

Laws and Regulations

Volume 153

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Legal deposit – 1st Quarter 1968
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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

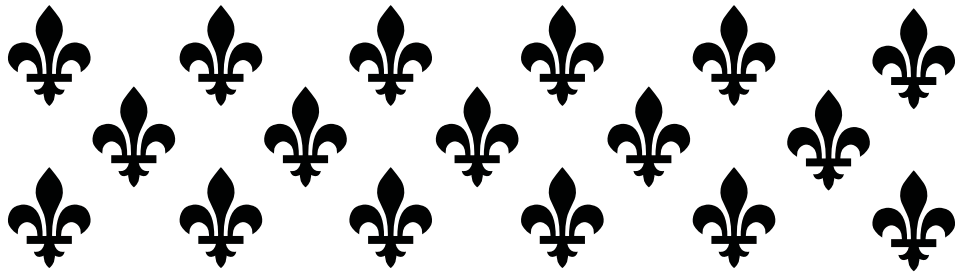
QUÉBEC, 29 OCTOBER 2020

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 29 October 2020*

This day, at five past two o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

- 51 An Act mainly to improve the flexibility of the parental insurance plan in order to promote family-work balance

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 51
(2020, chapter 23)

**An Act mainly to improve the
flexibility of the parental insurance
plan in order to promote family-work
balance**

**Introduced 28 November 2019
Passed in principle 29 September 2020
Passed 27 October 2020
Assented to 29 October 2020**

**Québec Official Publisher
2020**

EXPLANATORY NOTES

This Act proposes to amend the Act respecting parental insurance mainly to offer greater flexibility in using parental insurance plan benefits.

More specifically, the period during which maternity, paternity, parental or adoption benefits may be paid is extended. The work-income-related exemptions to which a recipient is entitled while receiving benefits are also increased.

Additional weeks of parental or adoption benefits are granted to the only parent of a child and to the parents in cases where they share a certain number of weeks of benefits.

Moreover, the number of weeks of benefits for the birth or adoption of more than one child is increased.

The Act grants weeks of exclusive adoption benefits to each adoptive parent as well as weeks of welcome and support benefits relating to an adoption.

In the event of a child's death, the parents are granted an additional period before benefits end.

Pilot projects may be implemented to study or test new measures relating to the conditions or eligibility requirements of the parental insurance plan.

Other amendments are made to the Act respecting parental insurance, in particular so that exceptions to the method for calculating benefits may be prescribed by regulation as regards establishing an employee's average weekly earnings.

Lastly, consequential amendments are made to other Acts, including the Act respecting labour standards, and amendments are made to the Regulation under the Act respecting parental insurance. Transitional and final provisions are also included.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting parental insurance (chapter A-29.011);
- Act respecting administrative justice (chapter J-3);
- Act respecting labour standards (chapter N-1.1).

REGULATION AMENDED BY THIS ACT:

- Regulation under the Act respecting parental insurance (chapter A-29.011, r. 2).

Bill 51

AN ACT MAINLY TO IMPROVE THE FLEXIBILITY OF THE PARENTAL INSURANCE PLAN IN ORDER TO PROMOTE FAMILY-WORK BALANCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING PARENTAL INSURANCE

1. Section 2 of the Act respecting parental insurance (chapter A-29.011) is amended

(1) by inserting “in connection with a pregnancy or the delivery of a child” after “benefits” in paragraph 1;

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

“(2) paternity benefits and exclusive or shareable parental benefits in connection with the birth of a child; and”;

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

“(3) exclusive and shareable adoption benefits.”;

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

“(4) welcome and support benefits relating to an adoption.”

2. Section 3 of the Act is amended by striking out “gagné” in subparagraph 3 of the first paragraph in the French text.

3. Section 7 of the Act is amended by replacing the second and third paragraphs by the following paragraphs:

“Payment of maternity benefits shall begin not earlier than the 16th week preceding the expected week of delivery and end not later than 20 weeks after the week of delivery. However, payment may end after the expiry of the 20 weeks, but may not exceed the 52nd week after the week of delivery, if the child is hospitalized and if, on request, the maternity benefit period is extended for the duration of the child’s hospitalization.

Payment of maternity benefits may also end after the expiry of the 20-week period, but may not exceed the 52nd week after the week of delivery if, in the cases and for the time determined by regulation of the Conseil de gestion, the maternity benefit period is extended.”

4. Section 8 of the Act is amended

(1) by replacing “18” in the first paragraph by “20”;

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

“However, payment may end after the expiry of the 20-week period, but may not exceed the 52nd week after the week in which the termination of pregnancy occurs if, in the cases and for the time determined by regulation of the Conseil de gestion, the maternity benefit period is extended.”

5. Section 10 of the Act is replaced by the following sections:

“10. The number of weeks of shareable parental benefits to which the parents may be entitled is 32 or, in the case of an election pursuant to section 18, 25. Payment may begin the week of the birth of the child at the earliest, but may not exceed the benefit period.

“10.1. For the birth of more than one child as a result of a single pregnancy, five weeks of exclusive parental benefits shall be granted to each parent or, in the case of an election pursuant to section 18, three weeks.

“10.2. Where only one parent is mentioned in the act of birth, except in cases of death referred to in section 17, five weeks of exclusive parental benefits shall be granted to that parent or, in the case of an election pursuant to section 18, three weeks.

“10.3. Where each of the parents has received eight weeks of shareable parental benefits or, in the case of an election pursuant to section 18, six weeks, the number of weeks of shareable parental benefits is increased by four weeks or, in the case of an election, three weeks.”

6. Section 11 of the Act is replaced by the following sections:

“11. The number of weeks of adoption benefits to which adoptive parents may be entitled is

(1) 5 weeks of exclusive benefits for each adoptive parent or, in the case of an election pursuant to section 18, 3 weeks; and

(2) 32 weeks of shareable benefits or, in the case of an election pursuant to section 18, 25 weeks.

Payment may begin, at the earliest, the week of the child's arrival into the care of one of the parents for the purpose of the adoption. It may not exceed the benefit period.

In the case of an adoption outside Québec, the benefit period may begin five weeks before the week of the child's arrival into the care of one of the parents for the purpose of the adoption.

If the adoption outside Québec does not materialize, the adoption benefits paid during the weeks preceding the child's expected arrival are not recoverable, up to the number of weeks provided for in the third paragraph.

“11.1. For the adoption of more than one child at the same time, the number of weeks of exclusive benefits for each adoptive parent shall be increased by five weeks or, in the case of an election pursuant to section 18, three weeks.

“11.2. Where an adoptive parent welcomes a child for the purpose of an adoption, and that parent will be the only one mentioned in the birth certificate or the equivalent, except in cases of death referred to in section 17, five weeks of exclusive adoption benefits shall be granted to that parent or, in the case of an election pursuant to section 18, three weeks.

“11.3. Where each of the parents has received eight weeks of shareable adoption benefits or, in the case of an election pursuant to section 18, six weeks, the number of weeks of shareable adoption benefits is increased by four weeks or, in the case of an election, three weeks.”

7. The Act is amended by inserting the following subdivision after section 12:

“§4.1.—Welcome and support benefits relating to an adoption

“12.1. The number of weeks of welcome and support benefits relating to an adoption to which adoptive parents may be entitled is 13 weeks of shareable benefits or, in the case of an election pursuant to section 18, 12 weeks.

Payment may begin, at the earliest, the week of the child's arrival into the care of one of the parents for the purpose of the adoption. It may not exceed the benefit period.

In the case of an adoption outside Québec, the benefit period may begin five weeks before the week of the child's arrival into the care of one of the parents for the purpose of the adoption.”

8. Section 13 of the Act is amended

(1) by replacing “a claim for benefits” in the first paragraph by “an application”;

(2) by replacing “who files for benefits” in the second paragraph by “who files an application for benefits”.

9. Section 14 of the Act is amended

(1) by replacing “normally lives with the child” in the first paragraph by “ensures a regular presence to take care of the child”;

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

“If the parent no longer ensures a regular presence with the child, the child is deemed to be present with the parent until the end of the week in which the separation occurs or, if the child is deceased, until the end of the second week following the week of the child’s death.

However, when two or more weeks of maternity benefits are payable after the week of the child’s death, the presumption of presence provided for in the second paragraph does not apply to the mother. If only one week of maternity benefits remains payable after the week of the child’s death, the child shall be deemed to be present with the mother during the second week following the week of the child’s death.

In the case of the birth of more than one child as a result of a single pregnancy or in the case of the adoption of more than one child at the same time, entitlement to exclusive benefits under sections 10.1 and 11.1 ends as of the end of the week in which the parent ensures a regular presence with only one of those children. However, in the event of a child’s death, the child shall be deemed to be present with the parents until the end of the second week following the week of the child’s death.”

10. Section 15 of the Act is amended

(1) by replacing both occurrences of “delivery” in the first paragraph by “birth”;

(2) by replacing the portion before subparagraph 2 of the second paragraph by the following:

“In the case of a birth or an adoption occurring while at least one of the parents is eligible for shareable parental or adoption benefits for a previous event, the number of weeks of shareable parental or adoption benefits for that second event is equal to the lesser of the following:

(1) the total number of weeks of shareable parental or adoption benefits granted for that second event; and”.

11. Section 16 of the Act is amended

(1) in the first paragraph,

(a) by replacing “The total number of weeks of parental or adoption benefits may be allocated to one parent, divided between the parents” by “The weeks of shareable parental or adoption benefits and the weeks of welcome and support benefits relating to an adoption may be taken by either parent or shared between the parents;”;

(b) by replacing “or allocated concurrently to the parents” by “they may also be taken concurrently by the parents”;

(2) by replacing “divided” in the second paragraph by “shared”.

12. Section 17 of the Act is amended

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

“In the event of the death of a parent, whether the latter is eligible or not under this plan, the weeks of maternity or paternity benefits and the weeks of exclusive parental or adoption benefits that have not been paid as at the date of his or her death shall be added to the number of weeks of shareable parental or adoption benefits of the surviving parent.”;

(2) by inserting “shareable” before “parental” in the second paragraph;

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

“The same applies to the calculation of the shareable adoption benefits and of the welcome and support benefits relating to an adoption payable from the death of one of the adoptive parents.”

13. Section 17.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“The Conseil de gestion may, by regulation, determine the conditions governing how the parental insurance plan is to be applied when one of the parents is not resident in Québec at the time an application for benefits under that plan or a plan mentioned in the first paragraph is filed. It may, to that end, take into account the applicant’s place of residence at the beginning of the benefit period or at any other time according to the terms and conditions it determines.”

14. Section 18 of the Act is replaced by the following section:

“18. The amount of the weekly benefits shall be equal to the following percentage of the average weekly earnings, calculated in accordance with this division:

(1) 70% for the weeks of maternity and paternity benefits, the first seven weeks of shareable parental benefits provided for in section 10, the weeks of exclusive parental benefits for each parent provided for in section 10.1 and the weeks of shareable parental benefits added under the first paragraph of section 17;

(2) 70% for the weeks of exclusive adoption benefits for each parent, the first seven weeks of shareable adoption benefits provided for in section 11, the weeks of exclusive adoption benefits for each parent provided for in section 11.1 and the weeks of shareable adoption benefits added under the first paragraph of section 17;

(3) 70% for the weeks of exclusive parental or adoption benefits provided for in sections 10.2 and 11.2;

(4) 70% for the weeks of welcome and support benefits relating to an adoption provided for in section 12.1;

(5) 55% for the additional weeks of shareable parental or adoption benefits provided for in sections 10.3 and 11.3; and

(6) 55% for the other weeks of shareable parental or adoption benefits provided for in sections 10 and 11.

Despite the first paragraph, a person may, subject to the terms and conditions prescribed by regulation of the Conseil de gestion, elect to receive weekly benefits equal to 75% of the person's average weekly earnings for a lesser number of weeks of benefits.

The election made by the parent whose application for benefits is received first in respect of a birth or adoption shall apply to the other parent's application. Except in exceptional circumstances, an election is irrevocable.”

15. Section 19 of the Act is amended

(1) by replacing “family income of the recipient” in the first sentence by “income”;

(2) by replacing “a recipient's family income and a” in the last sentence by “the income taken into account and its”.

16. Section 21 of the Act is amended by inserting “, subject to exceptions for the benefit of recipients prescribed by regulation of the Conseil de gestion” at the end of the first sentence of the second paragraph.

17. Section 23 of the Act is amended by replacing “fifty-second” in the second paragraph by “78th”.

18. Section 24 of the Act is amended

(1) in paragraph 2,

(a) by replacing “third” and “that it was impossible to act” by “sixth” and “that a valid reason prevented him or her from acting”, respectively;

(b) by replacing “a claim” and “claimant” by “an application” and “applicant”, respectively;

(2) by replacing “sections 7 to 11” in paragraph 3 by “sections 7 to 12.1”;

(3) by replacing “claimant” in paragraph 4 by “applicant”.

19. Section 26 of the Act is amended by adding the following paragraph at the end:

“The Conseil de gestion may, by regulation, determine the terms and conditions according to which the benefits paid may be assigned to another period as well as the moment from which they are presumed paid.”

20. Section 37 of the Act is amended by replacing “a claim” by “an application”.

21. Section 88 of the Act is amended, in the first paragraph,

(1) by inserting “, in particular,” after “to take account” in subparagraph 3;

(2) by replacing “a claim is made” in subparagraph 4 by “an application is filed”.

22. The Act is amended by inserting the following sections after section 88 and before the heading of Chapter V.1:

“88.0.1. At the Minister’s request, the Conseil de gestion must, by regulation, implement a pilot project to study or test new measures.

To that end, it may amend certain of the plan’s conditions or eligibility requirements for classes of workers, namely employees, self-employed workers or intermediate or family-type resources, in order to do such things as

(1) establish different qualifying or benefit periods;

(2) calculate average weekly earnings differently; or

(3) establish different election schemes.

The regulation of the Conseil de gestion may prescribe the terms and conditions according to which and the extent to which this Act and the regulations apply to a pilot project. The regulation may also prescribe any other measure necessary for the pilot project's implementation.

“88.0.2. A pilot project shall be established for a three-year period.

The Conseil de gestion may, at any time, extend, modify or terminate it by regulation.

“88.0.3. In the year following the third year of the pilot project's implementation, the Conseil de gestion shall evaluate the pilot project and send its report and any recommendations to the Minister.

A regulation of the Conseil de gestion may prescribe any other time limit or any other evaluation frequency or procedure.”

23. Section 118 of the Act is amended by replacing both occurrences of “15” by “30”.

24. The Act is amended by inserting the following section after section 121:

“121.1. Penal proceedings for an offence under section 121 shall be prescribed one year after the date on which the prosecutor became aware of the commission of the offence. However, proceedings may not be brought if more than five years have elapsed since the commission of the offence.”

OTHER AMENDING PROVISIONS

ACT RESPECTING ADMINISTRATIVE JUSTICE

25. Section 117 of the Act respecting administrative justice (chapter J-3) is amended, in the first paragraph,

(1) by inserting “Chapter IV of the Act respecting parental insurance (chapter A-29.011), subject to the exceptions contemplated in section 49 of the said Act, or respecting” after “a question is raised respecting”;

(2) by replacing “the Tribunal must, subject to the exceptions contemplated in section 76 of the said Act,” by “subject to the exceptions contemplated in section 76 of the said Act, the Tribunal must”.

ACT RESPECTING LABOUR STANDARDS

26. Section 81.2 of the Act respecting labour standards (chapter N-1.1) is amended by replacing “52” in the second paragraph by “78”.

27. Section 81.5 of the Act is amended by replacing “18” by “20”.

28. Section 81.5.2 of the Act is amended by replacing “beginning from the week of the event” at the end of the second paragraph by “that ends not later than 20 weeks after the week of the event”.

29. Section 81.10 of the Act is amended by replacing “52” by “65”.

30. Section 81.11 of the Act is amended by replacing both occurrences of “70” in the first paragraph by “78”.

31. Section 81.14.1 of the Act is amended

(1) by replacing “may be” by “shall be”;

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

“At the request of the employee and provided the employer consents thereto, paternity or parental leave shall be divided into weeks.”

REGULATION UNDER THE ACT RESPECTING PARENTAL INSURANCE

32. Section 41 of the Regulation under the Act respecting parental insurance (chapter A-29.011, r. 2) is replaced by the following section:

“**41.** In respect of a week of benefits, the sum of the weekly benefits payable and of the earnings to which the recipient is entitled, once allocated as set out in section 43.1, must not exceed the recipient’s average weekly earnings. If that sum exceeds the recipient’s average weekly earnings, the excess amount is deducted from the weekly benefits payable.”

TRANSITIONAL AND FINAL PROVISIONS

33. Paragraph 4 of section 1, section 7 and, to the extent that they concern welcome and support benefits relating to an adoption, subparagraph *a* of paragraph 1 of section 11, sections 12 and 14 and paragraph 2 of section 18 apply only with regard to the adoption of a child whose arrival into the care of one of the parents for the purpose of the adoption occurs on or after 1 December 2020.

Paragraphs 2 and 3 of section 1, sections 3 and 4, section 5, to the extent that it enacts sections 10, 10.1 and 10.3 of the Act respecting parental insurance (chapter A-29.011), section 6, to the extent that it enacts sections 11, 11.1 and 11.3 of that Act, paragraph 2 of section 10, subparagraph *a* of paragraph 1 of section 11, except to the extent that it concerns welcome and support benefits relating to an adoption, section 12, except to the extent that it concerns such benefits, section 14, except to the extent that it enacts subparagraphs 1 and 2, with regard to the weeks of shareable parental or adoption benefits added under the first paragraph of section 17 of that Act, and subparagraphs 3 and 4 of the first paragraph of section 18 of that Act, section 17, paragraph 2 of section 18,

except to the extent that it concerns welcome and support benefits relating to an adoption, and sections 26 to 30 apply only with regard to a birth occurring on or after 1 January 2021 or to the adoption of a child whose arrival into the care of one of the parents for the purpose of the adoption occurs on or after that date.

Section 5, to the extent that it enacts section 10.2 of that Act, section 6, to the extent that it enacts section 11.2 of that Act, and section 14, to the extent that it enacts subparagraph 3 of the first paragraph of section 18 of that Act, apply only with regard to a birth occurring on or after 1 January 2022 or to the adoption of a child whose arrival into the care of one of the parents for the purpose of the adoption occurs on or after that date.

34. Section 25 does not apply to proceedings instituted before the Administrative Tribunal of Québec for which a first hearing was held before 29 October 2020.

35. The Minister must, not later than 1 January 2026, report to the Government on the implementation of this Act.

The report must be tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption. The competent committee of the National Assembly examines the report.

36. This Act comes into force on 29 October 2020.

Regulations and other Acts

Gouvernement du Québec

O.C. 120-2021, 10 February 2021

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

Comité paritaire des agents de sécurité — Monthly report — Amendment

Regulation to amend the Regulation respecting the monthly report of the Comité paritaire des agents de sécurité

WHEREAS, under the first paragraph of section 16 of the Act respecting collective agreement decrees (chapter D-2), the Comité paritaire des agents de sécurité was formed to oversee and ascertain compliance with the Decree respecting security guards (chapter D-2, r. 1);

WHEREAS, under subparagraph *h* of the second paragraph of section 22 of the Act, from the mere fact of its formation, the parity committee may, as of right, by a regulation approved by the Government and published in the *Gazette officielle du Québec*, oblige any professional employer to transmit to it a monthly report giving:

—the name, address and social insurance number of each employee in his employ, his competency, the nature of his work, the regular and extra hours of labour done each week by the employee, the total number of such hours, his hourly wage rate and his total earnings;

—the allowances paid to each employee for annual vacations with pay and paid holidays and any other allowance or benefit of a monetary value.

WHEREAS, under subparagraph *h* of the second paragraph of section 22 of the Act, the regulation may also render compulsory the use of a form;

WHEREAS the Comité paritaire des agents de sécurité made the Regulation respecting the monthly report of the Comité paritaire des agents de sécurité, which was approved by Order in Council 1546-85 dated 24 July 1985 and amended by Order in Council 148-2011 dated 22 February 2011 and by Order in Council 832-2014 dated 17 September 2014;

WHEREAS the parity committee made the Regulation to amend the Regulation respecting the monthly report of the Comité paritaire des agents de sécurité at its sitting of 18 September 2019;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting the monthly report of the Comité paritaire des agents de sécurité was published in Part 2 of the *Gazette officielle du Québec* of 30 September 2020 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the monthly report of the Comité paritaire des agents de sécurité, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the monthly report of the Comité paritaire des agents de sécurité*

An Act respecting collective agreement decrees
(chapter, D-2, s. 22, 2nd par., subpar. *h*)

1. The Regulation respecting the monthly report of the Comité paritaire des agents de sécurité is amended in section 1

(1) by inserting “, date of birth (optional)” after “address” in paragraph 1;

* The Regulation respecting the monthly report of the Comité paritaire des agents de sécurité, approved by Order in Council 1546-85 dated 24 July 1985 (1985, *G.O.* 2, 3692), was amended by Order in Council 148-2011 dated 22 February 2011 (2011, *G.O.* 2, 659) and Order in Council 832-2014 dated 17 September 2014 (2014, *G.O.* 2, 2327).

(2) by inserting the following after paragraph 2:

“(3) the mandatory contributions of the employer to the group registered retirement savings plan and the voluntary contributions by the employees.”.

2. Schedule 1 is replaced by Schedule 1 attached to this Regulation.

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

SCHEDULE 1

(s. 3)

[illegible]

Gouvernement du Québec

O.C. 121-2021, 10 February 2021

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

Comité paritaire des agents de sécurité — Keeping of a system of registration — Amendment

Regulation to amend the Regulation respecting the keeping of a system of registration of the Comité paritaire des agents de sécurité

WHEREAS, under the first paragraph of section 16 of the Act respecting collective agreement decrees (chapter D-2), the Comité paritaire des agents de sécurité was formed to oversee and ascertain compliance with the Decree respecting security guards (chapter D-2, r. 1);

WHEREAS, under subparagraph g of the second paragraph of section 22 of the Act, from the mere fact of its formation, the parity committee may, as of right, by regulation, approved by the Government and published in the *Gazette officielle du Québec*, render obligatory for any professional employer a system of registration for any work which he controls or the keeping of a register in which are shown the name, address and social insurance number of each employee in his employ, his competency, the exact hour at which the work was begun, interrupted, resumed and ceased each day, the nature of the work and wage paid, with mention of the method and time of payment, and all other information deemed useful in the application of the decree;

WHEREAS the Comité paritaire des agents de sécurité made the Regulation respecting the keeping of a system of registration of the Comité paritaire des agents de sécurité, which was approved by Order in Council 2637-83 dated 14 December 1983 and amended by Order in Council 1559-94 dated 2 November 1994;

WHEREAS the parity committee made the Regulation to amend the Regulation respecting the keeping of a system of registration of the Comité paritaire des agents de sécurité at its sitting of 18 September 2019;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting the keeping of a system of registration of the Comité paritaire des agents de sécurité was published in Part 2 of the *Gazette officielle du Québec* of 30 September 2020 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the keeping of a system of registration of the Comité paritaire des agents de sécurité, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the keeping of a system of registration of the Comité paritaire des agents de sécurité*

An Act respecting collective agreement decrees
(chapter, D-2, s. 22, 2nd par., subpar. g)

1. The Regulation respecting the keeping of a system of registration of the Comité paritaire des agents de sécurité is amended in section 1

(1) by replacing “residence” in the portion before paragraph 1 by “address, date of birth”;

(2) by replacing “he enters his employer’s service” in the portion before paragraph 1 by “of the first day worked for the employer”;

(3) by inserting “as well as the mandatory contribution to the group registered retirement savings plan” after “paid” in paragraph 6;

(4) by inserting “including the current and cumulative amount of the voluntary contribution to the group registered retirement savings plan” after “made” in paragraph 8.

2. Section 3 is revoked.

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

104889

* The Regulation respecting the keeping of a system of registration of the Comité paritaire des agents de sécurité was approved by Order in Council 2637-83 dated 14 December 1983 (1983, *G.O.* 2, 53), which was amended by Order in Council 1559-94 dated 2 November 1994 (1994, *G.O.* 2, 4373).

Gouvernement du Québec

O.C. 122-2021, 10 February 2021

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

Comité paritaire des agents de sécurité

—Levy

—Amendment

Regulation to amend the Levy Regulation of the Comité paritaire des agents de sécurité

WHEREAS, under the first paragraph of section 16 of the Act respecting collective agreement decrees (chapter D-2), the Comité paritaire des agents de sécurité was formed to oversee and ascertain compliance with the Decree respecting security guards (chapter D-2, r. 1);

WHEREAS, under subparagraph *i* of the second paragraph of section 22 of the Act, from the mere fact of its formation, the parity committee may, as of right, by a regulation approved by the Government and published in the *Gazette officielle du Québec*, levy upon the professional employer alone or upon both the professional employer and the employee, or upon the employee alone, the sums required for the carrying out of the decree. Such levying to be subject to the following conditions:

—such levy must not exceed the 1/2% of the employee's remuneration, and the 1/2% of the professional employer's pay-list;

—the regulation may determine the basis for the calculation of the levy in the case of a workman or artisan who is not serving a professional employer, and determine that the levy is to be collectable from such workman or artisan although demandable only from the professional employer;

—the professional employer may be required to collect the levy imposed upon the employee by retaining same out of the wages of the latter;

—the Government may, at any time, by an order published in the *Gazette officielle du Québec*, terminate or suspend the levy or reduce or increase the rate thereof;

WHEREAS the Comité paritaire des agents de sécurité made the Levy Regulation of the Comité paritaire des agents de sécurité, which was approved by Order in Council 2626-85 dated 11 December 1985 and amended by Order in Council 785-91 dated 5 June 1991;

WHEREAS the parity committee made the Regulation to amend the Levy Regulation of the Comité paritaire des agents de sécurité at its sitting of 18 September 2019;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Levy Regulation of the Comité paritaire des agents de sécurité was published in Part 2 of the *Gazette officielle du Québec* of 30 September 2020 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Levy Regulation of the Comité paritaire des agents de sécurité, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Levy Regulation of the Comité paritaire des agents de sécurité*

An Act respecting collective agreement decrees
(chapter, D-2, s. 22, 2nd par., subpar. *i*)

1. The Levy Regulation of the Comité paritaire des agents de sécurité is amended in section 4 by inserting the following paragraph at the end:

“The levy and the contribution to the group registered retirement savings plan shall be paid separately.”

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

104890

* The Levy Regulation of the Comité paritaire des agents de sécurité, approved by Order in Council 2626-85 dated 11 December 1985 (1985, *G.O.* 2, 4379), was amended by Order in Council 785-1991 dated 5 June 1991 (1991, *G.O.* 2, 1826).

Draft Regulations

Draft Regulation

An Act respecting off-highway vehicles
(2020, chapter 26)

Training of off-highway vehicle tour guides

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the recognition of training for off-highway vehicle tour guides, appearing below, may be made by the Minister of Tourism on the expiry of 45 days following this publication.

The draft Regulation specifies the mandatory training to obtain an off-highway vehicle tour guide attestation.

It also specifies the validity period and the terms of renewal of the attestation.

The draft Regulation contains a transitional provision for persons who have successfully completed the *Notion de sécurité pour les guides de randonnée en véhicules hors route* training since 1 January 2018.

The measures proposed by the draft Regulation will have an impact on enterprises, in particular on small and medium-sized businesses since all enterprises offering guided off-highway vehicle activities that hire guides will have to ensure that the guides hold the off-highway vehicle tour guide attestation.

Further information on the draft Regulation may be obtained by contacting Geneviève Cantin, Director, Direction des relations partenariales, Ministère du Tourisme, 900, boulevard René-Lévesque Est, bureau 400, Québec (Québec) G1R 2B5; telephone: 418 643-5959, extension 3433; fax: 418 643-0549; email: genevieve.cantin@tourisme.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 Tourism, 900, boulevard René-Lévesque Est, bureau 400, Québec (Québec) G1R 2B5.

CAROLINE PROULX,
Minister of Tourism

Regulation respecting the recognition of training for off-highway vehicle tour guides

An Act respecting off-highway vehicles
(2020, chapter 26, s. 24)

CHAPTER I GENERAL

1. This Regulation applies to off-highway vehicle tour guides who, in return for payment, intervene with clients, travel agencies, adventure tourism enterprises and various other players in the industry in order to plan off-highway vehicle outings in nature, coordinate and lead activities, transmit techniques related to the carrying out of activities and to safety, supervise groups, interpret natural environments and respond to emergency situations.

2. Any person wishing to obtain an off-highway vehicle tour guide attestation must successfully complete the training provided for in Schedule A.

CHAPTER II CONTENT, VALIDITY PERIOD AND RENEWAL OF ATTESTATIONS

3. An off-highway vehicle tour guide attestation must contain

- (1) the holder's name and date of birth;
- (2) the attestation number, and the date of issue and expiry; and
- (3) the name and contact information of the organization responsible for the training, and the signature of a person in authority.

4. The attestation is valid for 3 years. It is renewable for the same period.

Persons who wish to renew their attestation must prove that they participated in the training to update their knowledge and skills, which includes a theoretical review of their knowledge, and that their Wilderness & Remote First Aid training is up to date.

CHAPTER III**TRANSITIONAL AND FINAL**

5. Every person who successfully completed the Notion de sécurité pour les guides de randonnée en véhicules hors route training between 1 January 2018 and (*insert the date occurring six months after the signature of the Ministerial Order*) may obtain the attestation provided for in section 2, if the person has acquired knowledge of the Module complémentaire de formation prepared by Aventure Écotourisme Québec and has successfully completed the evaluation following the mandatory training provided for in Schedule A and the Wilderness & Remote First Aid training before 31 December 2021.

6. This Regulation comes into force on (*insert the date occurring six months after the signature of the Ministerial Order*).

SCHEDULE A**MANDATORY TRAINING**

— Wilderness & Remote First Aid (20 hours)

— Notion de sécurité pour les guides de randonnée en véhicules hors route training under the responsibility of Aventure Écotourisme Québec

REFRESHER TRAINING

— Mise à jour - Notions de sécurité pour les guides de randonnée en véhicule hors route under the responsibility of Aventure Écotourisme Québec

104882

Treasury Board

Gouvernement du Québec

C.T. 223523, 9 February 2021

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(chapter R-9.2)

Institut Philippe-Pinel
— **Designation of classes of employees and determination of special provisions applicable to employees**
— **Amendment**

Regulation to amend the Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel

WHEREAS, under paragraph 4 of section 1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), the Pension Plan of Peace Officers in Correctional Services applies from 1 January 1992, to every person belonging to certain classes of employees of the Institut Philippe-Pinel, as determined by regulation, subject to paragraph 5 of section 3 of the Act;

WHEREAS, under paragraph 4 of section 1 of the Act, the regulation may have effect for up to 12 months before its adoption;

WHEREAS, under subparagraph 0.1 of the first paragraph of section 130 of the Act, the Government may, by regulation, determine, for the purposes of paragraph 4 of section 1 of the Act, the classes of employees of the Institut Philippe-Pinel who are members of the plan and the special provisions applicable to them;

WHEREAS, under the first paragraph of section 130 of the Act, the Government exercises the regulatory powers provided for therein after Retraite Québec has consulted the pension committee referred to in section 139.3 of the Act;

WHEREAS, under section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Conseil du trésor made the Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel (chapter R-9.2, r. 2) by its decision dated 6 March 2007 (T.B. 204823);

WHEREAS it is expedient to amend the Regulation;

WHEREAS the consultations have been held;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel, attached to this decision, is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(chapter R-9.2, s. 1, par. 4, and s. 130, 1st par., subpar. 0.1)

1. The Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel (chapter R-9.2, r. 2) is amended in section 2 by replacing “in Division IV” in subparagraph 2 of the first paragraph by “in subparagraph 0.1 of Division II”.

2. The Schedule is amended

(1) by replacing paragraphs 1 to 9 in Division I by the following:

“(1) Sector head, social and rehabilitation programs;

(2) Sector head, technical and material resources (safety of persons);

(3) Sector head, nursing care;

(4) Service head, technical and material resources (safety of persons);

(5) Service, unit and program head, and head of activities, nursing care;

(6) Service, unit and program head, and head of activities, multidisciplinary services (criminology and psychology);

(7) Service, unit and program head, and head of activities, social and rehabilitation programs;

(8) Managerial advisor, nursing care;

(9) Coordinator or head of activities, nursing care (evening, night, weekends and holidays/housing).”;

(2) by inserting the following before paragraph 1 of Division II:

“(0.1) Human relations officer;”;

(3) by striking out Division IV.

3. This Regulation comes into force on (*insert the date of the decision of the Conseil du trésor*), except paragraph 1 of section 2, which has effect since 7 June 2020.

104886

Gouvernement du Québec

C.T. 223524, 9 February 2021

An Act respecting the Pension Plan of Management Personnel (chapter R-12.1)

Regulation respecting the application — Amendment

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the second paragraph of section 154 and subparagraph 12.2 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), the Government may, by regulation, determine the terms and conditions relating to the return to work of a pensioner who elects not to resume membership in the plan, which may vary depending on the pensionable employment the pensioner holds or returns to;

WHEREAS, under the first paragraph of section 196 of the Act, the Government exercises the regulatory powers provided for therein after Retraite Québec has consulted the pension committee referred to in section 196.2 of the Act;

WHEREAS, under section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS, the Conseil du trésor made the Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1) by its decision dated 24 May 2005 (T.B. 202420);

WHEREAS it is expedient to amend the Regulation;

WHEREAS the consultations have been held;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel, attached to this decision, is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

An Act respecting the Pension Plan of Management Personnel (chapter R-12.1, s. 154, 2nd par. and s. 196, 1st par., subpar. 12.2)

1. The Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1) is amended in section 10.7 by replacing “in divisions II, III or IV” in the second paragraph by “in Division II or III”.

2. This Regulation comes into force on (*insert the date of the decision of the Conseil du trésor*).

104887