of the plan determined at the date of the most recent actuarial valuation of the plan;”;

(3) by replacing “member contributions” in subparagraph 4 of the first paragraph with “member’s current service contributions and amortization payments;”;

(4) by inserting, after subparagraph 4 of the first paragraph, the following:

“(4.1) the amounts recorded in accordance with section 42.2 of the Act;”;

(5) by replacing subparagraph 5 of the first paragraph with the following:

“(5) the portion of the surplus assets used during the fiscal year in accordance with section 146.8 of the Act, including how they were appropriated.”;

(6) by replacing “there of used” in the second paragraph with “thereof used to pay additional obligations arising from an amendment to the plan and”.

**31.** Section 60 of the Regulation is amended by inserting, after paragraph 4, the following:

“(4.1) the recovery plans of a pension plan to which Chapter X.2 of the Act applies;”.

**32.** Division VI.1 of the Regulation, which contains sections 60.1 to 60.5, is revoked.

**33.** Section 61.1 of the Regulation is amended:

(1) by inserting, after “relative to” in paragraph 5, “the appropriation of surplus assets during the existence of the plan;”;

(2) by striking out, in paragraph 5, “and of the rule set out in the second paragraph of section 288.1 of the Act”;

(3) by striking out paragraph 6;

(4) by replacing “his contributions” in paragraph 7 with “the value of the additional obligations arising from any amendment to the plan or to the payment of employer contributions”;

(5) by inserting, at the beginning of paragraph 8, “in the cases referred to in the third paragraph of section 196 of the Act;”;

(6) by replacing “in the second paragraph of section 230.4” in paragraph 8 with “in the third paragraph of section 146.4”;

(7) by inserting, after paragraph 8, the following:

“(8.1) a mention of the degree of solvency of each plan affected by the merger and of the degree of solvency of the absorbing plan after the merger;”.

**34.** Section 62 of the Regulation is amended by inserting, after “withdrawal” in subparagraph 2 of the first paragraph, “, the reason for the withdrawal”.

**35.** Section 64 of the Regulation is amended:

(1) by replacing “230.0.1” in the introduction of subparagraph 5 of the first paragraph and in subparagraph *a* of subparagraph 5 with “230.1”;

(2) by replacing subparagraph 8 of the first paragraph with the following:

“(8) in the case of a plan to which Chapter X of the Act applies, the ratio of the value of the assets to the value of the liabilities determined in accordance with section 212.1 of the Act, each value being reduced in accordance with section 122.1 of the Act;”;

(6) by inserting, after subparagraph 8.1, the following:

“(8.2) where the plan has surplus assets:

(a) the plan’s surplus assets at the date of termination and at the latest date at which its value is known;

(b) the amounts recorded in accordance with section 42.2 of the Act;

(c) a summary of the provisions of the plan related to the allocation of any surplus assets in case of plan termination;

(d) a description of the allocation of surplus assets in accordance with section 230.2 of the Act and with the plan provisions;

(e) the name of each employer who is party to the plan and, for each of them, the surplus assets allocated to the group of benefits connected to each, the portion of the surplus assets granted to each at the dates referred to in subparagraph *a* and the proportion that such portion represents at the same dates with respect to the total surplus assets of the plan;

“(8.3) where all or a portion of the surplus assets is granted to persons referred to in section 240.2, 308.3 or 310.1 of the Act, the actuarial assumptions and methods used to determine the presumed value of their benefits for the purposes of determining their share of the surplus assets;”;

“(8.4) where a portion of the surplus assets is granted to the members or beneficiaries:

(a) their names;

(b) the share that each of them would have received had the surplus assets been allocated at the date of termination;

(c) an estimate of the share that each will receive, determined at the latest date referred to in subparagraph *a* of subparagraph 8.2;

(d) the methods for payment of the surplus assets thus allocated;”.

**36.** Section 65 of the Regulation is amended by replacing paragraph 5 with the following:

“(5) where the surplus assets of the plan are allocated in whole or in part to the members and beneficiaries in application of section 230.2 of the Act:

(a) an estimate of the portion of the surplus assets that is allocated to the member or beneficiary at the date of termination;

(b) the proportion of the surplus assets that is allocated to the participant or beneficiary at the date of termination.”.

**37.** Sections 66 to 67.3 of the Regulation are revoked.

**38.** The Regulation is amended by adding, after section 78, the following:

“79. The statements referred to in section 112 of the Act that are produced prior to 1 January 2017 may be made in accordance with the provisions of this Regulation in effect on 31 December 2015.

“80. The provisions of Division II.0.1, which are relative to the additional pension benefit, continue to apply to pension plans that have maintained such a benefit established in accordance with the provisions of section 60.1 of the Act in effect on 31 December 2015.

The statements referred to in sections 58 and 59 must include the information related to the additional pension benefit.”.

**39.** Schedule 0.3 of the Regulation is amended by inserting, after “temporary pensions” in paragraph 2 “, variable benefits”.

**40.** Schedule 0.4 of the Regulation is amended by inserting, after “temporary pensions” in paragraph 2 “, variable benefits”.

**41.** Schedule 0.5 of the Regulation is amended by inserting, after paragraph 3 and before the date and signature, the following:

“(4) that a total of \$\_\_\_\_\_ has been paid to me during the current year under a supplemental pension plan offering variable benefits referred to in Division II.3 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), and that the said total included \$\_\_\_\_\_ that was paid to me in the form of a temporary income.”.

**42.** Schedule 0.8 of the Regulation is amended by inserting, after “life income funds” in paragraph 2, “, the supplemental pension plans of which I am a member and that offer the variable benefits referred to in Division II.3 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6)”.

**43.** Schedule 0.9 of the Regulation is amended by inserting “, from a supplemental pension plan that offers the variable benefits referred to in Division II.3 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6)” after “by a contract”.

**44.** Schedule 0.9.1 of the Regulation is amended by inserting “or from a supplemental pension plan that offers the variable benefits referred to in Division II.3 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6)” after “contract”.

**45.** This Regulation has effect from 1 January 2016.

102701



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

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