

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

Part

**2**

**No. 15**

10 April 2019

**Laws and Regulations**

Volume 151

**Summary**

Table of Contents  
Regulations and other Acts  
Draft Regulations  
Index

Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
© Éditeur officiel du Québec, 2019

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

# NOTICE TO USERS

---

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

## Part 2 – LAWS AND REGULATIONS

### Internet

The *Gazette officielle du Québec* Part 2 is available at 0:01 a.m. each Wednesday at the following address:

[www.publicationsduquebec.gouv.qc.ca](http://www.publicationsduquebec.gouv.qc.ca)

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

### Contents

Part 2 contains:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) Orders in Council, decisions of the Conseil du trésor and minister’s orders whose publication is required by law or by the Government;
- (5) regulations made by courts of justice and quasi-judicial tribunals;
- (6) drafts of the texts referred to in paragraphs 3 and 5 whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
- (7) any other document whose publication is required by the Government.

### Rates\*

- |                                |                 |
|--------------------------------|-----------------|
| 1. Annual subscription:        | Printed version |
| Partie 1 “Avis juridiques”:    | \$519           |
| Partie 2 “Lois et règlements”: | \$711           |
| Part 2 “Laws and Regulations”: | \$711           |
2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$11.11 per copy.
  3. Publication of a notice in Partie 1: \$1.79 per agate line.
  4. Publication of a notice in Part 2: \$1.19 per agate line. A minimum rate of \$260 is applied, however, in the case of a publication of fewer than 220 agate lines.

\* Taxes not included.

### General conditions

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

For information concerning the publication of notices, please call:

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

### Subscriptions

For a subscription to the paper version of the *Gazette officielle du Québec*, please contact the customer service.

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

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

---

## Table of Contents

---

Page

---

### Regulations and other Acts

---

|   |     |
|---|-----|
| 374-2019 Funding of multi-jurisdictional defined benefit pension plans. . . . . | 537 |
|---|-----|

---

### Draft Regulations

---

|  |     |
|--|-----|
| Health services and social services, An Act respecting... — Information that institutions must provide to the Minister of Health and Social Services . . . . . | 541 |
| Labour standards, An Act respecting... — Personnel placement agencies and recruitment agencies for temporary foreign workers . . . . .                         | 547 |
| Québec Pension Plan, An Act respecting the... — Benefits — Pensionable employment. . . . .   | 554 |



## Regulations and other Acts

### O.C. 374-2019, 3 April 2019

Supplemental Pension Plans Act  
(chapter R-15.1)

#### Funding of multi-jurisdictional defined benefit pension plans

Regulation respecting the funding of multi-jurisdictional defined benefit pension plans

WHEREAS, under the second paragraph of section 2 of the Supplemental Pension Plans Act (chapter R-15.1), the Government may, by regulation and on the conditions it determines, exempt any pension plan or category of pension plan it designates from the application of all or part of the Act, particularly by reason of the special characteristics of the category or by reason of the complexity of the Act in relation to the number of members in the plan and may also prescribe special rules applicable to the category;

WHEREAS, under the third paragraph of section 2 of the Act, such a regulation may, if it so provides, have retroactive effect from a date that is prior to the date of its coming into force but not prior to 31 December of the second year preceding the year in which it was published in the *Gazette officielle du Québec* under section 8 of the Regulations Act (chapter R-18.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act, a draft Regulation respecting the funding of multi-jurisdictional defined benefit pension plans was published in Part 2 of the *Gazette officielle du Québec* of 5 December 2018 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 Finance:

THAT the Regulation respecting the funding of multi-jurisdictional defined benefit pension plans, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

#### Regulation respecting the funding of multi-jurisdictional defined benefit pension plans

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

#### DIVISION 1 SCOPE

**1.** A defined benefit pension plan that is governed both by the Supplemental Pension Plans Act (chapter R-15.1) and by similar legislation of another legislative jurisdiction in Canada is covered by this Regulation. Such a pension plan is said to be a “multi-jurisdictional pension plan”.

For the purposes of this Regulation, a defined contribution and benefit plan must be considered as a defined benefit pension plan.

A multi-jurisdictional pension plan exempted from the application of provisions of the Act under a regulation made under the second paragraph of section 2 of the Act is not covered by this Regulation to the extent where, for the purpose of funding the pension plan, solvency requirements apply in respect of the establishment of amortization payments.

**2.** Where a multi-jurisdictional pension plan has more than one component that must be considered separately in accordance with the provisions of a regulation made under the second paragraph of section 2 of the Act, this Regulation applies separately in respect of each of the components of the plan.

**3.** The pension plan referred to in section 1 must be funded in accordance with the solvency requirements prescribed by this Regulation.

**4.** The provisions of the Act and those provided for in a regulation made under the second paragraph of section 2 of the Act apply to a multi-jurisdictional pension plan except to the extent provided for in this Regulation.

In the case of a discrepancy, the provisions of this Regulation prevail over those of the Act and the regulation referred to in the first paragraph.

## DIVISION II CONTRIBUTIONS

**5.** In addition to the contributions referred to in section 38.1 of the Act, the amortization payments under a multi-jurisdictional pension plan include solvency amortization payments, intended to amortize the solvency deficiency determined in accordance with section 8.

**6.** For the purposes of section 42.1 of the Act, a solvency amortization payment, intended to amortize the solvency deficiency determined in accordance with section 8, is considered to be a stabilization amortization payment.

**7.** For monitoring purposes provided for in section 42.2 of the Act, the solvency amortization payments paid pursuant to this Regulation by the employer are considered to be stabilization amortization payments and, where applicable, those paid by the members are considered to be technical amortization payments.

## DIVISION III FUNDING

**8.** Where the degree of solvency of a multi-jurisdictional pension plan determined in an actuarial valuation after 30 December 2018 in which the amount of the actuarial deficiency referred to in sections 131 and 132 of the Act is less than 75% must be established, a solvency deficiency must be determined at the date of the actuarial valuation.

The solvency deficiency corresponds, at the date of the actuarial valuation referred to in the first paragraph, to the amount by which 75% of the plan's liabilities on a solvency basis exceeds the plan's assets to which the following is added:

(1) the special improvement payment provided for in section 139 of the Act;

(2) the current value of the amortization payments provided for at the date of the actuarial valuation to amortize, in the 5 years following that date, any funding deficiency; the interest rate used to establish the value is the same as the one used to establish the plan's liabilities on a solvency basis.

For the purposes of the second paragraph, the plan's liabilities include the value of the additional obligations arising from any amendment to the plan considered for the first time at the date of the actuarial valuation, calculated on the assumption that the effective date of the amendment is the valuation date.

**9.** At the date of the actuarial valuation referred to in the first paragraph of section 8, the amortization payments that remain to be paid in relation to a solvency deficiency determined in a prior actuarial valuation are eliminated.

**10.** The amortization period of a solvency deficiency begins at the date of the actuarial valuation in which the deficiency is determined. It expires at the end of a fiscal year of the pension plan that ends not later than 5 years after the date of the actuarial valuation.

**11.** The manner provided for in sections 136 and 137 of the Act applies to a solvency deficiency.

## DIVISION IV PENSION PLAN SUBJECT TO SPECIAL FUNDING RULES

**12.** This Division applies to a multi-jurisdictional pension plan subject to the funding requirements on a funding basis covered by a regulation made under the second paragraph of section 2 of the Act.

In addition, the provisions provided for in Divisions II and III do not apply to such a pension plan.

**13.** Where an actuarial valuation after 30 December 2018 shows that the degree of solvency of a pension plan referred to in section 12 is less than 75%, a solvency deficiency must be determined at the date of the actuarial valuation.

The solvency deficiency corresponds, at the date of the actuarial valuation referred to in the first paragraph, to the amount by which 75% of the pension plan's liabilities on a solvency basis exceeds the plan's assets increased by the current value of amortization payments provided for at the date of the actuarial valuation to amortize, in the 10 years following that date, any funding deficiency; the interest rate used to establish the value is the same as the one used to establish the plan's liabilities on a solvency basis.

For the purposes of the second paragraph, the plan's liabilities include the value of the additional obligations arising from any amendment to the plan considered for the first time at the date of the actuarial valuation, calculated on the assumption that the effective date of the amendment is the date of the actuarial valuation.

**14.** At the date of the actuarial valuation referred to in the first paragraph of section 13, the amortization payments that remain to be paid in relation to a solvency deficiency determined in a prior actuarial valuation are eliminated.

**15.** The amortization period of a solvency deficiency begins at the date of the actuarial valuation in which the deficiency is determined. It expires at the end of a fiscal year of the pension plan that ends not later than 10 years after the date of the actuarial valuation.

**16.** Every solvency deficiency must be amortized in the manner provided for in section 136 of the Supplemental Pension Plans Act in force since 1 January 2016.

In addition, the rules provided for in section 137 of the Act apply in respect of monthly solvency amortization payments.

**17.** Solvency amortization payments to amortize solvency deficiencies are added to the amortization payments provided for in a regulation made under the second paragraph of section 2 of the Act to amortize funding deficiencies.

Where a regulation made under the second paragraph of section 2 of the Act provides rules relating to the determination of the cost of the plan's obligations, such payments must be included in that cost.

#### DIVISION V MISCELLANEOUS

**18.** The report on an actuarial valuation of a multi-jurisdictional pension plan in which a solvency deficiency is determined in accordance with section 8 or section 13 must also contain the following information:

(1) the date at which the solvency deficiency was determined and the date of the end of the period provided for its amortization;

(2) the monthly solvency amortization payments payable until the end of the amortization period and their present value;

(3) if the members contribute to solvency amortization payments, the portion for which they are responsible and the amounts, hourly rate or rate of the remuneration that must be paid for that purpose.

**19.** For the purposes of section 10, the amortization period of a solvency deficiency determined as a multi-employer pension plan to which Chapter X.2 of the Act applies expires at the end of a fiscal year of the pension plan that ends not later than 10 years after the date of the actuarial valuation.

In addition, for the purposes of subparagraph 2 of the second paragraph of section 8, the current value of the amortization payments provided for at the date of the actuarial valuation must be taken into account to amortize, in the 10 years following that date, any funding deficiency.

#### DIVISION VI TRANSITIONAL AND FINAL

**20.** Any multi-jurisdictional pension plan must be the subject of a complete actuarial valuation as at 31 December 2018. Where such a valuation is not referred to in section 118 or 146.16 of the Act or covered by a regulation made under the second paragraph of section 2 of the Act, the report on the actuarial valuation as at 31 December 2018 must be sent to Retraite Québec within 9 months of the valuation date.

Despite the foregoing, the actuarial valuation provided for in the first paragraph is not required, where the notice referred to in section 119.1 of the Act establishes that the degree of solvency of a plan at 31 December 2018 is equal to 75% or more.

In addition, where the notice referred to in section 119.1 of the Act establishes that the degree of solvency of a plan at 31 December 2018 is less than 75%, the actuarial valuation provided for in the first paragraph is not required if the actuary attests, in the document accompanying the notice referred to in section 3.2 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), that the contributions required at the date of the last complete actuarial valuation whose report was sent to Retraite Québec would have been sufficient if the solvency requirements provided for in this Regulation had applied at that date.

**21.** The report on a complete actuarial valuation as at 31 December 2018 sent to Retraite Québec before 25 April 2019 that establishes the degree of solvency of a multi-jurisdictional plan at a percentage less than 75%, must be amended and sent to Retraite Québec before the expiry of the period provided for under the Act for its sending.

**22.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. Despite the foregoing, it has effect from 31 December 2018.

103876





## Draft Regulations

### Draft Regulation

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

#### Information that institutions must provide to the Minister of Health and Social Services — 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 information that institutions must provide to the Minister of Health and Social Services, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the information, whether personal or not, concerning needs for and utilization of services and relating to different types of clientele that the institutions must provide to the Minister of Health and Social Services to allow the Minister to carry out the duties provided for in the Act respecting health services and social services (chapter S-4.2).

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

Further information on the draft Regulation may be obtained by contacting Céline Hel, Direction générale adjointe de l'information de gestion et de la performance, Ministère de la Santé et des Services sociaux, 2021, rue Union, 12<sup>e</sup> étage, suite 1240, Montréal (Québec) H3A 2S9; telephone: 514 873-2078; email: [reglement.renseignements@msss.gouv.qc.ca](mailto:reglement.renseignements@msss.gouv.qc.ca).

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec) G1S 2M1.

DANIELLE MCCANN,  
*Minister of Health and  
Social Services*

---

### Regulation to amend the Regulation respecting the information that institutions must provide to the Minister of Health and Social Services

An Act respecting health services and social services (chapter S-4.2, ss. 433 and 505, 1st par., subpar. 26)

**1.** The Regulation respecting the information that institutions must provide to the Minister of Health and Social Services (chapter S-4.2, r. 23) is amended by inserting the following after section 5.1:

“**5.1.1.** An institution operating a hospital of the general and specialized class of hospitals and offering oncology services must provide the Minister with the information in Schedule V.1 in respect of a user suffering from cancer who receives such services.

**5.1.2.** An institution operating a hospital of the general and specialized class of hospitals and offering renal replacement services must provide the Minister with the information in Schedule V.2 in respect of the following users:

- (1) every user to whom the institution provided the first dialysis treatment;
- (2) every user for whom the institution performs the monitoring of dialysis treatments;
- (3) every user to whom the institution provides renal replacement services who is transferred to another facility or whose treatment has changed or stopped.

Despite the first paragraph of section 108.2 of the Act, the information is provided only by the institution that physically provides services to a user.”

**2.** The following is inserted after section 5.2:

“**5.2.1.** A public institution or a private institution under agreement operating a rehabilitation centre of the rehabilitation centre class for mentally impaired persons or persons with a pervasive developmental disorder or of the rehabilitation centre class for physically impaired persons must provide the Minister with the information in Schedule VI.1 in respect of a user who receives the services of such a centre.”

**3.** Section 6 is amended by replacing “5.1 and 5.3” in the first paragraph by “5.1.1, 5.2.1 and 5.3”.

**4.** Schedule I is amended

(1) by inserting the following after subparagraph *f* of paragraph 1 of section 1:

“(g) an indication that it is an individual, couple, family, group or community request;

(h) the priority code assigned to the request;”;

(2) by inserting the following after paragraph 3 of section 1:

“(4) concerning each episode of service rendered to a user:

(a) the sequence number;

(b) the dates on which the service begins and ends;

(c) the sequence number of its assignment to a centre or sub-centre of activities;

(d) the centre or sub-centre of activities covered by the assignment;

(e) the dates on which the assignment begins and ends;

(f) the sequence number associated to each period of the user’s unavailability;

(g) the dates on which the user’s unavailability begins and ends;

(h) the date on which services will be required for the user at a later date;

(i) the reason for interrupting the service episode.”;

(3) by inserting the following after subparagraph *c* of paragraph 1 of section 2:

“(d) the code of the territory of the local community service centre where the user’s residence is located;

(e) the user’s overall deprivation;

(f) the user’s material deprivation;

(g) the user’s social deprivation;”;

(4) by inserting “and time” after “the date” in subparagraph *l* of paragraph 2 of section 2;

(5) by striking out subparagraph *p* of paragraph 2 of section 2;

(6) by inserting the following after subparagraph *p* of paragraph 2 of section 2:

“(q) if the user was subject to a transfer of clinical responsibility from a midwife to another type of professional:

i. an indication of the prenatal, intrapartum or postnatal transfer of the mother or baby;

ii. the date of the transfer;

iii. an indication whether or not the transfer was urgent;

iv. the reason for the transfer;

v. the place of origin of the transfer;

vi. the sequence number assigned to the transfer;

(r) the method of entering into labour;

(s) the duration of latency;

(t) the duration of active labour;

(u) the duration of pushing;

(v) the duration of placenta delivery;

(w) the total duration of delivery;

(x) the place of delivery;

(y) the type of professional under whose responsibility delivery was performed;

(z) the type of delivery;

(aa) whether or not a vacuum was used during delivery;

(bb) whether or not an episiotomy was performed during delivery;”;

(7) by inserting the following after paragraph 2 of section 2:

“(2.1) concerning any service rendered to an individual user in perinatal care, the type of food consumed by the child;”;

(8) by striking out paragraph 3 of section 2;

(9) by replacing “sequential number” wherever it appears by “sequence number”.

**5.** The following is inserted after Schedule V:

**“SCHEDULE V.1**  
(Section 5.1.1)

**1.** The institution referred to in section 5.1.1 must provide the following information:

- (1) concerning the user:
  - (a) the name of the user’s mother;
  - (b) the name of the user’s father;
  - (c) if the user died:
    - i. the date of death;
    - ii. the province, territory or country where the user died;
    - iii. the number, on the institution’s permit, of the facility where the user died or, failing that, the number of the institution that maintains the facility, where applicable;
  - (2) concerning a user diagnosed with cancer:
    - (a) the date of the diagnosis;
    - (b) the number, on the institution’s permit, of the facility where the diagnosis is established or, failing that, the number of the institution that maintains the facility;
    - (c) the name and code of the municipality where the user’s residence is located at the time of the diagnosis;
    - (d) the methods used to establish and confirm the diagnosis;
    - (e) the class assigned to a cancer case, according to the place of diagnosis and treatment;
    - (f) the behaviour of the tumor according to the International Classification of Diseases for Oncology (ICD-O);
    - (g) the tumor grade according to the clinical evaluation and the pathological evaluation, and after the post neoadjuvant treatment, where applicable, according to the classification of the North American Association of Central Cancer Registries or, if the cancer was diagnosed before 2018, the grade of the tumor according to the ICD-O;
    - (h) the histology of the tumor according to the ICD-O;

- (i) the presence or absence of lymphovascular invasion;
- (j) the tumor laterality;
- (k) the topography of the primary site of the tumor according to the ICD-O;
- (3) concerning a user diagnosed with colorectal, lung, prostate or breast cancer:
  - (a) according to the clinical evaluation and the pathological evaluation of the tumor carried out before the first line of treatment, where applicable, according to the classification of the Cancer Staging Manual of the American Joint Committee on Cancer:
    - i. the evaluation of the size or extension of the tumor;
    - ii. the observation of the presence or absence of regional lymph node metastases and the extension of their effect;
    - iii. the observation of the presence or absence of distant metastases;
    - iv. the TNM stage (Tumor Node Metastasis) of the tumor;
    - v. the specifications made by adding a suffix to the evaluation of the size or extension of the tumor and to the observation of the presence or absence of regional lymph node metastases and the extension of their effect or, if the cancer was diagnosed before 2018, the specifications made by adding a prefix or a suffix to the TNM stage;
  - (b) regarding the evaluation carried out after the post neoadjuvant treatment, where applicable:
    - i. the evaluation of the size or extension of the tumor;
    - ii. the observation of the presence or absence of regional lymph node metastases and the extension of their effect;
    - iii. the observation of the presence or absence of distant metastases;
    - iv. the TNM stage of the tumor;
    - v. the specifications made by adding a suffix to the evaluation of the size or extension of the tumor and to the observation of the presence or absence of regional lymph node metastases and the extension of their effect;
  - (c) an indication that the cancer is treated, not treated or under active supervision;

(4) concerning a user diagnosed with prostate cancer, the value of the prostate specific antigen test;

(5) concerning a user diagnosed with breast cancer:

(a) summaries of test results of estrogen receptors, progesterone receptors and the human epidermal growth factor receptor 2 of the tumor;

(b) the result of the Oncotype DX Breast Recurrence Score test;

(6) concerning the treatment of colorectal, lung, prostate or breast cancer:

(a) the date on which the first line of treatment begins;

(b) the date of the first surgical procedure, where applicable;

(c) regarding the most important surgical resection performed on the primary site of the cancer, where applicable:

i. the date of the intervention;

ii. the number, on the institution's permit, of the facility where the intervention was performed or, failing that, the number of the institution that maintains the facility;

iii. the type of surgical procedure performed;

iv. the state of surgical margins after the intervention;

(d) regarding administered radiotherapy treatment, where applicable:

i. the date on which the treatment begins;

ii. the number, on the institution's permit, of the facility where the treatment was administered or, failing that, the number of the institution that maintains the facility;

iii. the anatomic target of the treatment;

(e) regarding administered chemotherapy, hormonal therapy or immunotherapy treatment, where applicable:

i. the date on which the treatment begins;

ii. the number, on the institution's permit, of the facility where the treatment was administered or, failing that, the number of the institution that maintains the facility;

(f) regarding administered palliative treatment, where applicable:

i. the type of treatment administered;

ii. the number, on the institution's permit, of the facility where the treatment was administered or, failing that, the number of the institution that maintains the facility.

**“SCHEDULE V.2**  
(Section 5.1.2)

**1.** The institution referred to in section 5.1.2 must provide the following information in respect of any user to whom it provided a first dialysis treatment:

(1) concerning the user:

(a) sex;

(b) ethnic origin;

(c) the postal code of the user's residence;

(d) the name of the municipality where the user's residence is located;

(e) the province where the user's residence is located;

(2) the date of the first consultation of the user with a physician who holds a specialist's certificate in nephrology;

(3) an indication that the user was followed in nephrology before the beginning of the follow-up in renal replacement and the place of the follow-up;

(4) the user's blood levels of albumin, serum bicarbonate, creatinine, calcium, hemoglobin, parathormone, phosphate and urea before the user's first treatment;

(5) the user's height at the time of the first treatment;

(6) the user's weight in the month of the first treatment;

(7) an indication that the user suffered a bilateral leg amputation, where applicable;

(8) the user's diagnosis of renal disease;

(9) an indication of the user's risk factors for renal disease and the nature of those factors, where applicable;

(10) regarding the first administered renal replacement treatment:

(a) date;

(b) type;

- (c) the place where it was administered;
- (d) the level of help or care needed during its administration;
- (e) the type of access used;
- (f) an indication whether or not it was the long-term intended treatment for the user;
- (g) the reason for which the long-term intended treatment for the user could not be administered, where applicable;

(11) concerning the long-term intended treatment for the user:

- (a) type;
- (b) the place where it should be administered;
- (c) the level of help or care needed during its administration.

**2.** The institution referred to in section 5.1.2 must provide the following information in respect of a user for whom it performs the monitoring of dialysis treatments:

- (1) concerning a user receiving any type of dialysis:
  - (a) the postal code of the user's residence;
  - (b) regarding the user's blood levels of albumin, calcium, creatinine, ferritin, hemoglobin, glycosylated hemoglobin, parathormone, phosphate, transferrin and urea:
    - i. the laboratory results;
    - ii. the date on which each test was conducted;
    - iii. an indication of the tests that were not conducted, where applicable;
  - (c) an indication that the user is registered on the waiting list for renal transplant, that the user is not waiting for renal transplant or that an evaluation is underway for the user to be registered on the waiting list;
  - (d) if the user is under 18 years of age, the user's height and the date of the measurement;

(2) concerning a user receiving peritoneal dialysis treatments:

- (a) the user's weight, the date on which the user was weighed and an indication that the user was weighed when the user was empty or full of fluid;

(b) the weekly creatinine clearance and the date of its verification, where applicable;

(c) the weekly measure of urea clearance (Kt/V) and the date of its verification, where applicable;

(d) an indication that the weekly creatinine clearance or that the weekly measure of urea clearance is not carried out or is not done systematically, where applicable;

(3) concerning a user receiving hemodialysis treatments:

(a) the type of access used on the day on which the laboratory results were obtained;

(b) the user's weight before and after the treatment, and the date of weighing;

(c) the weekly frequency of treatments and their duration.

**3.** The institution referred to in section 5.1.2 must provide the following information in respect of a user to whom it provides renal replacement services and that it transfers to a facility or whose treatment has changed or stopped:

(1) concerning the last dialysis treatment administered to a user:

- (a) type;
- (b) the place where it was administered;
- (c) the level of help or care needed during its administration;
- (d) the number, on the institution's permit, of the facility where it was administered;

(2) concerning any transfer of a user to another facility:

- (a) date;
- (b) cause;
- (c) the number, on the institution's permit, of the facility of destination;

(3) concerning any change of treatment:

- (a) date;
- (b) cause;

- (c) regarding the new treatment administered:
- i. type;
  - ii. the place where it was administered;
  - iii. the level of help or care needed during its administration;

(d) the number, on the institution's permit, of the facility where it was administered;

(4) if a user received a transplant, the transplanted organ;

(5) in the case of treatment interruption, the date and cause of that interruption;

(6) the date and cause of death of the user, where applicable.

**4.** In addition, upon any provision of information, the institution referred to in section 5.1.2 must provide the following information:

(1) concerning the identity of the user:

(a) name;

(b) date of birth;

(c) health insurance number;

(d) the province or territory responsible for the provincial health care insurance plan insuring the user;

(2) the number, on the institution's permit, of the transmitting facility.”

**6.** The following is inserted after Schedule VI:

**“SCHEDULE VI.1**

(Section 5.2.1)

**1.** The institution referred to in section 5.2.1 must provide the following information:

(1) concerning the user:

(a) the name of the user's mother;

(b) the name of the user's father;

(c) the reason why the user's health insurance number cannot be provided, if applicable;

(d) the date of the user's first admission to or registration in an institution to obtain specialized and super-specialized services in intellectual impairment, autism spectrum disorders or physical impairment;

(e) the type of living environment where the user is residing;

(f) the date of the user's arrival in the living environment and, if a change occurs, the date of the user's departure;

(g) the date of the user's death, where applicable;

(2) concerning any control measure applied to a user:

(a) the date and time on which the application of the control measure begins and ends;

(b) an indication that a user or a representative agreed to the application of the control measure;

(3) concerning the billing of services rendered to a user:

(a) the organization or type of person assuming the cost of services rendered to the user;

(b) the date of the event for which services are billed, where applicable;

(4) concerning any request for services:

(a) the date of its receipt;

(b) the date of its registration;

(c) the type of person or organization having referred the user to the institution;

(d) the state of its realization;

(e) the type of clientele to which the user belongs;

(f) the diagnosis of impairment for which a request for services was made;

(g) the date on which all the information required for the purposes of examination of the request was obtained;

(h) the decision rendered after examination of the request and the date on which it was rendered;

(i) the priority code assigned to the request;

(j) the date on which any treatment suspension of the request for services begins and ends, and the reason for that suspension;

(k) the date on which the request is closed;

(5) concerning the assignment of the request for services:

(a) the centre or sub-centre of activities to which the request is assigned;

(b) the disciplines or clinical functions to which the request is assigned;

(c) the types of resources to which the request is assigned;

(d) the service settings to which the request is assigned;

(e) the administrative units to which the request is assigned;

(f) the date on which any assignment begins and ends;

(g) the reason for the cessation of any assignment;

(h) the date on which any assignment suspension begins and ends, and the reasons for that suspension;

(6) concerning the planning of services to render to a user:

(a) regarding the individualized service plan for a user:

i. the date of the meeting for its development;

ii. whether or not the user participated in its development;

iii. the date on which its application ends;

(b) concerning the intervention plan for a user:

i. the date of the meeting for its development;

ii. whether or not the user participated in its development;

iii. the date of its revision;

iv. the date on which its application ends;

(7) concerning the services rendered to a user:

(a) the date of each service provided to a user;

(b) the type of intervention carried out by any provider;

(c) the total duration of services provided to a user;

(d) the date on which any suspension of the provision of services begins and ends, and the reason for that suspension;

(e) the number of times a user attends an activity organized by the institution;

(f) the dates of admission to an institution, the dates on which a user obtained a leave from the institution and the total number of days of a user's lodging, where applicable;

(g) the type of external resource or the mission of the centre operated by an institution to which a user was referred, and the date and ground for that reference;

(8) concerning any provision of information:

(a) the name and the permit number of the institution that provides services to a user;

(b) the number, on the institution's permit, of the facility where services are provided to a user;

(c) the code of the health region from which the information originates;

(d) the date of transmission;

(e) the sequential number assigned to the transmission;

(f) the date on which the transmission period concerned begins and ends.”

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

103872

## Draft Regulation

An Act respecting labour standards  
(chapter N-1.1)

### Personnel placement agencies and recruitment agencies for temporary foreign workers

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting personnel placement agencies and recruitment agencies for temporary foreign workers, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation follows up on amendments made to the Act respecting labour standards (chapter N-1.1) by the Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance (2018, chapter 21).

The draft Regulation proposes the establishment of a mandatory licence system for carrying out the activities of a personnel placement agency or a recruitment agency for temporary foreign workers. The licences are issued by the Commission des normes, de l'équité, de la santé et de la sécurité du travail. The draft Regulation defines such agencies and sets out the conditions for the issue, renewal and maintenance of each licence.

The impact study shows that the proposed measures will have an insignificant impact on enterprises.

Further information on the draft Regulation may be obtained by contacting Steven Brooks, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 200, chemin Sainte-Foy, 5<sup>e</sup> étage, Québec (Québec) G1R 5S1; telephone: 418 528-9738; fax: 418 643-9454; email: steven.brooks@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1.

JEAN BOULET,  
*Minister of Labour, Employment and  
Social Solidarity*

## Regulation respecting personnel placement agencies and recruitment agencies for temporary foreign workers

An Act respecting labour standards  
(chapter N-1.1, s. 92.7)

### CHAPTER I INTERPRETATION

**1.** In this Regulation and for the purposes of the Act respecting labour standards (chapter N-1.1),

“client enterprise” means a person, partnership or other entity that, to meet labour needs, retains the services of a personnel placement agency or a recruitment agency for temporary foreign workers; (*entreprise cliente*)

“personnel placement agency” means a person, partnership or other entity that has at least one activity consisting in offering personnel leasing services by providing employees to a client enterprise to meet its labour needs; (*agence de placement de personnel*)

“recruitment agency for temporary foreign workers” means a person, partnership or other entity that has at least one activity consisting in offering services for the recruitment of temporary foreign workers for a client enterprise or in assisting the enterprise in its efforts to recruit such workers; (*agence de recrutement de travailleurs étrangers temporaires*)

“temporary foreign worker” means a foreign national who, in accordance with the Temporary Foreign Worker Program of the Government of Canada, performs work for an employer. (*travailleur étranger temporaire*)

A department, person or public body referred to in any of sections 4 to 7 of the Act respecting contracting by public bodies (chapter C-65.1), a municipality, metropolitan community, mixed enterprise company referred to in the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) or a public transit authority does not constitute a personnel placement agency.

**2.** For the purposes of this Regulation, the partner, member of a partnership, president, chief executive officer, chief operating officer, chief financial officer, director and secretary of a legal person, a partnership or other entity, a person holding a similar position and any person designated as such by a resolution of the board of directors or a shareholder holding 10% or more of the voting shares attached to the shares of that legal person are considered to be an officer.

### CHAPTER II LICENCE

#### DIVISION I GENERAL

**3.** This Chapter sets out the conditions of issue, renewal and maintenance of the personnel placement agency licence and the temporary foreign worker recruitment agency licence that persons, partnerships or other entities must hold to carry on activities and comply with section 92.5 of the Act respecting labour standards.

#### DIVISION II ISSUE AND RENEWAL

##### §1. Issue

**4.** A person, partnership or other entity wishing to obtain a personnel placement agency licence or a temporary foreign worker recruitment agency licence must apply to the Commission des normes, de l'équité, de la santé et de la sécurité du travail using the form provided by the Commission.



**5.** The licence application of a legal person, partnership or other entity is made by a natural person mandated to act as respondent. The respondent must be an officer of the legal person, partnership or other entity and be 18 years of age or older.

The respondent is responsible for communications with the Commission for the purposes of the licence system, in particular as regards the sending and updating of the required information and documents.

**6.** The licence application must contain, as the case may be,

(1) the name, date of birth and contact information of the respondent;

(2) the name, date of birth and contact information of the natural person who is applying for a licence for himself or herself;

(3) the Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(4) the name under which the agency intends to carry on its activities;

(5) the contact information of the agency's head office and each of its establishments; and

(6) the juridical structure of the legal person, partnership or other entity, and the name, date of birth and contact information of every officer.

**7.** The application must be accompanied by the following:

(1) a resolution of the legal person, partnership or other entity authorizing the respondent to apply for the licence;

(2) an attestation from Revenu Québec valid at the time the application is submitted showing that the person, partnership or other entity has filed the returns and reports required under tax laws and does not have any overdue account with the Minister of Revenue or, if it does, it has reached a payment agreement and has been observing it, or the collection of its debts has been legally suspended;

(3) a declaration from the natural person applying for a licence for himself or herself or, in the case of a legal person, partnership or other entity, from its respondent stating the existence or absence of penal or criminal convictions in the 5 years preceding the application with respect to the person, partnership or other entity applying for a licence and, where applicable, each of its officers

in office at the time of the application and, in case of conviction, at the Commission's request, the documents evidencing the conviction.

**8.** To obtain a licence, a person, partnership or other entity must meet the following conditions:

(1) has provided to the Commission all the required information and documents;

(2) has paid the annual fees payable when due;

(3) in the case of a personnel placement agency licence, has provided the required security or proof of the security;

(4) in the case of a natural person applying for a licence for himself or herself, the person is 18 years of age or older;

(5) has not assigned property and has not been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3);

(6) the person, partnership or other entity or one of its officers has not failed to comply with a decision or order rendered by a court under any of the provisions of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Pay Equity Act (chapter E-12.001), the National Holiday Act (chapter F-1.1), the Act respecting labour standards, the Act respecting occupational health and safety (chapter S-2.1) or any of the regulations thereunder;

(7) the person, partnership or other entity and, where applicable, its respondent are not the nominees of another person, partnership or other entity;

(8) the person, partnership or other entity has not falsified or misrepresented the facts relating to a licence application, or failed to provide information in order to obtain such a licence.

**9.** The person, partnership or other entity that meets all the conditions provided for in section 8 may be denied the issue of a licence by the Commission in any of the following cases:

(1) unless, where applicable, the person, partnership or other entity has reached a payment agreement and has been observing it, or the collection of its debts has been legally suspended, the person, partnership or other entity has not paid to a department or body of the Gouvernement du Québec, a sum payable under the Act respecting industrial accidents and occupational diseases, the Pay Equity

Act, the National Holiday Act, the Act respecting labour standards or the Act respecting occupational health and safety or any of the regulations thereunder;

(2) in the 2 years preceding the application, the person, partnership or other entity has been an officer of a legal person, partnership or other entity placed under a receiving order pursuant to the Bankruptcy and Insolvency Act or a winding-up order for insolvency within the meaning of the Act respecting the winding-up and restructuring of companies (R.S.C. 1985, c. W-11);

(3) in the 2 years preceding the application, one of its officers has been an officer of a legal person, partnership or other entity placed under a receiving order pursuant to the Bankruptcy and Insolvency Act or a winding-up order for insolvency within the meaning of the Act respecting the winding-up and restructuring of companies;

(4) one of its officers has assigned property or has been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act;

(5) in the 5 years preceding the application, the person, partnership or other entity has been condemned by an irrevocable decision of a court relating to discrimination, psychological harassment or reprisals, as part of employment;

(6) in the 5 years preceding the application, unless the person, partnership or other entity has obtained a pardon, the person, partnership or other entity has been found guilty or has been an officer of a legal person, partnership or other entity found guilty of a penal or criminal offence that, in the Commission's opinion, is connected with the carrying on of activities for which the licence is applied for;

(7) in the 5 years preceding the application, unless they have obtained a pardon, one of its officers has been found guilty or has been an officer of a legal person, partnership or other entity found guilty of a penal or criminal offence that, in the Commission's opinion, is connected with the carrying on of activities for which the licence is applied for;

(8) in the 5 years preceding the application, unless the person, partnership or other entity has obtained a pardon, the person, partnership or other entity has been the subject or have been an officer of a legal person, partnership or other entity that has been the subject of a decision by a foreign court finding them guilty of an offence that, if committed in Canada, would have resulted in penal or criminal proceedings, that, in the Commission's opinion, is connected with the carrying on of activities for which the licence is applied for;

(9) in the 5 years preceding the application, unless they have obtained a pardon, one of its officers has been the subject of a decision by a foreign court finding the officer guilty of an offence that, if committed in Canada, would have resulted in penal or criminal proceedings, that, in the Commission's opinion, is connected with the carrying on of activities for which the licence is applied for or one of its officers has been an officer of a legal person, partnership or other entity that has been the subject of such a decision;

(10) one of its officers holds a suspended licence or has held a licence revoked or not renewed in the 2 years preceding the application;

(11) the person, partnership or other entity or one of its officers is the officer of a legal person, partnership or other entity whose licence is suspended or has been revoked or not renewed in the 2 years preceding the application.

**10.** The licence comes into force on the date determined by the Commission. It is valid for a period of 2 years and may not be transferred.

**11.** Before denying the issue of a licence, the Commission must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) in writing to the person, partnership or other entity making the application, and give the person, partnership or other entity at least 10 days to present observations.

Within 30 days following the end of the time period given to present observations, the Commission must render a decision in writing, with reasons.

## **§2. Renewal**

**12.** A licence holder wishing to renew the licence must apply to the Commission using the form provided by the Commission. The licence holder must also send to the Commission

(1) an attestation from Revenu Québec valid at the time the application is submitted showing that the licence holder has filed the returns and reports required under tax laws and does not have any overdue account with the Minister of Revenue or, if the licence holder does, the licence holder has reached a payment agreement and has been observing it, or the collection of the licence holder's debts has been legally suspended; and

(2) a new declaration stating the existence or absence of penal or criminal convictions in the 5 years preceding the application with respect to the person, partnership or other entity applying for a licence and, where applicable,

each of its officers, in office at the time of the application and, in case of conviction, at the Commission's request, the documents evidencing the conviction.

The licence holder is exempted from providing any other information or document already provided with a previous application, if the licence holder certifies that the information and documents are up-to-date. The licence holder specifies, where applicable, the amendments to be made to the information and sends, at the Commission's request, the required documents.

The application for the renewal of a licence must be received by the Commission at least 60 days before its expiry. A licence is deemed to be valid so long as the Commission has not rendered a decision respecting the renewal application received within the time prescribed and its holder may continue to carry on activities.

**13.** To obtain the renewal of a licence, the licence holder must meet the conditions of issue provided for in section 8.

Even if the person, partnership or other entity meets all the conditions of issue, the Commission may deny the renewal of the licence in any of the cases provided for in section 9. The Commission may also deny the licence renewal application where the licence holder fails to comply with any of the obligations provided for in sections 18 to 22.

**14.** Before denying the renewal of a licence, the Commission must notify the prior notice prescribed by section 5 of the Act respecting administrative justice in writing to the licence holder, and give the licence holder at least 10 days to present observations.

Within 30 days following the end of the time period given to the licence holder to present observations, the Commission must render a decision in writing, with reasons, and specify, where applicable, the date from which the licence ceases to have effect.

On receiving a decision of the Commission informing the licence holder that the licence is not renewed, a personnel placement agency must inform all the employees assigned to a client enterprise, indicate to them the date from which its licence ceases to have effect and inform them that any measure or provision to prevent or restrict their hiring by a client enterprise also becomes without effect.

**15.** Unless a person, partnership or other entity raises new facts likely to warrant a different decision, the person, partnership or other entity that has been denied the renewal of its licence within less than 2 years may not submit a new application to the Commission.

### §3. Fees payable

**16.** The fees payable for a licence are \$1,780 payable in 2 equal annual instalments, a first instalment payable on the issue or renewal and a second instalment on the anniversary date of the coming into force of the licence or of its renewal. The fees are not refundable when the licence is issued or renewed.

**17.** The fees provided for in this Regulation are adjusted on 1 January of each year according to the rate of increase in the All-items Consumer Price Index for Québec as established by Statistics Canada for the 12-month period ending on 30 September of the preceding year.

The fees adjusted as prescribed in the first paragraph are rounded down to the nearest dollar if they include a dollar fraction that is less than \$0.50; they are increased to the nearest dollar if they include a dollar fraction that is equal to or greater than \$0.50.

The Commission informs the public of the result of the adjustment made under this section in Part 1 of the *Gazette officielle du Québec* and by any other means it considers appropriate.

## DIVISION III OBLIGATIONS OF A LICENCE HOLDER

**18.** A licence holder must,

(1) without delay, notify the Commission of any change in any of the information required for the issue or renewal of a licence and any change in the licence holder's situation that is likely to affect the validity of the licence, in particular the change of the respondent;

(2) reply within the time period and according to the terms set by the Commission to any request pertaining to the information and documents sent to the Commission;

(3) display the licence or a reproduction of the licence so that it is clearly legible, in a conspicuous place in its head office and each of its establishments; and

(4) indicate the licence number on every document commonly used as part of the activities or for advertisement purposes, in particular on invoices, contracts and websites.

**19.** In addition to the obligations provided for in this Division that apply to any licence, the licence holder of a personnel placement agency licence must

(1) give the employee assigned to a client enterprise, at the time of assignment,

(a) a document describing the working conditions that apply to the employee, including the wage offered, and specifying the name and contact information of the client enterprise; and

(b) the information documents made available to the Commission concerning employees' rights and employers' obligations in respect of labour; and

(2) keep, for at least 6 years, the contracts entered into with each client enterprise, the invoices related to the contracts and, for each employee assigned to a client enterprise, the information on the total number of hours of work per day and per week for each client enterprise.

A licence holder must remind the client enterprise to which it assigns employees, the obligations in occupational health and safety imposed under section 51 of the Act respecting occupational health and safety to an employer or the person who, without being an employer, uses within the meaning of section 51.1 of that Act the services of a worker for its establishment.

**20.** No holder of a personnel placement agency licence may

(1) charge an employee fees for the employee's assignment to a client enterprise, for the training required for that assignment or for assistance or advice received in preparation for job interviews, in particular for writing employment search tools; or

(2) take measures or agree on provisions preventing or restricting the employee's hiring by the client enterprise, beyond a period of 6 months following the beginning of the assignment of an employee to a client enterprise.

**21.** In addition to the obligations provided for in this Division that apply to any licence, the licence holder of a temporary foreign worker recruitment agency licence must

(1) give the temporary foreign worker, at the time of recruitment,

(a) a document describing the working conditions that apply to the worker, including the wage offered, and specifying the name and contact information of the client enterprise; and

(b) the information documents made available to the Commission concerning employees' rights and employers' obligations in respect of labour;

(2) keep, for at least 6 years after the date of hiring, for each temporary foreign worker, the contracts entered into with each client enterprise, the invoices related to the contracts and the information on the date of hiring of the worker by the client enterprise.

**22.** No temporary foreign worker recruitment agency licence holder may

(1) require a temporary foreign worker to entrust custody of his or her personal documents or property to the licence holder; or

(2) charge a temporary foreign worker, for the worker's recruitment, fees other than fees authorized under a Canadian government program.

**23.** A licence holder planning on ceasing its activities must, without delay, so notify the Commission in writing so that it may revoke the licence on the date it determines.

### CHAPTER III SECURITY

**24.** A person, partnership or other entity applying for a personnel placement agency licence must provide security of \$15,000.

The security guarantees the execution of an irrevocable judgment or a transaction obtained following the exercising, by the Commission, of a civil recourse referred to in Division I of Chapter V of the Act respecting labour standards, concerning a pecuniary obligation fixed by that Act or any of the regulations thereunder, where the licence holder or the client enterprise fails to pay an amount owed to an employee assigned to the enterprise. It does not cover the lump sum referred to in the first paragraph of section 114 of the Act respecting labour standards.

**25.** Security is provided in the form of

(1) a surety bond issued in favour of the Commission; or

(2) a certified cheque or a bank draft to the order of the Commission.

The licence holder wishing to change the form of security must so notify the Commission by sending a written notice at least 60 days before such change.

**26.** Security provided in the form of a surety bond may only be issued by a legal person authorized to act as surety under the Bank Act (S.C. 1991, c. 46), the Act respecting financial services cooperatives (chapter C-67.3), the Act respecting trust companies and savings companies (chapter S-29.01) or the Act respecting insurance (chapter A-32).

Security provided by certified cheque or bank draft may only be provided by the licence holder for the licence holder and the licence holder is required to comply with the surety's obligations in addition to those that the licence holder has as principal debtor.

**27.** A person, partnership or other entity applying for a licence sends to the Commission the information related to the security using the form provided by the Commission. The form specifies the date of issue of the security and must be signed by both the surety and the person, partnership or other entity applying for the licence.

**28.** The surety is bound to fulfil the obligation up to the amount required for the security and must waive the benefits of discussion.

**29.** The security must be valid for the term of the licence, even if the licence is suspended. The licence holder must make up the security provided so that it meets the amount required for the security for the entire term of the licence.

**30.** Despite the expiry of the security, the surety's obligations continue to apply to the amounts owed to an employee assigned by a licence holder to a client enterprise while the security was in force.

**31.** As of the revocation or non-renewal of a licence, the Commission keeps the security provided by certified cheque or bank draft for a period of 3 years or up to 90 days after the expiry of the time for appeal of any irrevocable judgment referred to in section 24, whichever is the longest.

Beyond the periods referred to in the first paragraph, the Commission may keep the security where it has received a complaint respecting a pecuniary obligation the payment of which could be guaranteed by that security.

**32.** Following an irrevocable judgment or a transaction referred to in section 24, the Commission sees to the remittance of the amounts owed to the employee in accordance with section 121 of the Act respecting labour standards after having so informed the licence holder and the client enterprise.

If security was provided in the form of a surety bond, the Commission must notify the surety by sending the surety a copy of the judgment or transaction with the necessary instructions to pay, up to the amount of the security, the pecuniary obligations confirmed by the judgment or transaction. Within 30 days after receiving the notice, the surety must send to the Commission the sum necessary to pay the obligations.

**33.** Where the total amount owed exceeds the amount of the security, the Commission sees to the payment of the claims in proportion to the debts of the employees concerned by the judgment or transaction.

#### CHAPTER IV ADMINISTRATIVE MEASURES

**34.** The Commission may suspend or revoke a licence, as of the date it determines, where

(1) the licence holder no longer meets any of the conditions provided for in section 8;

(2) the licence holder is concerned by any of the reasons for refusal provided for in section 9; or

(3) the licence holder fails to comply with any of the obligations provided for in sections 18 to 22.

**35.** Before suspending or revoking a licence, the Commission must notify the prior notice prescribed by section 5 of the Act respecting administrative justice in writing to the licence holder, and give the licence holder at least 10 days to present observations.

Within 30 days following the end of the time period given to the licence holder to present observations, the Commission must render a decision in writing, with reasons, and specify, where applicable, the date from which the licence is suspended or revoked.

On receiving a decision of the Commission informing the licence holder that the licence is suspended or revoked, a personnel placement agency must inform all the employees assigned to a client enterprise, indicate to them the date from which its licence is suspended or revoked and inform them that any measure or provision to prevent or restrict their hiring by a client enterprise becomes without effect.

**36.** Unless a person, partnership or other entity raises new facts likely to warrant a different decision, the person, partnership or other entity whose licence is suspended or has been revoked within less than 2 years may not submit a new application to the Commission.

**37.** The Commission may, at the request of the holder of a suspended licence, lift the suspension if it believes that the licence holder has remedied the situation or that new facts warrant a different decision.

**38.** A decision concerning the suspension, revocation or non-renewal of a licence is made public by indicating it in the list of licence holders that the Commission draws up and keeps up to date.

**39.** The Commission may require the return of every licence that is suspended, revoked or not renewed.

**40.** Any measure or provision to prevent or restrict the hiring of an employee by a client enterprise to which the employee has been assigned by a personnel placement agency becomes without effect as of the date of the suspension, revocation or non-renewal of the licence.

## CHAPTER V TRANSITIONAL AND FINAL

**41.** In the 5 days following the date on which a licence is issued for the first time, the person, partnership or other entity that, without holding a licence, carried on the activities of a personnel placement agency or a recruitment agency for temporary foreign workers in accordance with section 54 of the Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance (2018, chapter 21), must notify every client enterprise with whom it has an existing contract that it holds henceforth a licence issued by the Commission.

The agency must also indicate to the client enterprise that, as the case may be, the licence is a personnel placement agency licence or a temporary foreign worker recruitment agency licence issued in accordance with the Act respecting labour standards and this Regulation.

**42.** A person, partnership or other entity that has been denied the issue of a licence by the Commission where the person, partnership or other entity continued to carry on activities in accordance with section 54 of the Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance, is no longer authorized to carry on its activities from the date of the decision.

The person, partnership or other entity must, on receiving the decision rendered by the Commission, notify every client enterprise with which it has an existing contract that it is no longer authorized to carry on the activities for which the person, partnership or other entity was applying for a licence.

In the case of a personnel placement agency, it must also notify all the employees assigned to a client enterprises of the date from which it is no longer authorized to carry on the activities for which it was applying for a licence and inform them that any measure or provision to prevent or restrict their hiring by a client enterprise becomes without effect.

**43.** As of the date on which a licence is issued for the first time to a personnel placement agency referred to in section 41, the agency must, within 5 days following the issue of the licence, return to every employee already assigned to a client enterprise the documents indicated in subparagraph 1 of the first paragraph of section 19.

**44.** As of the date on which a licence is issued for the first time to a person, partnership or other entity referred to in section 41, the provisions to protect the rights of the employees and temporary foreign workers apply to every employee and worker already assigned or recruited by the agency. Where the provision provides a time period, the time period begins to run from that date.

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

103875

## Draft Regulations

An Act respecting the Québec Pension Plan  
(chapter R-9)

### Benefits Pensionable employment — 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 benefits and the draft Regulation to amend the Regulation respecting pensionable employment, appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The purpose of the amendments proposed in the draft regulations is to harmonize the regulations with certain measures established under the Act to enhance the Québec Pension Plan and to amend various retirement-related legislative provisions (2018, chapter 2). The measures mainly concern earnings and contributions resulting from the additional plan introduced by that Act. The draft Regulation to amend the Regulation respecting benefits will also allow Retraite Québec to accept a copy of a docu-

ment as proof instead of the original in support of an application made under the Act respecting the Québec Pension Plan (chapter R-9).

The draft regulations do not have a negative impact on businesses, particularly on small businesses.

Further information may be obtained from Ms. Luce Gobeil, Lawyer, Direction des affaires juridiques, Retraite Québec, Place de la Cité, 2600, boulevard Laurier, 7<sup>e</sup> étage, porte 760, Québec (Québec) G1V 4T3 (telephone: 418 657-8702, email: luce.gobeil@retraitequebec.gouv.qc.ca).

Any person wishing to comment on the draft regulations is asked to send his or her comments in writing before the expiry of the 45-day period mentioned above 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 application of the Act respecting the Québec Pension Plan.

ERIC GIRARD,  
*Minister of Finance*

## Regulation to amend the Regulation respecting benefits

An Act respecting the Québec Pension Plan (chapter R-9, s. 219, pars. *a*, *g* and *f*)

**1.** The Regulation respecting benefits (chapter R-9, r. 5) is amended by inserting, after section 6, the following:

“**6.1.** Unless Retraite Québec requires the original, a reproduction of a document referred to in section 2, as well as in sections 15 and 21, may be provided in support of an application.”

**2.** Section 14.1 is amended by replacing “of subparagraph *a* or *b* of the first paragraph of section 101” with “of subparagraph *a* or *b* of the second paragraph of section 101”.

**3.** Section 17 is amended by replacing “the maximum disability pension payable” with “the maximum disability pension which, established without applying subparagraphs 2 and 3 of paragraph *b* of section 123 of the Act, would be payable”.

**4.** Section 19.1 is amended by replacing “the maximum disability pension payable” with “the maximum disability pension which, established without applying subparagraphs 2 and 3 of paragraph *b* of section 123 of the Act, would be payable”.

**5.** Section 23 is amended:

(1) by replacing “section 98” with “sections 98 and 98.1”;

(2) by replacing “clause 2 of subparagraph *b* of the first paragraph of that section” with “subparagraph 2 of subparagraph *b* of the first paragraph of each of those sections as well as subparagraph 2 of paragraph *b* of section 98.2 of the Act”;

**6.** The first paragraph of section 24 is amended:

(1) by replacing “the following sections” in the part preceding paragraph 1 with “the following provisions”;

(2) by replacing “98” in subparagraph 1, with “98 to 98.2”;

(3) by replacing subparagraph 2 with the following:

“(2) under sections 99 and 116.1 to 116.1.2, sections 116.2, 116.2.1 and 116.2.2, except insofar as elements “G”, “G” and “G” in each of those sections respectively, sections 116.5, 116.6 and 119, the first and second paragraphs of section 120, the second paragraph of section 120.3, section 120.4, paragraph *b* of section 123, section 124, the first paragraph of section 133, section 134, the first paragraph of section 135, subparagraphs *a* and *b* of the first paragraph of section 136 and sections 137 to 138 and 179, only the first two digits after the decimal point are retained and, where the third digit is greater than 4, the second digit shall be rounded up”;

(4) by replacing “for the purpose of calculating factor “G” as defined in section 116.2 and after making the calculations referred to in sections 116.3 and 116.4,” in subparagraph 3 of the first paragraph with “for the purpose of calculating elements “G”, “G” and “G” referred to in sections 116.2, 116.2.1 and 116.2.2 respectively, and after making the calculations referred to in sections 116.3 and 116.4 with regard to element “G””.

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

## Regulation to amend the Regulation respecting pensionable employment

An Act respecting the Québec Pension Plan (chapter R-9, ss. 4 and 5)

**1.** Section 7 of the Regulation respecting pensionable employment (chapter R-9, r. 6) is replaced with the following:

“7. For the application of sections 56 to 56.5 of the Act with regard to an individual’s employment considered employment covered under the second paragraph of section 5, amounts not deducted at source by an employer for the express purpose of the base contribution, the first additional contribution or the second additional contribution, as the employer should have in accordance with the Act or an equivalent plan, cannot be taken into account.”.

**2.** Section 21 is amended by replacing “of section 55” with “of sections 55 to 55.2”.

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

103871



## Index

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

|   | <b>Page</b> | <b>Comments</b> |
|---|-------------|-----------------|
| Benefits . . . . .<br>(An Act respecting the Québec Pension Plan, chapter R-9)  | 554         | Draft           |
| Funding of multi-jurisdictional defined benefit pension plans . . . . .<br>(Supplemental Pension Plans Act, chapter R-15.1)   | 537         | N               |
| Health services and social services, An Act respecting . . . — Information<br>that institutions must provide to the Minister of Health and Social Services . . . . .<br>(chapter S-4.2) | 541         | Draft           |
| Information that institutions must provide to the Minister of Health<br>and Social Services. . . . .<br>(An Act respecting health services and social services, chapter S-4.2)          | 541         | Draft           |
| Labour standards, An Act respecting . . . — Personnel placement agencies<br>and recruitment agencies for temporary foreign workers . . . . .<br>(chapter N-1.1)                         | 547         | Draft           |
| Pensionable employment . . . . .<br>(An Act respecting the Québec Pension Plan, chapter R-9)  | 554         | Draft           |
| Personnel placement agencies and recruitment agencies for temporary<br>foreign workers . . . . .<br>(An Act respecting labour standards, chapter N-1.1)                                 | 547         | Draft           |
| Québec Pension Plan, An Act respecting the . . . — Benefits . . . . .<br>(chapter R-9)  | 554         | Draft           |
| Québec Pension Plan, An Act respecting the . . . — Pensionable employment . . . . .<br>(chapter R-9)  | 554         | Draft           |
| Supplemental Pension Plans Act — Funding of multi-jurisdictional defined<br>benefit pension plans . . . . .<br>(chapter R-15.1)   | 537         | N               |

