Gazette officielle du Québec

Part 2

No. 13
31 March 2021

Laws and Regulations

Volume 153

Summary

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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 11 DECEMBER 2020

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 11 December 2020

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

68 An Act mainly to allow the establishment of target benefit pension plans

72 An Act to amend various legislative provisions concerning mainly bodies in the field of public safety

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

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-SECOND LEGISLATURE

Bill 68
(2020, chapter 30)

An Act mainly to allow the establishment of target benefit pension plans

Introduced 7 October 2020
Passed in principle 5 November 2020
Passed 11 December 2020
Assented to 11 December 2020

Québec Official Publisher
2020

EXPLANATORY NOTES

This Act amends the Supplemental Pension Plans Act, mainly to allow the establishment of target benefit pension plans.

The Act establishes the characteristics of that new type of pension plan, such as the fact that the employer contribution is limited to that stipulated in the plan. It also establishes that the contributions to be paid, less the employer contribution, are to be borne by the members and beneficiaries and that benefits, including pension benefits in payment, may be reduced due to insufficient contributions.

The Act proposes that target benefit pension plans determine, among other things, the benefit target, the recovery measures applicable in the event of insufficient contributions, and the conditions and procedure for restoring benefits that have been reduced.

Furthermore, the Act establishes the rules applicable to the conversion of certain multi-employer pension plans into target benefit pension plans.

The Act introduces special rules for certain target benefit pension plans in the pulp and paper sector, including the obligation for those plans to be brought into compliance, not later than 31 December 2023, with the new framework applicable to all target benefit pension plans. Special rules are also introduced for target benefit pension plans and member-funded pension plans in the municipal and university sectors.

The Act allows defined benefit or target benefit pension plans to provide that the degree of solvency for the purposes of member benefit payment is established at intervals shorter than the plan's fiscal year.

The Act proposes that, under certain circumstances, the value of a pension benefit in payment may be transferred to a pension plan, such as a life income fund or a locked-in retirement account.

Under the Act, pension plans that include defined contribution provisions and voluntary retirement savings plans are allowed to offer variable payment life pensions.

The Act also proposes amendments to the Act respecting the Québec Pension Plan that make it possible to credit the periods during which a person receives the supplement for handicapped children requiring exceptional care for a child under age 18.

The Act grants Retraite Québec the power to prescribe, by regulation, certain measures to mitigate the consequences of the state of emergency related to the COVID-19 pandemic.

Lastly, the Act contains technical and consequential amendments and a final provision.

LEGISLATION AMENDED BY THIS ACT:

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

– Supplemental Pension Plans Act (chapter R-15.1);

– Voluntary Retirement Savings Plans Act (chapter R-17.0.1).

REGULATION AMENDED BY THIS ACT:

– Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans (chapter R-15.1, r. 3).

Bill 68

AN ACT MAINLY TO ALLOW THE ESTABLISHMENT OF TARGET BENEFIT PENSION PLANS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

SUPPLEMENTAL PENSION PLANS ACT

1. Section 7 of the Supplemental Pension Plans Act (chapter R-15.1) is amended

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

"A target benefit pension plan is a plan under which employer contributions, or the method used for calculating them, and the benefit target are set in advance.";

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

"A defined benefit pension plan under which employer contributions and, where applicable, member contributions and the normal pension, or the method used for calculating them, are set in advance is said to be a defined benefit-defined contribution pension plan."

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

"**7.1.** No pension plan may contain both defined benefit provisions and target benefit provisions."

3. Section 14 of the Act is amended, in the second paragraph,

(1) by inserting "except for a target benefit plan," at the beginning of subparagraph 9.1;

(2) by replacing "or a defined benefit-defined contribution pension plan" in subparagraph 10 by "or a target benefit plan";

(3) by inserting the following subparagraph after subparagraph 10:

"(10.1) in the case of a target benefit plan, that the normal pension and the other benefits provided for in the plan constitute the benefit target and that that pension and those benefits may be reduced due to insufficient contributions;";

(4) by inserting "and, in the case of a target benefit plan, the conditions on which and the person or persons by whom the plan may be terminated" at the end of subparagraph 15;

(5) by inserting the following subparagraphs after subparagraph 15:

"(15.1) in the case of a target benefit plan, the recovery measures applicable in the event of insufficient contributions, their objective and the conditions and procedure for applying them, in accordance with the rules set out in Division IV of Chapter X.3;

"(15.2) in the case of a target benefit plan, the conditions and procedure for restoring benefits that have been reduced, in accordance with the rules set out in Division V of Chapter X.3;";

(6) by inserting "except for a target benefit plan," at the beginning of subparagraph 16;

(7) by inserting ", except a target benefit plan" after "Chapter X applies" in subparagraph 17;

(8) by adding the following subparagraph at the end:

"(19) in the case of a target benefit plan, the conditions and procedure for appropriating all or part of surplus assets referred to in subdivision 2 of Division II of Chapter X.1."

4. Section 14.1 of the Act is amended by replacing "defined benefit-defined contribution pension plan" in the first paragraph by "target benefit plan".

5. Section 19 of the Act is amended by inserting "or, in the case of a target benefit plan, not later than the end of the fiscal year in which the bankruptcy occurs" at the end of paragraph 1.1.

6. Section 20 of the Act is amended by replacing "the date of the bankruptcy" in subparagraph 2 of the second paragraph by "set".

7. Section 22 of the Act is amended

(1) by inserting "or target benefits" after "defined benefits" in the second paragraph;

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

"No defined benefit plan may, however, be converted into a target benefit plan.

If the purpose of the amendment is to convert a defined contribution plan into a target benefit plan or to convert a target benefit plan into another type of plan, the amendment is subject to the rules prescribed by regulation."

8. Section 24 of the Act is amended by inserting "or 199.1" at the end of subparagraph *c* of subparagraph 3 of the second paragraph.

9. Section 39 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing the introductory clause by the following:

"**39.** The contribution to be paid in each fiscal year of a pension plan is equal to or greater than,";

(*b*) by replacing "determined in accordance with sections 128 and 129" in subparagraph *a* of subparagraph 2 by ", which is equal to the sum of the contribution established in accordance with sections 128 and 129 and the contribution established under defined contribution provisions";

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

"The contribution to be paid, less the member contributions, shall be borne by the employer.

In the case of a target benefit plan, that contribution, less the employer contribution stipulated in the plan, shall be borne by the members. However, it is to be paid taking into account the provisions of Division IV of Chapter X.3.";

(3) by replacing "cette cotisation patronale" in the second paragraph in the French text by "la cotisation patronale".

10. Section 39.1 of the Act is amended by inserting "that is a party to a plan other than a target benefit plan" after "authorize an employer" in the first paragraph.

11. Section 41 of the Act is amended

(1) in the second paragraph,

(*a*) by replacing "or an amortization payment to which members contribute" in the second paragraph by ", an amortization payment to which members contribute or any target benefit plan contribution";

(*b*) by inserting "or a target benefit plan" after "in a defined benefit plan";

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

"The monthly payments relating to the current service contribution may vary during a fiscal year of the plan to take into account an amendment to the plan.";

(3) by inserting ", except a target benefit plan" after "Chapter X applies" in the third paragraph.

12. Section 44 of the Act is amended

(1) by replacing "at the monthly rate of return on personal five-year term deposits with chartered banks" in subparagraph 1 of the first paragraph by "at the weekly rate for personal five-year term deposits published the last week of every month";

(2) by inserting "or a target benefit plan" after "in a defined benefit plan" in the third paragraph.

13. Section 47 of the Act is amended

(1) by inserting "or a target benefit plan" after "defined benefit plan" in the text after the second dash;

(2) by inserting "transferred under section 90.2," after "until such contributions are".

14. Section 48 of the Act is amended by inserting "or a target benefit plan" after "a defined benefit plan".

15. Section 57 of the Act is amended

(1) by inserting "or a target benefit plan" after "defined benefit plan" in the text after the first dash;

(2) by striking out "or a defined contribution-defined benefit plan" in the text after the third dash;

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

"In the case of a target benefit plan, the benefit target shall not, with respect to members of the same class of employees and for the same period of credited service, vary according to the number of years of employment or of credited service."

16. Section 59 of the Act is amended by adding the following paragraph at the end:

"(6) the periodic amounts are payable under a target benefit plan following the application of recovery measures, the restoration of benefits or the appropriation of surplus assets."

17. Section 60 of the Act is amended, in the third paragraph,

(1) by inserting the following subparagraph after subparagraph 1:

"(1.1) to pension benefits accrued under a target benefit pension plan;";

(2) by inserting "or a target benefit pension plan" after "a defined benefit pension plan" in subparagraph 2.

18. Section 61 of the Act is amended by adding the following paragraph at the end:

"The value of the benefits accrued under a target benefit pension plan shall be determined at the date of vesting of the benefits, on the basis of the assumptions determined by regulation."

19. Section 62 of the Act is repealed.

20. Section 63.1 of the Act is amended by inserting "or target benefit provisions" after "defined-benefit provisions".

21. Section 65 of the Act is amended by replacing "84, 86 and 93" by "84 and 86, section 90.1 with regard to the contributions that must be used to purchase a pension, and section 93".

22. Section 66 of the Act is amended by adding the following paragraph at the end:

"In the case of a target benefit plan, the benefits may be refunded under the second paragraph only if the value of the benefits accrued to the member at the time of the refund, multiplied by the degree of solvency of the plan, is equal to or greater than the value of the member's benefits established according to the benefit target."

23. Section 67.3 of the Act is amended by inserting the following paragraph after the first paragraph:

"In the case of a target benefit plan, the agreement must stipulate that the pension may be reduced in the event of insufficient contributions."

24. Section 67.4 of the Act is amended by replacing "fourth" in the last paragraph by "fifth".

25. Section 81 of the Act is amended by adding the following sentence at the end of the second paragraph: "In the case of a target benefit plan, the assumptions to be used are those determined by regulation and applicable at that date."

26. Section 82.1 of the Act is amended

(1) by inserting ", but, in the case of a target benefit plan, taking into account any adjustment resulting from any recovery measures, restoration of benefits or appropriation of surplus assets between that date and the date on which payment of the disability pension is interrupted" at the end of the definition of "*a*" in the second paragraph;

(2) by replacing "and used on that date to determine the value of the pension benefits to which section 60 applies" in the third paragraph by "that were applicable on that date".

27. Section 84 of the Act is amended by adding the following paragraph at the end:

"In the case of a target benefit plan, the additional pension shall be determined on the basis of the assumptions determined by regulation that are applicable at the date of determination of the pension."

28. Section 86 of the Act is amended, in the first paragraph,

(1) by inserting "or bridging benefit" after "disability pension" in subparagraph 1;

(2) by replacing "a retirement or disability pension" in subparagraph 2 by "such a pension or benefit".

29. The Act is amended by inserting the following division after section 90.1:

"**DIVISION III.2**

"VARIABLE PAYMENT LIFE PENSION

"**90.2.** A pension plan that includes defined contribution provisions may provide that a member who has ceased to be an active member or, on the death of the member, the member's spouse is entitled to apply, on the conditions and within the time prescribed by regulation, for payment of a variable payment life pension out of all or part of the sums the member or spouse holds under defined contribution provisions.

Such a pension must be paid into a variable payment life pension fund that meets the requirements prescribed by regulation, in particular with respect to establishing the amount of the pension that may be purchased with the sums transferred or to increasing or decreasing that amount.

A plan that pays variable payment life pensions may not be considered a defined benefit plan or a target benefit plan. However, the provisions of this Act regarding the latter plans may, to the extent prescribed by regulation and with the modifications provided for in the regulation, apply to a plan that pays variable payment life pensions."

30. Section 92 of the Act is amended by inserting "in whole or in part" after "be replaced".

31. Section 98 of the Act is amended

(1) by replacing "of other pension benefits to which section 60 applies and" in subparagraph *b* of subparagraph 2 of the first paragraph by "of benefits under the plan";

(2) by replacing "of other pension benefits to which section 60 applies and" in subparagraph 4 of the first paragraph by "of benefits under the plan";

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

"The value of the benefits under a target benefit plan shall be established taking into account, despite the postponement of their effective date, if applicable, the adjustments provided for in an actuarial valuation report of the plan transmitted to Retraite Québec before the date on which that value is determined and that result from recovery measures, the restoration of benefits or the appropriation of surplus assets."

32. Section 99 of the Act is amended by inserting "or a target benefit plan" after "defined benefit plan" in the third paragraph.

33. Section 105 of the Act is amended by adding the following sentence at the end of the first paragraph: "In the case of a target benefit plan, the assumptions to be used are those determined by regulation."

34. Section 113.1 of the Act is amended by replacing "the third paragraph of section 196 or the first paragraph of section 230.4" in subparagraph 2 of the first paragraph by "the second paragraph of section 146.33, the second paragraph of section 146.87 or the third paragraph of section 196".

35. Section 117 of the Act is repealed.

36. Section 118 of the Act is amended by replacing "section 146.8" in subparagraph 5 of the first paragraph by "Division II of Chapter X.1".

37. Section 119 of the Act is amended

(1) by replacing subparagraphs 1 and 1.1 of the first paragraph by the following subparagraph:

"(1) within nine months after the date of the actuarial valuation in the case of an actuarial valuation required under one of the following provisions of that section:

(*a*) subparagraph 2 of the first paragraph or the second paragraph;

(*b*) subparagraph 3 of the first paragraph, for the payment of benefits in accordance with the plan's annuity purchasing policy;

(*c*) subparagraph 4 of the first paragraph, in relation to an amendment to the plan; no such report may, however, be required before the expiry of nine months following the date the amendment is made; or

(*d*) subparagraph 5 of the first paragraph, in the case of an appropriation of surplus assets;";

(2) by replacing "an actuarial valuation" in the third paragraph by "a complete actuarial valuation".

38. Section 121 of the Act is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

"(1) the date on which the amendment is made;

"(2) the date on which the amendment becomes effective."

39. Section 122.1 of the Act is amended

(1) by inserting "or a target benefit plan" after "a defined benefit plan" in subparagraph 2 of the first paragraph;

(2) by striking out the second paragraph.

40. Section 128 of the Act is amended by striking out the second paragraph.

41. Section 134 of the Act is amended by replacing "relatif" in the French text by "relative".

42. Section 139 of the Act is amended by replacing "qui est relatif" in the French text by "relative".

43. Section 140 of the Act is amended by replacing "subparagraph 2 of the first paragraph" in paragraph 2 by "paragraph 2".

44. Section 142.3 of the Act is amended by adding the following paragraph at the end:

"In the case of a target benefit plan, those values are determined according to the rules set out in section 146.89."

45. Section 143 of the Act is amended

(1) by inserting "or a target benefit plan" after "defined benefit plan" in subparagraph 2 of the first paragraph;

(2) by striking out the last sentence of the third paragraph;

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

"The degree of solvency applicable on the date referred to in the third paragraph is the most recent of the following degrees:

(1) the degree established in the last actuarial valuation of the plan for which the report was sent to Retraite Québec before that date;

(2) the degree established in the notice referred to in section 119.1 and sent to Retraite Québec before that date;

(3) the degree established in the report referred to in section 202 and sent to Retraite Québec before that date; and

(4) the degree established according to the intervals shorter than a fiscal year provided for in the plan in accordance with the rules prescribed by regulation."

46. Section 146.1 of the Act is amended

(1) by replacing "benefits" by "contributions";

(2) by replacing "under subparagraph 17 or 18" by "under subparagraph 17, 18 or 19".

47. The Act is amended by inserting the following section after section 146.5:

"**146.5.1.** An employer that is required to send to the members and beneficiaries or publish the notice referred to in section 146.4 must, except where exercising powers delegated to the employer by the pension committee, indicate in the notice that any opposition to the draft amendment on the part of the members and beneficiaries concerned must be filed in writing with Retraite Québec.

In such a case, Retraite Québec shall count the notices of opposition as provided for in section 146.5."

48. The Act is amended by inserting the following heading after the heading of Division II of Chapter X.1:

"§1. — *Plans other than target benefit plans*".

49. Section 146.6 of the Act is amended

(1) by replacing "this division" by "this subdivision";

(2) by inserting ", except a target benefit pension plan" after "Chapter X applies".

50. Section 146.9.1 of the Act is amended by replacing "on the date of the end of a fiscal year for which an actuarial valuation or a notice referred to in section 119.1 shows" by "on the date of any actuarial valuation or notice referred to in section 119.1 that shows".

51. The Act is amended by inserting the following subdivision after section 146.9.1:

"§2. — *Target benefit plans*

"**146.9.1.1.** Surplus assets may be determined in respect of a target benefit plan only after benefits have been restored to the target level, in accordance with the rules set out in Division V of Chapter X.3.

"**146.9.1.2.** The appropriation of surplus assets under this subdivision is permitted only if, according to the actuarial valuation of the pension plan, the plan's assets are equal to or greater than its liabilities on a funding basis, increased by the value of the stabilization provision target level.

The maximum amount of surplus assets that may be used in a fiscal year is equal to 20% of the amount by which the plan's assets determined on a funding basis exceed the minimum amount set under the first paragraph.

Section 122.1 applies to this subdivision.

"**146.9.1.3.** The amount of surplus assets that may be used in a fiscal year is appropriated, as provided for in the pension plan, according to one or a combination of the following appropriation methods:

(1) the payment of member contributions; and

(2) the payment of the value of the additional obligations arising from an amendment to the plan, increased by the value of the stabilization provision target level in respect of those obligations.

"**146.9.1.4.** The conditions and procedure set out in the plan for appropriating surplus assets must not confer on the pension committee any discretion regarding the election of the applicable measures, the order in which those measures are to be applied and how they are to be distributed among the group of active members and the group of non-active members and beneficiaries.

"**146.9.1.5.** The surplus assets appropriated for the benefit of non-active members and beneficiaries, in proportion to the plan's liabilities, determined on a funding basis, that relate to their benefits, may not exceed the surplus assets appropriated for the benefit of active members, in proportion to the plan's liabilities, determined on a funding basis, that relate to their benefits.

In addition, such an appropriation may not result in any disparities between members or beneficiaries of the same group.

"**146.9.1.6.** No appropriation of surplus assets may become effective before the day following the date of the actuarial valuation. It must, however, become effective not later than one year after that day."

52. Section 146.11 of the Act is amended

(1) by replacing "first" in the first paragraph by "second";

(2) by replacing "third" in the second paragraph by "fourth".

53. Section 146.12 of the Act is amended by replacing "determined in accordance with sections 128 and 129" in paragraph 1 by ", which is equal to the sum of the contribution established in accordance with sections 128 and 129 and the contribution established under defined contribution provisions".

54. Section 146.15 of the Act is amended by adding the following paragraph at the end:

"However, the assumptions to be used under section 61 are those referred to in that section that would otherwise have been applicable."

55. The Act is amended by inserting the following section after section 146.17:

"**146.17.1.** An amendment to the plan allowing for the withdrawal of a bankrupt employer comes into force not later than the end date of the fiscal year in which the bankruptcy occurs."

56. Section 146.18.1 of the Act is replaced by the following section:

"**146.18.1.** Section 139 applies where the actuarial valuation referred to in that section shows that the degree of solvency of the plan, established without reference to the amendment, is less than 90%.

The amount of the special improvement payment to be made under that section is equal to the higher of the value of additional obligations that is calculated on a solvency basis and the value of additional obligations that is calculated on a funding basis."

57. Section 146.20 of the Act is amended by replacing "the degree of solvency of the plan as established in the last actuarial valuation that precedes the date on which the value is established and for which the report has been sent to Retraite Québec" in the first paragraph by "the most recent degree of solvency of the plan referred to in the fourth paragraph of that section that precedes the date on which the value is established".

58. Section 146.22 of the Act is amended by replacing "the degree of solvency of the plan as established in the last actuarial valuation that precedes the date of their valuation, where the date of their valuation is subsequent to 31 December 2014, and for which the report has been sent to Retraite Québec" in the first paragraph by "the most recent degree of solvency of the plan referred to in the fourth paragraph of section 143 that precedes the date of their valuation, where the date of their valuation is subsequent to 31 December 2014".

59. The Act is amended by inserting the following section after section 146.42:

"**146.42.1.** If the plan's assets do not permit, according to the criteria prescribed by regulation, payment in full of the benefits of the members and beneficiaries affected by the withdrawal of the employer or the termination of the plan, a member or beneficiary whose pension is referred to in section 237 may opt to have his or her benefits transferred to a pension plan referred to in section 98.

The conditions and procedure relating to that option are prescribed by regulation."

60. The Act is amended by inserting the following division after section 146.44:

"**DIVISION VI**

"CONVERSION INTO A TARGET BENEFIT PLAN

"**146.44.1.** Despite the third paragraph of section 22, a plan governed by this chapter may be converted into a target benefit plan, according to the rules and conditions prescribed by regulation.

"**146.44.2.** Any amendment to the plan that is required to bring the plan into compliance with the provisions of Chapter X.3 and that is referred to in section 20 may be made if, instead of the consents required under subparagraph 2 of the second paragraph of that section, less than 30% of the members and beneficiaries are opposed to it.

Subdivision 3 of Division IV applies, with the necessary modifications, to the consultation process required for the purposes of the first paragraph.

"**146.44.3.** A plan that, on its conversion into a target benefit plan, includes provisions described in paragraph 1 of section 146.47 may retain them.

In addition, despite paragraph 2 of that section, for any member who, before the conversion of the plan, opted for a pension referred to in subparagraph 2 of the first paragraph of section 93, the periodic increase of that pension is maintained."

61. Section 146.45 of the Act is replaced by the following chapter:

"**CHAPTER X.3**

"SPECIAL PROVISIONS RELATING TO TARGET BENEFIT PLANS

"**DIVISION I**

"CHARACTERISTICS

"**146.45.** A target benefit plan must have the following characteristics:

(1) the obligations of the plan are borne by the plan's members and beneficiaries;

(2) the employer contribution is limited to that stipulated in the plan;

(3) the plan determines the benefit target to be used as a basis for determining the current service contribution;

(4) the normal pension, as well as any benefit provided for in the plan, whether or not it is based on the normal pension, may, despite subparagraph 2 of the first paragraph of section 14.1, be reduced due to insufficient contributions;

(5) only the members and beneficiaries are entitled to the surplus assets, unless the fiscal rules require that the employer be relieved from paying the employer contribution through appropriation of all or part of the surplus assets of the plan; and

(6) the plan may not be amended or terminated, directly or indirectly, unilaterally by an employer that is a party to the plan or, in the case of a multi-employer pension plan, even one not considered as such under section 11, by all the employers that are parties to the plan or by one of them.

"**146.46.** A target benefit plan may not be an insured plan, a floor plan or a designated plan within the meaning of section 8515 of the Income Tax Regulations (C.R.C., c. 945).

It may be governed by both this Act and an Act of a legislative body other than the Parliament of Québec only on the conditions and to the extent prescribed by regulation.

"**146.47.** No target benefit plan may include provisions

(1) establishing that the remuneration used to calculate the member's pension corresponds to the average salary of the member's last remunerated years or to the average of the member's best remunerated years over a specified number of years;

(2) providing for the periodic increase of the member's pension after retirement other than according to a fixed rate specified in the plan;

(3) granting benefits subject to the termination of the plan; or

(4) granting early retirement benefits that depend on the member's number of years of employment or of credited service.

"**146.48.** Where a target benefit pension plan provides for early retirement benefits or the periodic increase, before retirement, of the pension according to an index or rate specified in the plan, those benefits must be granted to all members who cease to be active members.

"**DIVISION II**

"PROVISIONS OF GENERAL APPLICATION

"**146.49.** The provisions of this Act apply to target benefit plans, except to the extent provided for in this chapter. In the event of incompatibility, the provisions of this chapter prevail.

"**146.50.** For the purposes of this Act, the value of the benefits accrued to a member or a beneficiary under target benefit provisions is established taking into account any benefit adjustments made in relation to the target that result from recovery measures, the restoration of benefits or the appropriation of surplus assets.

"**146.51.** For the purposes of this chapter, only the target benefit provisions of the plan are considered, unless otherwise specified.

"**146.52.** The benefits may not be guaranteed by an insurer except for the purposes of the final payment of the benefits of the member or beneficiary concerned.

"**146.53.** A target benefit plan may not be the subject of a general agreement referred to in section 106.

"**146.54.** The fiscal year of the plan must correspond to the calendar year unless, for the first fiscal year, Retraite Québec has authorized a period that exceeds one year.

"**146.55.** A target benefit pension plan may be established only if the eligible employees consent to the obligations incumbent on them under the plan.

Likewise, a plan amendment resulting in an increase in member contributions may be made only if the members subject to the increase consent to it, unless the amendment

(1) results from the application of recovery measures;

(2) is submitted for a consultation pursuant to section 146.3 or 146.87;

(3) is made for the withdrawal of an employer or a cessation of eligibility considered a withdrawal of an employer under section 146.93; or

(4) has been made mandatory by a new legislative or regulatory provision.

Approval in writing of the plan's establishment or amendment, as the case may be, by a certified association constitutes consent of the eligible employees or the members concerned that it represents.

For the employees eligible for membership under the plan or the members concerned who are not represented by such an association, their consent is deemed obtained if less than 30% of them oppose the plan's establishment or amendment, as the case may be. The second and third paragraphs of section 146.87 apply, with the necessary modifications, to the consultation required to obtain the consents.

"**146.56.** The application for registration referred to in section 24 shall be filed with Retraite Québec by the pension committee. In the absence of a pension committee, the application for registration of the plan is filed by the person or body who establishes the plan, if the application concerns the registration of the plan, or by the person or body who has the authority to amend the plan, if the application concerns the registration of an amendment to the plan.

If consents are required under section 146.55, the application for registration must be accompanied, in addition to the information and documents mentioned in section 24, by an attestation that those consents have been obtained and that they can be provided to Retraite Québec on request.

"**146.57.** The notice required by section 16 shall be given by the pension committee or, in the absence of a pension committee, by the person or body who establishes the plan.

"**DIVISION III**

"FUNDING RULES

"§1. — *General provisions*

"**146.58.** The current service contribution must be established according to the benefit target.

"**146.59.** The plan's liabilities must be equal to the value of the obligations arising from the plan taking into account the service credited to the members, which are established taking into account any benefit adjustments made in relation to the target that result from recovery measures, the restoration of benefits or the appropriation of surplus assets.

"**146.60.** An actuarial valuation referred to in subparagraph 2 of the first paragraph of section 118 or the second paragraph of that section must be carried out at the date of the end of a fiscal year of the plan.

The actuarial valuation referred to in subparagraph 3 of the first paragraph of that section must be carried out at the date of the end of the fiscal year of the plan in which the annuity purchasing agreement is made.

The actuarial valuation referred to in subparagraph 4 of that paragraph must be carried out at the date on which the amendment is considered for the first time.

All actuarial valuations must be complete.

"**146.61.** The report on any actuarial valuation other than those referred to in subparagraphs 1 and 6 of the first paragraph of section 118 must be sent to Retraite Québec within six months after the valuation date.

However, no report on an actuarial valuation referred to in subparagraph 4 of that paragraph may be required before the expiry of six months following the date the amendment referred to in section 121 is made.

"**146.62.** The time limit for sending the notice referred to in section 119.1 is six months.

"**146.63.** Any amendment to the pension plan referred to in section 121, including an amendment referred to in the third paragraph of that section, must be considered for the first time at a date that is not later than the latest of the dates referred to in the first paragraph of that section, which is the date of the end of a fiscal year of the plan. However, an amendment concerning the division of the plan must be considered for the first time at the date of the end of the fiscal year during which the division occurs.

"**146.64.** No stabilization actuarial deficiency or improvement unfunded actuarial liability may be established.

"**146.65.** The monthly amortization payments may represent an hourly rate or a rate of the remuneration of, or a percentage of the total payroll for, the active members.

"**146.66.** Despite section 138, the maximum amortization period for a technical actuarial deficiency is five years.

"**146.67.** Section 139 applies, regardless of the funding level of the plan, to any amendment considered for the first time.

"**146.68.** The second paragraph of section 142.4 does not apply to a payment of benefits made in accordance with the plan's annuity purchasing policy.

"§2. — *Conditions governing payment of benefits*

"**146.69.** The value of the benefits accrued to a member or a beneficiary and referred to in the third paragraph of section 143 must be paid in proportion to the degree of solvency of the plan, which may not be capped.

Sections 144, 145 and 146 do not apply.

"**146.70.** A payment made in accordance with section 146.69 constitutes a final payment of the benefits accrued to a member or beneficiary.

"**146.71.** For the purposes of the assignment of a member's benefits or the seizure of such benefits for non-payment of support, the value of the member's benefits is determined taking into account the plan's degree of solvency that is referred to in the fourth paragraph of section 143 and is applicable on the date the value is determined.

"**DIVISION IV**

"RECOVERY MEASURES

"§1. — *General provisions*

"**146.72.** The recovery measures applicable in the event of insufficient contributions must be mentioned in the text of the plan.

Such measures must not confer on the pension committee any discretion regarding the election of the applicable measures, the order in which those measures are to be applied or how they are to be distributed among the group made up of active members and the group made up of non-active members and beneficiaries.

"**146.73.** No recovery measure may result in a reduction, on a funding basis, in the value of the benefits of non-active members and beneficiaries in a proportion that is greater than that applicable to the value of active members' benefits accrued at the date of the actuarial valuation showing insufficient contributions.

Nor may a recovery measure result in any disparities between members or beneficiaries of the same group.

"**146.74.** No recovery measure may become effective before the day following the date of the actuarial valuation regarding which the report showed insufficient contributions. It must, however, become effective not later than one year after that day.

"§2. — *Application of recovery measures*

"**146.75.** Where contributions are shown to be insufficient at the date of an actuarial valuation of the plan, the pension committee must apply the recovery measures provided for in the plan.

"**146.76.** The sufficiency of contributions shall be determined separately for service after the valuation date and for service credited at that date.

Separate recovery measures must be established for an insufficiency relating to service after the valuation date and an insufficiency relating to service credited at that date.

"**146.77.** Contributions for service after the valuation date are sufficient if the contributions provided for in the plan allow payment of the current service contributions determined in accordance with section 128 for the three fiscal years following the valuation date.

Failing that, the insufficiency of contributions relating to such service is equal to the difference between the amount of those current service contributions and the amount of the contributions provided for in the plan for that same period.

"**146.78.** An insufficiency of contributions relating to service after the valuation date must be offset by the application, as provided for in the plan, of one or a combination of the following recovery measures:

(1) an increase in member contributions or the establishment of such contributions, in the case of a non-contributory plan;

(2) an increase in the employer contribution;

(3) a reduction in the benefit target relating to such service.

A recovery measure referred to in subparagraph 2 of the first paragraph must comply with the following limits, set by the plan:

(1) the maximum employer contribution; and

(2) the maximum increase in employer contributions in respect of the recovery measures.

Those limits must be expressed in the form of an hourly rate or a rate of the remuneration of, or a percentage of the total payroll for, the active members.

"**146.79.** Contributions for service credited at the valuation date are sufficient if the contributions provided for in the plan for the three fiscal years following that date, less the current service contributions established in accordance with section 128 and, if applicable, taking into account the recovery measures referred to in section 146.78, are sufficient to pay the technical amortization payments for that period.

Failing that, the insufficiency of contributions relating to such service is equal to the amount by which, after application of the recovery measures referred to in section 146.78, if applicable, the technical amortization payments exceed the amount of the contributions provided for in the plan less the current service contributions for that same period.

"**146.80.** An insufficiency of contributions relating to service credited at the valuation date must be offset by the application, as provided for in the plan, of one or a combination of the following recovery measures:

(1) an increase in member contributions or the establishment of such contributions in the case of a non-contributory plan;

(2) an increase in the employer contribution;

(3) a reduction in the benefits related to service credited at the valuation date.

The second and third paragraphs of section 146.78 apply to the recovery measure referred to in subparagraph 2 of the first paragraph.

The measure referred to in subparagraph 3 of the first paragraph must not cause the plan's assets to exceed, on a funding basis, its liabilities increased by the value of the stabilization provision target level.

"**146.81.** A recovery measure may reduce a pension benefit the payment of which began prior to the measure's effective date.

No recovery measure may, however, have an effect on amounts or benefits already paid at the date on which the report on the actuarial valuation showing insufficient contributions is sent to Retraite Québec.

"**146.82.** The application of a recovery measure that consists in reducing benefits related to service credited at the valuation date does not constitute an amendment to the plan.

"**DIVISION V**

"RESTORATION OF BENEFITS

"**146.83.** Benefits that have been reduced may be restored if, at the date of an actuarial valuation of the plan, the plan's assets are both greater than 105% of its liabilities and greater than its liabilities increased by 50% of the value of the stabilization provision target level, on a funding basis.

No such restoration may, however, result in the plan's assets being less than the greater of 105% of its liabilities and its liabilities increased by 50% of the value of the stabilization provision target level.

"**146.84.** The plan must set out the conditions and procedure for restoring benefits.

The conditions and procedure must not confer on the pension committee any discretion as to whether or not to restore benefits, which benefits may be restored or the method for restoring them.

"**146.85.** A restoration of benefits does not constitute an amendment to the plan.

"**146.86.** A restoration of benefits may not become effective before the day following the date of the actuarial valuation regarding which the report showed the conditions allowing such a restoration. It must, however, become effective not later than one year after that day.

"**DIVISION VI**

"AMENDMENT TO RECOVERY MEASURES AND TO BENEFIT RESTORATION CONDITIONS OR PROCEDURE

"**146.87.** An amendment to the plan regarding the recovery measures applicable in the event of insufficient contributions or regarding the conditions or procedure for restoring benefits may be made only if, at the end of the consultation process set out in this section, less than 30% of the members and beneficiaries are opposed to it.

For the purposes of the consultation, the pension committee shall send every member and beneficiary of the pension plan a written notice which, in addition to containing the information mentioned in subparagraph 1 of the first paragraph of section 26, indicates

(1) the plan provisions being amended that are in force on the date of the notice; and

(2) the text of the plan provisions arising from the amendment.

The rules set out in the second, third and fourth paragraphs of section 146.4 apply, with the necessary modifications.

"**DIVISION VII**

"BENEFITS OF MEMBERS AND BENEFICIARIES ON WINDING-UP

"§1. — *General provisions*

"**146.88.** Only the members and beneficiaries whose benefits have not been paid before the date of withdrawal of an employer or the date of termination of the pension plan are affected by the withdrawal or termination.

"**146.89.** The value of the benefits of the members and beneficiaries affected by the withdrawal of an employer or the termination of a plan shall be determined at either of the following dates, using the assumptions referred to in section 61 that are applicable at that date:

(1) the date the member ceased to be an active member, if the benefits whose value is being determined are those accrued to a member whose active membership ended before the date of the withdrawal or termination and who, at that date, had already opted, within the time limit set out in subparagraph 1 of the second paragraph of section 99, for the payment of his or her benefits under the plan or still had time to exercise such an option, or those accrued to a beneficiary whose benefits under the plan derive from the service credited to such a member; or

(2) the date of the withdrawal or termination, if the benefits whose value is being determined are those accrued to any other member or beneficiary affected by the withdrawal or termination, including any member or beneficiary whose pension is not in payment on that date.

The benefits accrued to the members and the beneficiaries referred to in subparagraph 1 of the first paragraph bear interest from the date their value is determined to the date of the withdrawal or termination, at the rate used for the purposes of the determination.

"§2. — *Withdrawal of employer*

"**146.90.** The notice to be sent by the pension committee under section 200 shall specify, instead of the information indicated in paragraphs 2 to 4 of that section, the following information:

(1) that the benefits of members and beneficiaries affected by the withdrawal will be paid based on the degree of solvency of the plan;

(2) if the plan does not allow the benefits of the members and beneficiaries to be maintained in the plan,

(*a*) that the benefits of members and beneficiaries to whom a pension is in payment on the date of the withdrawal will be paid by the purchase, from an insurer selected by the pension committee, of an annuity established using the value of their benefits that is adjusted according to the degree of solvency of the plan or, if they so request, by means of a transfer under subparagraph *b*;

(*b*) that the benefits of the other members and the beneficiaries will be paid by means of a transfer under section 98, which applies with the necessary modifications, or, as applicable, by means of the payment in a lump sum or the transfer to a registered retirement savings plan of the portion of their benefits that is refundable; and

(3) if the plan provides that the benefits of members and beneficiaries may be maintained in the plan,

(*a*) that the benefits of members and beneficiaries to whom a pension is in payment on the date of the withdrawal will be maintained in the plan, unless they request payment of their benefits by the purchase, from an insurer selected by the pension committee, of an annuity established using the value of their benefits that is adjusted according to the degree of solvency of the plan or by means of a transfer under subparagraph *b* of paragraph 2;

(*b*) that the benefits of the other members and the beneficiaries will be maintained in the plan unless they request payment of their benefits according to one of the methods mentioned in subparagraph *b* of paragraph 2.

"**146.91.** The pension committee must send, within the time limit and in the manner prescribed by regulation, to each member or beneficiary affected by the withdrawal a statement of his or her benefits and of the value thereof as well as the information necessary to choose a benefit payment method.

"**146.92.** Where an employer withdraws from a pension plan, all the benefits accrued under a target benefit plan by a member who has worked for two or more employers who are parties to the plan must be considered in the value of his or her benefits regardless of the employer under which the benefits were accrued.

"**146.93.** The cessation of members' eligibility under the plan that results from a decision concerning the certification of an association of employees is considered to be a withdrawal of an employer.

The following are then considered to be affected by the withdrawal:

(1) active members who cease to be eligible employees under the plan as a result of the decision;

(2) non-active members who would have ceased to be eligible employees if they had been active on the date of the decision; and

(3) beneficiaries whose benefits derive from the service credited to a member who, were it not for his or her death, would have been referred to in subparagraph 1 or 2.

"§3. — *Termination*

"**146.94.** The notice of termination of the plan referred to in section 204 is sent by the person or body who may amend the plan.

"**146.95.** The value of the benefits of members and beneficiaries that are in payment or suspended on the date of the termination must be paid according to one of the following methods:

(1) by the purchase, from an insurer selected by the pension committee, of an annuity established using the value granted to their benefits under section 218, which applies with the modifications provided for in paragraph 1 of section 146.96 and section 146.98; or

(2) at the member's or beneficiary's request, by means of a transfer of the value of his or her benefits established under subparagraph 1 into a plan referred to in section 98, which applies with the necessary modifications.

If a member or a beneficiary does not communicate his or her choices to the pension committee before the expiry of the time limit provided for in the first paragraph of section 207.2, the value of his or her benefits must be paid by the purchase of an annuity referred to in subparagraph 1 of the first paragraph.

"§4. — *Winding-up*

"**146.96.** The following provisions of Division II of Chapter XIII, which relates to winding-up, do not apply:

(1) sections 210.1 and 211, the second and third paragraphs of section 212.1, section 216 and subparagraphs 3 and 4 of the first paragraph of section 218;

(2) subdivision 3, which relates to the distribution of the assets;

(3) subdivision 4, which relates to the debts of the employer;

(4) subdivision 4.0.1, which relates to the payment options in the event of insufficient assets; and

(5) subdivision 4.1, which relates to the distribution of surplus assets in the event of termination.

"**146.97.** In the event of the withdrawal of an employer, the benefits referred to in subparagraph 2 of the first paragraph of section 218 are paid in proportion to the degree of solvency of the plan as established in the report referred to in section 202 that is sent to Retraite Québec.

"**146.98.** If, in the event of the termination of a pension plan, there remains a balance following payment of the benefits referred to in subparagraph 2 of the first paragraph of section 218, the balance must be appropriated to the restoration of benefits that were reduced, if applicable, up to the benefits target. If there are insufficient assets to restore all the reduced benefits, benefits are restored proportionately to the value of the reduced benefits.

If there are sufficient assets to pay all the benefits according to the benefit target and there remains a balance, the balance must be allocated to the members and beneficiaries proportionately to the value of their benefits restored in accordance with the first paragraph.

"**146.99.** Any amount paid by an employer, including any amount recovered after the date of termination, in respect of contributions outstanding and unpaid at the date of termination, shall be applied to the payment of benefits of members and beneficiaries in the order of priority established under section 218, which applies taking into account paragraph 1 of section 146.96 and section 146.98.

"**146.100.** Sections 239, 240 and 240.2 do not apply for the purposes of the settlement of the pension benefits of the members and beneficiaries.

"**DIVISION VIII**

"SPECIAL MEASURES RELATING TO CERTAIN PLANS

"**146.101.** The employer contribution to a target benefit plan established for members whose employer is, as the case may be,

(1) a municipality, a body referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) or a municipal housing bureau, within the meaning of the Act respecting the Société d'habitation du Québec (chapter S-8), or

(2) an educational institution at the university level referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1),

may not, for any class of members covered by the plan and whose employer is referred to in paragraph 1 or 2, exceed 55% of the total of the employer and member contributions provided for in the plan for that class of members.

"**146.102.** For the purposes of section 146.101, the contributions include those paid for by the appropriation of surplus assets."

62. Section 149 of the Act is amended by adding the following paragraph at the end:

"In the case of a target benefit plan, the pension plan shall be administered by the person or body who establishes the plan."

63. Section 151.2 of the Act is amended by striking out "quantify and" in subparagraph 6 of the first paragraph.

64. Section 182.2 of the Act is amended by adding the following paragraph at the end:

"This section does not apply to target benefit pension plans."

65. The Act is amended by inserting the following section after section 194:

"**194.1.** Despite section 194, merging all or part of the assets and liabilities of several target benefit pension plans into a single plan is prohibited."

66. Section 195 of the Act is amended by inserting "other than a target benefit pension plan" after "of a pension plan" in the first paragraph.

67. The Act is amended by inserting the following section after section 195:

"**195.0.0.1.** In the case of a target benefit pension plan, Retraite Québec shall not authorize a division unless the value of the assets to be transferred is equal to the market value of the assets which, assuming that the plan is terminated on the effective date of the division, are allocated to the group of benefits to which the members and beneficiaries affected by the division are entitled.

The value of the assets to be transferred that is referred to in the first paragraph is established taking into account sections 220 and 222 to 224 as if they were applicable to target benefit pension plans, as well as section 146.89 and the first paragraph of section 212.1.

For establishing the assets to be allocated to the group affected by the division, section 218 applies taking into account the rules set out in paragraph 1 of section 146.96 and in section 146.98.

The third paragraph of section 195 applies for the purpose of establishing the value of the assets to be transferred.

Furthermore, Retraite Québec may not authorize such a division unless the plan into which a portion of the assets to be divided is to be transferred includes provisions which, in respect of the conditions and procedure for appropriating surplus assets, the recovery measures in the event of insufficient contributions and the conditions and procedure for restoring benefits, are identical to the provisions of the plan from which such assets are to be transferred."

68. Section 196 of the Act is amended by replacing "In other cases" in the third paragraph by "If the conditions set out in the second paragraph are not met".

69. Section 198 of the Act is amended by replacing "the date of the bankruptcy" in the second paragraph by "the date referred to in paragraph 1.1 of section 19".

70. The Act is amended by inserting the following section after section 199.1:

"**199.2.** If the benefits accrued to all the members and beneficiaries affected by the withdrawal of an employer that is a party to a multi-employer pension plan derive only from defined contribution benefits, the amendment to the plan allowing for the withdrawal of the employer is not subject to the authorization of Retraite Québec.

The members' and beneficiaries' benefits affected by the withdrawal of the employer may be maintained in the plan if the plan so provides. In such a case, the notice referred to in section 200 must mention that option, allow the member or beneficiary at least 10 days to communicate his or her choice, and specify that if no choice is made, his or her benefits will, as provided for in the plan, either be paid or be maintained in the plan.

Furthermore, the plan is exempted from the application of sections 202 and 203. However, the pension committee must include the attestation referred to in paragraph 2 of section 203 with the application for registration of the amendment allowing for the withdrawal of the employer.

The pension committee must, within 30 days after the expiry of the time limit for exercising choices and options, pay the benefits to which the members and beneficiaries affected by the withdrawal of the employer are entitled. Section 217 applies to the payment."

71. Section 200 of the Act is amended by replacing paragraph 1 by the following paragraph:

"(1) of the most recent degree of solvency as referred to in the fourth paragraph of section 143 that is applicable to the plan;".

72. Section 202 of the Act is amended

(1) by striking out "; in the case of a plan referred to in paragraph 2 of section 116, it can be prepared by the pension committee" in the second paragraph;

(2) by adding the following sentence at the end of the third paragraph: "The exemption does not apply to target benefit pension plans."

73. Section 207.6 of the Act is amended by inserting ", in the case of a plan other than a target benefit pension plan," after "allow" in the first paragraph.

74. Section 217 of the Act is amended by replacing "in a defined benefit plan" in paragraph 3 by "in a defined benefit plan or target benefit plan".

75. Section 228.1 of the Act is amended by striking out "or defined benefit-defined contribution pension plan".

76. Section 230.0.0.3 of the Act is amended by replacing "or choose a pension paid out of the assets administered by Retraite Québec under section 230.0.0.4" by the following: "or opt for one of the following payment methods:

(1) the transfer of his or her benefits to a pension plan contemplated in section 98; or

(2) the payment of a pension out of the assets administered by Retraite Québec under section 230.0.0.4".

77. Section 230.0.0.4 of the Act is amended by replacing "provided for in section 230.0.0.3" in the first paragraph by "provided for in paragraph 2 of section 230.0.0.3".

78. Section 236 of the Act is amended by striking out ", except any entitlement to surplus assets," in the first paragraph.

79. Section 237 of the Act is amended, in the first paragraph,

(1) by replacing "affected by the termination of the pension plan" by "affected by the withdrawal of an employer or the termination of the plan";

(2) by inserting "withdrawal or" after "the date of the".

80. Section 243 of the Act is amended by replacing "of notification of the decision or order" by "after the decision or order is sent".

81. Section 244 of the Act is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 1:

"(1.1) determine, for the purposes of section 22, the rules to which the conversion of a target benefit pension plan into another type of plan and the conversion of any type of plan into a target benefit pension plan are subject;";

(2) by inserting the following subparagraph after subparagraph 3.1.1:

"(3.1.2) determine, for the purposes of section 90.2,

(*a*) the conditions and time limit for transferring sums held under defined contribution provisions into a variable payment life pension fund;

(*b*) the requirements that a variable payment life pension fund must meet, particularly with respect to establishing the amount of the pension that may be purchased with the sums transferred or to increasing or decreasing that amount;";

(3) by inserting the following subparagraphs after subparagraph 8.0.4:

"(8.0.5) for the purposes of section 146.42.1, determine the criteria according to which the plan's assets do not permit payment in full of the benefits of the members and beneficiaries, and the conditions and procedure relating to the option provided for in that section;

"(8.0.6) prescribe the rules referred to in the fourth paragraph of section 143 for establishing the degree of solvency of the pension plan according to intervals shorter than a fiscal year;

"(8.0.7) set out, for the purposes of section 146.44.1, the rules and conditions for converting a negotiated contribution plan referred to in Chapter X.2 into a target benefit pension plan referred to in Chapter X.3;

"(8.0.8) determine, for the purposes of the second paragraph of section 146.46, on what conditions and to what extent a target benefit pension plan may be a multi-jurisdictional pension plan;

"(8.0.9) prescribe, for the purposes of the provisions it specifies, in relation to target benefit pension plans, the use of a degree other than the degree of solvency;

"(8.0.10) set the time limit and procedure for sending the statement referred to in section 146.91 in the event of the withdrawal of an employer that is a party to a target benefit pension plan;".

82. Section 257 of the Act is amended

(1) by striking out "17," in paragraph 1;

(2) in paragraph 5,

(*a*) by inserting the following subparagraph after subparagraph *a*:

"(*a*.1) a variable payment life pension provided for in section 90.2;";

(*b*) by replacing "third" in subparagraph *c* by "fourth".

83. Section 258 of the Act is amended by striking out "the second paragraph of section 310.1 and sections" in paragraph 1.

84. Section 288.1.2 of the Act is amended by replacing "A pension plan that" in the first paragraph by "A pension plan to which Chapter X applies and".

85. Sections 297 and 308.2 to 310.2 of the Act are repealed.

86. The Act is amended by inserting the following sections after section 318.8:

"**318.9.** A target benefit pension plan may be established as of 11 December 2020.

"**318.10.** A target benefit pension plan that is subject to the Regulation respecting target-benefit pension plans in certain pulp and paper sector enterprises (chapter R-15.1, r. 6.1.01) must be brought into compliance with the provisions of this Act that relate to target benefit pension plans not later than 31 December 2023.

Section 146.44.2 applies to any amendment to the plan required for that purpose.

If, on 7 October 2020, the plan includes provisions referred to in paragraph 1 of section 146.47 or provisions allowing the termination, on the cessation of active membership, of the periodic increase of the pension referred to in section 146.48, those provisions may be maintained.

"**318.11.** A pension plan referred to in the first paragraph of section 318.10 must, at the date of the end of the fiscal year in which the plan is brought into compliance with this Act, but not later than 31 December 2023, be the subject of an actuarial valuation that complies with the provisions of Chapter X.3.

"**318.12.** If, on 31 December 2023, the pension plan has not been brought into compliance with this Act, an actuarial valuation of the plan at that date must be carried out according to the rules set out in Chapter X.3.

An insufficiency in contributions shown in that actuarial valuation must be offset as follows:

(1) if the insufficiency relates to service subsequent to the date of the actuarial valuation, by a reduction in the benefit target relating to that service; or

(2) if the insufficiency relates to service credited at the date of the actuarial valuation, by a reduction in the benefits related to that service.

A measure provided for in the second paragraph becomes effective one year after the day following the date of the actuarial valuation.

In addition, no restoration of benefits or appropriation of surplus assets may be carried out following that actuarial valuation.

This section applies to any subsequent actuarial valuation of the plan until the text of the plan is brought into compliance with this Act.

"**318.13.** Section 7.1 does not apply in respect of a target benefit pension plan that is referred to in the first paragraph of section 318.10 and includes components established in accordance with the Regulation concerning certain Papiers White Birch pension plans (chapter R-15.1, r. 6.1.1) on 7 October 2020.

Despite any inconsistent provision of this Act or that Regulation, where an actuarial valuation is required in respect of one component of the pension plan, every component of the plan must be the subject of an actuarial valuation at the date of that actuarial valuation, in accordance with the rules applicable to it.

"**318.14.** Sections 318.10 to 318.12 apply even with respect to a pension plan referred to in the second paragraph of section 146.46.

"**318.15.** A target benefit pension plan may be established in respect of members whose employer is referred to in section 146.101 only if the plan governed by the applicable Act according to the sector concerned and to which the members covered by the target benefit pension plan are parties has been restructured in accordance with the Act respecting the restructuring of university-sector defined benefit pension plans (chapter R-26.2.1) or the Act to foster the financial health and sustainability of municipal defined benefit pension plans (chapter S-2.2.1) and only if, in the case of a municipal sector plan, there remains no contribution to be paid by the members, if applicable, under the second paragraph of section 14 of the latter Act.

"**318.16.** Section 88 of the Act respecting the restructuring of university-sector defined benefit pension plans (chapter R-26.2.1) and section 58 of the Act to foster the financial health and sustainability of municipal defined benefit pension plans (chapter S-2.2.1), according to the sector concerned, do not apply to a target benefit pension plan established in accordance with section 318.15.

"**318.17.** The provisions of the Regulation respecting the funding of pension plans of the municipal and university sectors (chapter R-15.1, r. 2) do not apply to a plan referred to in section 318.15.

"**318.18.** A pension plan referred to in Division X of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7) may be established in respect of members whose employer is referred to in section 146.101, on the conditions set out in that section and sections 146.102 and 318.15.

Such a pension plan in force on 7 October 2020 is subject to the conditions referred to in the first paragraph. However, if the contribution of an employer that is a party to the plan is, at that date, greater than 55% of the sum of the employer and member contributions prescribed by the plan, including those referred to in section 146.102, for a class of members, the plan is not subject to the requirement set out in section 146.101 with regard to that class of members. The proportion of the contributions that is paid by the employer may not, however, be increased as of that date.

The second paragraph does not apply to a plan referred to in section 318.19.

"**318.19.** A pension plan referred to in the first paragraph of section 318.18 the establishment of which was the subject of an agreement before 7 October 2020 may come into force, as regards the classes of members covered by the agreement, on a date prior to 11 December 2020, but not prior to 1 January 2016. For the purposes of sections 318.20 and 318.21, such a plan is said to be the "new plan" and the defined benefit plan in force before the date of coming into force of the new plan is said to be the "former plan".

A plan referred to in the first paragraph must be brought into conformity with the rule set out in section 146.101 not later than 31 December 2023.

"**318.20.** Amendments to the former plan may, if they are required for the new plan to come into force as regards the classes of members covered by the agreement, become effective, despite sections 20 and 21, on the date of coming into force of the new plan.

"**318.21.** Contributions paid into the former plan for service accumulated from the date of coming into force of the new plan by the members belonging to the classes covered by the agreement are deemed to be paid under the new plan.

"**318.22.** Sections 318.16 and 318.17 apply, with the necessary modifications, to a plan referred to in section 318.18."

ACT RESPECTING THE QUÉBEC PENSION PLAN

87. Section 1 of the Act respecting the Québec Pension Plan (chapter R-9) is amended by replacing paragraph *v* by the following paragraph:

"(*v*) "recipient of family benefits": the person who,

(1) for a child under seven years of age,

i. receives a family allowance or benefit under the statutes of Québec or Canada, other than an allowance or benefit paid for the month of the child's birth;

ii. would, had it not been for the person's income, have received benefits under the Act respecting family benefits (chapter P-19.1);

iii. receives an amount in respect of a family allowance under Division II.11.2 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act (chapter I-3); this subparagraph applies only if no person receives, in respect of the child, an amount referred to in subparagraph 2;

iv. is considered to be an eligible individual for the purposes of the child tax benefit or Canada child benefit provided for in the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1 (5th Supplement)), or could have been so considered had the person filed the notice for that purpose, provided, in the latter case, that no other person is considered to be an eligible individual in respect of the same child; this subparagraph applies only if no person receives, in respect of the child, any family benefits within the meaning of subparagraphs i to iii;

(2) for a child under 18 years of age, receives an amount referred to as the "supplement for handicapped children requiring exceptional care" under subparagraph *c* of the second paragraph of section 1029.8.61.18 of the Taxation Act;".

VOLUNTARY RETIREMENT SAVINGS PLANS ACT

88. The Voluntary Retirement Savings Plans Act (chapter R-17.0.1) is amended by inserting the following division after section 70:

"**DIVISION V**

"VARIABLE PAYMENT LIFE PENSION

"**70.1.** The voluntary retirement savings plan may provide that a member referred to in Division III of Chapter IV or the member's spouse, as defined in section 71, is entitled to apply, on the conditions and within the time prescribed by regulation, for payment of a variable payment life pension out of all or part of the sums in his or her accounts.

Such a pension must be paid into a variable payment life pension fund that must meet the requirements prescribed by regulation, in particular with respect to establishing the amount of the pension that may be purchased with the sums transferred or to increasing or decreasing that amount."

89. Section 113 of the Act is amended by inserting the following paragraph after paragraph 22:

"(22.1) for the purposes of section 70.1, regulate variable payment life pensions;".

REGULATION TO PROVIDE A FRAMEWORK FOR SETTLEMENT OF THE BENEFITS OF MEMBERS AND BENEFICIARIES OF PLANS COVERED BY SUBDIVISION 4.0.1 OF DIVISION II OF CHAPTER XIII OF THE SUPPLEMENTAL PENSION PLANS ACT AND FOR ADMINISTRATION BY RETRAITE QUÉBEC OF CERTAIN PENSIONS PAID OUT OF THE ASSETS OF THE PLANS

90. Section 6 of the Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans (chapter R-15.1, r. 3) is amended by replacing "provided" by "provided for in section 27.1 of this Regulation or".

91. Section 16 of the Regulation is amended, in the first paragraph,

(1) by replacing "that his or her pension be paid out of the assets" in subparagraph 4 by "to have his or her benefits transferred to a pension plan referred to in section 98 of the Act, or to have his or her pension paid out of the assets";

(2) by replacing "that his or her pension be paid out of the assets" in subparagraph 5.1 by "to have his or her benefits transferred to a pension plan referred to in section 98 of the Act, or to have his or her pension paid out of the assets".

92. Section 17 of the Regulation is amended by replacing "that his or her pension be paid" in paragraph 3 by "to have his or her benefits transferred to a pension plan referred to in section 98 of the Act, or to have his or her pension paid".

93. Section 19 of the Regulation is amended by replacing paragraph 1 by the following paragraph:

"(1) the estimated value of the pension reduced to take into account insufficient assets with a statement that that value may be transferred to a pension plan referred to in section 98 of the Act;".

94. The Regulation is amended by inserting the following section after section 27:

"**27.1.** Where a member or beneficiary whose pension has been guaranteed opts, in accordance with paragraph 1 of section 230.0.0.3 of the Act, to have his or her benefits transferred to a pension plan referred to in section 98 of the Act, the insurer must, at the request of the pension committee, allocate the guarantee to non-guaranteed benefits of other members or beneficiaries in the same account or, if the insurer is unable to make such an allocation, pay into the pension fund the commuted value of the guaranteed pension at the date the

benefits are transferred or, where the contract does not provide for a commuted value, the fair market value of the guaranteed pension determined on the basis of reasonable assumptions and cancellation fees.

The value of the guaranteed pension to be transferred by the pension committee to the pension plan specified by the member or beneficiary must be equal to the value of the pension to which the member or beneficiary is entitled, reduced to take into account insufficient assets. That value is determined in accordance with the first and third paragraphs of section 24."

MISCELLANEOUS AND FINAL PROVISIONS

95. Until the date of coming into force of a regulation made for the purposes of the third paragraph of section 61 and the second paragraph of section 81 of the Supplemental Pension Plans Act (chapter R-15.1), amended by sections 18 and 25, respectively, the assumptions to be used in the case of a target benefit plan are those described in section 67.4 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6).

96. The first regulation made for the purposes of section 146.42.1 of the Supplemental Pension Plans Act may, if it so provides, apply as of any date not prior to 11 December 2020.

97. To mitigate the consequences of the public health emergency declared on 13 March 2020 due to the COVID-19 pandemic, Retraite Québec may, by regulation, take measures concerning

(1) life income funds referred to in Division III of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6); and

(2) time limits applicable to the formalities prescribed by the Voluntary Retirement Savings Plans Act (chapter R-17.0.1).

Such a regulation may take effect on any date not prior to 13 March 2020. It may also have a shorter publication period than that required under section 11 of the Regulations Act (chapter R-18.1), but not shorter than 10 days.

Such a regulation is not subject to the requirement of section 17 of that Act as regards its date of coming into force.

98. A regulation made by Retraite Québec under section 97 must be submitted to the Government for approval.

99. This Act comes into force on 11 December 2020, except section 87, which has effect from 1 January 2020.

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-SECOND LEGISLATURE

Bill 72
(2020, chapter 31)

An Act to amend various legislative provisions concerning mainly bodies in the field of public safety

Introduced 21 October 2020
Passed in principle 2 December 2020
Passed 11 December 2020
Assented to 11 December 2020

Québec Official Publisher
2020

EXPLANATORY NOTES

This Act changes the mode of appointment of investigators of the specialized anti-corruption police force and investigators of the Bureau des enquêtes indépendantes so that they will in future be appointed by the Anti-Corruption Commissioner and the director of the Bureau, respectively.

The Anti-Corruption Commissioner also appoints the other peace officers necessary for the pursuit of the Commissioner's mission, whereas the director of the Bureau des enquêtes indépendantes appoints investigation coordinators and investigation supervisors.

Subject to the provisions of a collective agreement, the remuneration standards and scales for persons appointed by the Anti-Corruption Commissioner and the director of the Bureau des enquêtes indépendantes as well as their employee benefits and other conditions of employment are determined by the Commissioner and the director, in accordance with the conditions defined by the Government. The Act determines the syndical and pension plans that are applicable to those persons.

The Act respecting the Québec correctional system is amended in order, among other things, to allow for the use of any technological means to hold the sittings of the Commission québécoise des libérations conditionnelles, to abolish the category of community members of the Commission and to establish that the decisions of the parole board regarding an offender are made by a single member, except in certain cases.

Various measures concerning liquor permits and alcoholic beverages are amended, in particular,

(1) to allow the holder of a restaurant sales permit to delegate to a third person the alcoholic beverage delivery activities authorized by the permit;

(2) to allow the price of alcoholic beverages sold for take out or delivery to differ from the price of alcoholic beverages sold for consumption on the premises;

(3) to set conditions relating to the use of a restaurant sales or service permit;

(4) to eliminate certain restrictions applicable to advertising alcoholic beverages;

(5) to bring into force certain provisions of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages, including those concerning the use of a permit for a seasonal period;

(6) to allow holders of a small-scale beer producer's permit to sell and deliver to grocery stores the alcoholic beverages they make; and

(7) to allow holders of a small-scale beer producer's permit and holders of a small-scale production permit to entrust, under certain conditions, the making and bottling of the alcoholic beverages they make to a third person.

The Act respecting the Régie des alcools, des courses et des jeux is amended, in particular,

(1) to provide that the number of commissioners is determined by the Government and that the latter may appoint part-time commissioners;

(2) to allow a sole commissioner to decide cases and applications presented under an Act administered by the board, even if public interest, public security or public tranquility are involved;

(3) to allow a member of the personnel to decide alone certain applications presented under the Act respecting safety in sports; and

(4) to provide that, in all cases where the board reviews or revokes a decision it has rendered, that decision must be reviewed or revoked by a person other than the person who rendered it.

Lastly, the Act contains various consequential and transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

– Labour Code (chapter C-27);

– Act respecting offences relating to alcoholic beverages (chapter I-8.1);

– Anti-Corruption Act (chapter L-6.1);

– Act respecting liquor permits (chapter P-9.1);

– Police Act (chapter P-13.1);

– Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1);

– Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);

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

– Act respecting the Syndical Plan of the Sûreté du Québec (chapter R-14);

– Act respecting the Société des alcools du Québec (chapter S-13);

– Act respecting the Québec correctional system (chapter S-40.1);

– Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20).

REGULATIONS AMENDED BY THIS ACT:

– Regulation respecting duties and costs payable under the Act respecting liquor permits (chapter P-9.1, r. 3);

– Regulation respecting liquor permits (chapter P-9.1, r. 5);

– Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages (chapter P-9.1, r. 6);

– Code of ethics of Québec police officers (chapter P-13.1, r. 1);

– Regulation respecting cider and other apple-based alcoholic beverages (chapter S-13, r. 4);

– Regulation respecting conditional release (chapter S-40.1, r. 2);

– Regulation respecting the Québec sales tax (chapter T-0.1, r. 2).

Bill 72

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MAINLY BODIES IN THE FIELD OF PUBLIC SAFETY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

MODE OF APPOINTMENT OF SPECIALIZED POLICE FORCE INVESTIGATORS

DIVISION I

PROVISIONS CONCERNING THE SPECIALIZED ANTI-CORRUPTION POLICE FORCE

ANTI-CORRUPTION ACT

1. Section 8.4 of the Anti-Corruption Act (chapter L-6.1) is amended by replacing subparagraph *c* of paragraph 1 by the following subparagraph:

"(*c*) the other peace officers as follows:

i. chief inspectors, inspectors, captains and lieutenants, who rank as senior officers;

ii. sergeants and corporals, who rank as junior officers; and

iii. constables;".

2. Section 14 of the Act is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

"The Commissioner appoints, as members of the police force referred to in subparagraph *c* of paragraph 1 of section 8.4, the persons necessary for the pursuit of the Commissioner's mission, including those acting within the specialized investigation unit under the authority of the Associate Commissioner for Investigations, according to the staffing plan and the standards that the Commissioner determines. Subject to the provisions of a collective agreement, the Commissioner determines remuneration standards and scales for those persons as well as their employee benefits and other conditions of employment in accordance with the conditions defined by the Government.

Any member of another police force on secondment to the Commissioner by agreement between the Commissioner and the competent authority in respect of the other police force may also act as a member of that police force.";

(2) by replacing "investigators of the unit" in the third paragraph by "members of the police force".

3. The Act is amended by inserting the following section after section 14:

"**14.01.** Subparagraph 4 of the first paragraph of section 115 of the Police Act (chapter P-13.1) does not apply to members of the police force acting within the specialized investigation unit.

The Government determines, by regulation, the selection criteria applicable to those members as well as the training they must undergo. The regulation may provide for exceptions to the training obligation applicable to the members."

POLICE ACT

4. Section 126 of the Police Act (chapter P-13.1) is amended by striking out "of section 14 of the Anti-Corruption Act (chapter L-6.1) and" in the first paragraph.

5. Section 286 of the Act is amended by striking out "or a peace officer within the meaning of section 14 of the Anti-Corruption Act (chapter L-6.1)" in the first paragraph.

6. Section 289 of the Act is amended

(1) by striking out ", a peace officer within the meaning of section 14 of the Anti-Corruption Act (chapter L-6.1)" in the first paragraph;

(2) by striking out "or the peace officer within the meaning of section 14 of the Anti-Corruption Act" in the second paragraph.

CODE OF ETHICS OF QUÉBEC POLICE OFFICERS

7. Section 1 of the Code of ethics of Québec police officers (chapter P-13.1, r. 1) is amended by striking out "of section 14 of the Anti-Corruption Act (chapter L-6.1) and" in the second paragraph.

DIVISION II

PROVISIONS CONCERNING THE BUREAU DES ENQUÊTES INDÉPENDANTES

POLICE ACT

8. Section 289.5 of the Police Act (chapter P-13.1) is amended

(1) in the second paragraph,

(*a*) by striking out "appointed by the Government" in the introductory clause;

(*b*) by inserting the following subparagraphs after subparagraph 2:

"(2.1) investigation coordinators;

"(2.2) investigation supervisors;";

(2) by striking out the third paragraph;

(3) by inserting "and its members are peace officers throughout Québec" after "mission" in the fourth paragraph.

9. Section 289.9 of the Act is amended

(1) by adding the following paragraph at the beginning:

"The director and assistant director of the Bureau are appointed by the Government.";

(2) by replacing "director, assistant director or investigator" in paragraph 3 by "member".

10. Section 289.10 of the Act is replaced by the following section:

"**289.10.** Investigation coordinators, investigation supervisors and investigators are appointed by the director of the Bureau according to the staffing plan and the standards that the director determines. Subject to the provisions of a collective agreement, the director of the Bureau determines remuneration standards and scales for those persons as well as their employee benefits and other conditions of employment in accordance with the conditions defined by the Government.

The director must encourage parity between investigators who have never been peace officers and those who have."

11. Section 289.11 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting "investigation coordinator, investigation supervisor or" after "position of" in the introductory clause;

(*b*) by replacing "an investigator" in subparagraph 2 by "a member";

(2) in the second paragraph,

(*a*) by striking out "and process";

(*b*) by inserting "investigation coordinators, investigation supervisors and" after "applicable to".

12. Section 289.12 of the Act is amended

(1) by replacing ", the assistant director and the investigators" in the first paragraph by "and the assistant director";

(2) by replacing ", the assistant director and the investigators" in the third paragraph by "and the assistant director".

13. Section 289.13 of the Act is amended by replacing "and the investigators" in the first paragraph by "and the other members".

14. Section 289.27 of the Act is amended by inserting "and their average duration for each type of investigation, specifying the number and average duration of investigations involving a member of an Aboriginal community" at the end of subparagraph 3 of the second paragraph.

DIVISION III

COMMON AMENDING PROVISIONS

ACT RESPECTING THE SYNDICAL PLAN OF THE SÛRETÉ DU QUÉBEC

15. The title of the Act respecting the Syndical Plan of the Sûreté du Québec (chapter R-14) is amended by adding "and of specialized police forces" at the end.

16. Section 1 of the Act is amended by inserting the following paragraphs after paragraph *b*:

"(*b*.1) "members of the specialized anti-corruption police force": the members of the specialized police force referred to in subparagraphs ii and iii of subparagraph *c* of paragraph 1 of section 8.4 of the Anti-Corruption Act (chapter L-6.1), except those referred to in the second paragraph of section 14 of that Act;

"(*b*.2) "members of the Bureau des enquêtes indépendantes": the investigators of the Bureau des enquêtes indépendantes referred to in subparagraph 3 of the second paragraph of section 289.5 of the Police Act (chapter P-13.1);

"(*b*.3) "members of a specialized police force": the members of the specialized anti-corruption police force and of the Bureau des enquêtes indépendantes;".

17. Sections 2 and 4 of the Act are amended by inserting "or of a specialized police force" after "Police Force".

18. Section 5 of the Act is replaced by the following section:

"**5.** The members of the Police Force or of the specialized anti-corruption police force shall not be members of an association which is not composed exclusively of members of the Police Force or exclusively of members of that specialized police force or which is affiliated or otherwise linked with another organization and shall not enter into a service agreement with such an association or organization.

The members of the Bureau des enquêtes indépendantes shall not be members of an association consisting of employees exercising the functions of a peace officer or which is affiliated or otherwise linked with an organization consisting of employees exercising the functions of a peace officer and shall not enter into a service agreement with such an association or organization."

19. Section 6 of the Act is amended by inserting "and of specialized police forces" after "Police Force".

20. Section 7 of the Act is amended by inserting "for each association recognized under section 2" at the end of the first paragraph.

21. Section 8 of the Act is amended

(1) by replacing ", pension plan and any other condition of employment entailing pecuniary advantages to the members of the Police Force" in paragraph *a* by "and any other condition of employment entailing pecuniary advantages for the members of the Police Force or of a specialized police force and, for the members of the Police Force, the pension plan";

(2) by inserting "or specialized police forces" at the end of paragraph *e*.

22. Section 11 of the Act is amended by inserting "or of a specialized police force" after "Police Force" in the first paragraph.

23. Section 13 of the Act is amended by replacing "Minister of Public Security" in the first paragraph by "Government".

24. Unless the context indicates otherwise or this Act provides otherwise, in any Act, regulation or other document, a reference to the Act respecting the Syndical Plan of the Sûreté du Québec or any of its provisions is a reference to the Act respecting the Syndical Plan of the Sûreté du Québec and of specialized police forces or the corresponding provision of that Act.

LABOUR CODE

25. Section 1 of the Labour Code (chapter C-27) is amended by inserting the following subparagraph after subparagraph 5 of paragraph *l*:

"(5.1) a member of a specialized police force referred to in section 89.2 of the Police Act (chapter P-13.1);".

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

26. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is amended by inserting "— The Bureau des enquêtes indépendantes" and "— The Anti-Corruption Commissioner" in alphabetical order.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

27. The Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended

(1) by adding the following paragraph at the end of section 3 of Schedule I:

"(4) member of a specialized police force who is referred to in subparagraph *c* of paragraph 1 of section 8.4 of the Anti-Corruption Act (chapter L-6.1), except a member acting as such under the second paragraph of section 14 of that Act, or who is referred to in any of subparagraphs 2.1 to 3 of the second paragraph of section 289.5 of the Police Act (chapter P-13.1).";

(2) by inserting "Bureau des enquêtes indépendantes" and "Anti-Corruption Commissioner" in alphabetical order in section 1 of Schedule II.

DIVISION IV

TRANSITIONAL PROVISIONS

28. Members of the Anti-Corruption Commissioner's personnel appointed under section 12 of the Anti-Corruption Act (chapter L-6.1) who, on 11 December 2020, are acting within the specialized investigation unit established under the first paragraph of section 14 of the Anti-Corruption Act, as it read before being replaced by section 2 of this Act, and who meet the requirement set out in subparagraph 4 of the first paragraph of section 115 of the Police Act (chapter P-13.1) are deemed to have been appointed in accordance with the first paragraph of section 14 of the Anti-Corruption Act, as replaced by section 2 of this Act. They keep their remuneration, employee benefits and other conditions of employment, except the syndical plan, pension plan and grievance settlement and arbitration procedure, until the Commissioner determines remuneration standards and scales for them as well as their employee benefits and other conditions of employment in accordance with the conditions defined by the Government under the first paragraph of section 14 of the Anti-Corruption Act, as replaced by section 2 of this Act, or until a first labour contract binding the Government and the recognized association representing them is made.

29. Investigators of the Bureau des enquêtes indépendantes who are in office on 11 December 2020 are deemed to have been appointed in accordance with the first paragraph of section 289.10 of the Police Act, as replaced by section 10 of this Act. They keep the remuneration, employee benefits and other conditions of employment determined by the Government under section 289.12 of the Police Act, as it read before being amended by section 12 of this Act, until the director of the Bureau determines remuneration standards and scales for them as well as their employee benefits and other conditions of employment in accordance with the conditions defined by the Government under section 289.10 of the Police Act, as replaced by section 10 of this Act, or until a first labour contract binding the Government and the recognized association representing them is made.

Investigation supervisors in office on 11 December 2020 are deemed to have been appointed in accordance with the first paragraph of section 289.10 of the Police Act, as replaced by section 10 of this Act. They keep the remuneration, employee benefits and other conditions of employment determined by the Government under section 289.12 of the Police Act, as it read before being amended by section 12 of this Act, until the director of the Bureau determines remuneration standards and scales for them as well as their employee benefits and other conditions of employment in accordance with the conditions defined by the Government under section 289.10 of the Police Act, as replaced by section 10 of this Act.

Except for the purposes specified in this section, orders made under section 289.5 of the Police Act, as it read before being amended by section 8 of this Act, concerning the appointment of investigators of the Bureau des enquêtes indépendantes or concerning designations as investigation supervisors of the Bureau des enquêtes indépendantes cease to have effect on 11 December 2020.

30. A certification granted under the Labour Code (chapter C-27) to an association representing investigators of the Bureau des enquêtes indépendantes is revoked.

However, an association representing such investigators may continue to represent them on the condition that it complies with the Act respecting the Syndical Plan of the Sûreté du Québec (chapter R-14), as amended by this Act.

CHAPTER II

MEASURES CONCERNING THE COMMISSION QUÉBÉCOISE DES LIBÉRATIONS CONDITIONNELLES

ACT RESPECTING THE QUÉBEC CORRECTIONAL SYSTEM

31. The Act respecting the Québec correctional system (chapter S-40.1) is amended by inserting the following section after section 118:

"**118.1.** To hold the sittings of the parole board, appropriate technological means that are available to both the offender and the parole board should be used whenever possible.

The parole board may, even on its own initiative and without the offender's consent, use such means or, if it considers it appropriate in light of the circumstances, order that such means be used by the offender. If the parole board intends to order that such means be used, it shall inform the offender within a reasonable time before the sitting."

32. Section 120 of the Act is amended

(1) by inserting "and" after "vice-chair,";

(2) by striking out "and of at least one community member per region determined by regulation".

33. Section 122 of the Act is replaced by the following section:

"**122.** The members of the parole board shall be appointed for terms not exceeding five years."

34. Section 125 of the Act is amended by striking out "full-time members and part-time members and the fees and allowances of the community".

35. Section 130 of the Act is repealed.

36. Section 138 of the Act is amended by replacing "A member of the" by "The".

37. Section 141 of the Act is amended by replacing "A full-time or part-time member of the" in the introductory clause of the first paragraph by "The".

38. Section 142 of the Act is amended by replacing both occurrences of "The member of the" by "The".

39. Section 152 of the Act is amended by replacing the second paragraph by the following paragraph:

"After examining the application, the parole board shall reject it if it does not meet the conditions set out in the first paragraph or shall refer the case for re-examination."

40. Section 154 of the Act is replaced by the following section:

"**154.** Decisions of the parole board regarding an offender are made by one of its members.

Despite the first paragraph, a decision examining a request for a temporary absence in preparation for conditional release under section 136 or examining or re-examining a conditional release under the second paragraph of section 143 must be made by two members if

(1) the decision concerns an offender who is incarcerated following a conviction for an offence of a sexual nature or related to domestic violence; or

(2) the chair considers it useful given, in particular, the complexity or importance of the case.

In the cases referred to in the second paragraph, the decision must be unanimous. If the two members cannot agree, the case shall be referred to two other members."

41. The Act is amended by inserting the following section after section 156:

"**156.1.** If the examination of an offender's application for a temporary absence in preparation for conditional release takes place within 28 days before the date of his or her eligibility for conditional release, the parole board may, if it authorizes the temporary absence, render a decision on his or her conditional release at the same sitting."

42. Section 160 of the Act is amended by striking out "or, in the case of a temporary absence for a family visit, a member of the parole board," and "the board or member" in the introductory clause of the second paragraph.

43. Section 161 of the Act is amended, in the first paragraph,

(1) by replacing "A member of the" in the introductory clause by "The";

(2) by replacing "he or she has" in subparagraph 1 by "the parole board or the person has".

44. Section 162 of the Act is amended by replacing "The member of the parole board who ordered the suspension under section 161 or, after consulting the parole board, the person designated by the parole board" in the first paragraph by "Following the suspension of a temporary absence or of a conditional release under section 161, the parole board or, after consulting the parole board, the person designated".

45. Section 167 of the Act is amended

(1) by replacing "A member of the parole board or a person designated in writing by the parole board" in the first paragraph by "The parole board or a person designated in writing by the parole board";

(2) by replacing "A member of the parole board or, after consulting the parole board" in the second paragraph by "The parole board or, after consulting the parole board".

46. Section 169 of the Act is amended by striking out "full-time or part-time".

47. Section 170 of the Act is amended by replacing paragraph 1 by the following paragraph:

"(1) the applicable legislative prescriptions have not been complied with; or".

48. Section 171 of the Act is amended

(1) by replacing "order a new review of the case" in paragraph 2 by "refer the case for re-examination";

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

"In the case of a referral for re-examination, a member who participated in the review may not participate in the re-examination or in the subsequent review of the decision resulting from the re-examination."

49. Section 172.1 of the Act is amended by inserting "138," after "136," in the first paragraph.

50. Section 175 of the Act is amended by inserting "138," after "136," in subparagraph *c* of subparagraph 2 of the first paragraph.

51. Section 193 of the Act is amended by striking out subparagraph 28 of the first paragraph.

REGULATION RESPECTING CONDITIONAL RELEASE

52. Division I of Chapter I of the Regulation respecting conditional release (chapter S-40.1, r. 2), comprising section 1, is repealed.

53. Section 7 of the Regulation is amended, in the first paragraph,

(1) by striking out "or one of its members";

(2) by replacing "the parole board or the member" by "the parole board".

54. Section 10 of the Regulation is amended by replacing "is on the record by a member of the parole board" in the third paragraph by "by the parole board is conducted on the record".

TRANSITIONAL PROVISION

55. The terms of office of community members of the Commission québécoise des libérations conditionnelles in office on 10 December 2020 end on that date, without remuneration or other compensation in accordance with their instrument of appointment.

CHAPTER III

MEASURES CONCERNING LIQUOR PERMITS AND ALCOHOLIC BEVERAGES

ACT RESPECTING LIQUOR PERMITS

56. The Act respecting liquor permits (chapter P-9.1), amended by sections 1 to 58 of chapter 20 of the statutes of 2018, is again amended by inserting the following division after section 34:

"**DIVISION I.2**

"DELIVERY OF ALCOHOLIC BEVERAGES BY A THIRD PERSON

"**34.1.1.** A restaurant permit authorizes the permit holder to delegate to a third person the delivery activities authorized by the permit under section 27.

Despite any provision to the contrary, the third person may collect the payment due for the sale of alcoholic beverages on behalf of the permit holder when the latter has authorized the third person to do so.

The delegation must be the subject of a written agreement between the permit holder and the third person. The permit holder must keep the agreement until the date that is three years after the date on which the agreement ended.

"**34.1.2.** The third person may subdelegate the activities authorized by this division to a person who intends to make deliveries in the third person's name.

The subdelegation must be the subject of a written agreement between the third person and the person. The third person must keep the agreement until the date that is three years after the date on which the agreement ended.

In addition, the third person must keep a register specifying the name and address of each person transporting alcoholic beverages in the third person's name.

"**34.1.3.** A person making deliveries under this division may not deliver alcoholic beverages to an address other than the one appearing on the invoice or on another document of the same nature.

"**34.1.4.** The delivery activities delegated and subdelegated under this division are deemed to be carried on by the restaurant permit holder.

"**34.1.5.** The restaurant permit holder must take the necessary measures to ensure that the person making deliveries complies with the conditions for using the holder's permit and with the holder's obligations under this Act and the Act respecting offences relating to alcoholic beverages (chapter I-8.1) and their regulations."

ACT TO MODERNIZE THE LEGAL REGIME APPLICABLE TO LIQUOR PERMITS AND TO AMEND VARIOUS OTHER LEGISLATIVE PROVISIONS WITH REGARD TO ALCOHOLIC BEVERAGES

57. Section 2 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20) is amended

(1) by adding the following paragraph at the end of section 27 that it enacts:

"The price of alcoholic beverages sold for take out or delivery may differ from the price of alcoholic beverages sold for consumption on the premises.";

(2) by replacing section 32 that it enacts by the following section:

"**32.** A delivery permit authorizes, on the conditions determined by regulation, the transportation of alcoholic beverages in the course of the provision of a public transportation service, in which case the holder is authorized to purchase the alcoholic beverages from a person authorized to sell them."

58. Section 17 of the Act is amended by replacing paragraph 2 by the following paragraph:

"(2) by striking out "sales" in the second paragraph;".

59. Section 144 of the Act, amended by section 243 of chapter 5 of the statutes of 2020, is again amended by adding the following paragraph at the end:

"(3) sections 14 and 16, paragraph 3 of section 29, section 37, paragraph 3 of section 56, to the extent that it enacts paragraph 2.2 of section 114 of the Act respecting liquor permits, and paragraph 5 of section 59, to the extent that it strikes out paragraph 26 of section 2 of the Act respecting offences relating to alcoholic beverages, which come into force on 11 December 2020."

REGULATION RESPECTING DUTIES AND COSTS PAYABLE UNDER THE ACT RESPECTING LIQUOR PERMITS

60. Section 1 of the Regulation respecting duties and costs payable under the Act respecting liquor permits (chapter P-9.1, r. 3) is amended by adding the following paragraph at the end:

"Notwithstanding the foregoing, in the case of a permit for a seasonal period, the amount payable under the first paragraph is reduced in proportion to the number of days during which the permit is not used."

61. The Regulation is amended by inserting the following section after section 7.1:

"**7.2.** Where the holder of a permit for an annual period applies to have that period changed to a seasonal period, the board shall reimburse the portion of the duties paid corresponding to the number of days during which the permit is not used after the application."

REGULATION RESPECTING LIQUOR PERMITS

62. The Regulation respecting liquor permits (chapter P-9.1, r. 5) is amended by inserting the following division after section 7:

"**DIVISION III.1**

"RESTAURANT PERMIT

"**7.1.** An applicant for a restaurant sales or service permit must demonstrate to the board that the arrangement of the establishment for which the application is made

(1) includes the equipment necessary to prepare and sell food;

(2) is set up and includes an area intended for the sale and service of food to patrons for consumption on the premises.

In addition, the applicant must send the board the menu the applicant plans to offer to patrons.

"**7.2.** The holder of a restaurant sales or service permit must maintain the equipment in good repair and in working order and have the necessary staff on duty to prepare and sell food during the hours and days when the permit holder sells or serves alcoholic beverages.

The permit holder may continue to sell or serve alcoholic beverages to a patron already admitted to the holder's establishment until the close of the hours during which the holder's permit may be used, despite the fact that the preparation and sale of food has ceased. However, no alcoholic beverages may be sold or served to a patron admitted after the preparation and sale of food has ceased."

63. Section 32.7 of the Regulation is amended by inserting the following paragraph after paragraph 2:

"(2.1) permit holders who have contravened section 51.1 of the Act by using their permit outside the continuous period it indicates;".

64. The Regulation is amended by inserting the following section after section 32.7:

"**32.8.** The following failures result in the payment of an administrative monetary penalty of $800:

(1) restaurant sales permit holders who have contravened the third paragraph of section 28 of the Act by selling, for take out or delivery, alcoholic beverages not accompanied by food;

(2) restaurant sales or service permit holders who have contravened section 7.2 by selling or serving alcoholic beverages to a patron admitted after the preparation and sale of food has ceased."

REGULATION RESPECTING PROMOTION, ADVERTISING AND EDUCATIONAL PROGRAMS RELATING TO ALCOHOLIC BEVERAGES

65. Sections 6 and 8 of the Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages (chapter P-9.1, r. 6) are repealed.

REGULATION RESPECTING THE QUÉBEC SALES TAX

66. Section 677R3 of the Regulation respecting the Québec sales tax (chapter T-0.1, r. 2) is amended by replacing the second paragraph by the following paragraph:

"It is the same for alcoholic beverages, other than alcohol and spirits, which are intended to be sold, for take out or delivery, by an establishment that primarily and ordinarily prepares and sells food for consumption on the premises, if the alcoholic beverages are sold with food prepared by the establishment."

67. Section 677R6 of the Regulation is amended by replacing the second paragraph by the following paragraph:

"Notwithstanding the first paragraph, alcoholic beverages other than alcohol and spirits, conserved in an identified container, may be sold to a consumer, by an establishment that primarily and ordinarily prepares and sells food for consumption on the premises, for take out or delivery accompanied by food prepared by the establishment."

68. Section 677R9.1.1 of the Regulation is replaced by the following section:

"**677R9.1.1.** Beer intended to be sold, by an establishment that primarily and ordinarily prepares and sells food for consumption on the premises, for take out or delivery accompanied by food prepared by the establishment shall be in an identified container and shall be sold and delivered in such a container."

TRANSITIONAL PROVISIONS

69. The Act respecting liquor permits (chapter P-9.1) is to be read as follows from 11 December 2020 until the date of coming into force of section 27 of that Act, enacted by section 2 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20):

(1) as if sections 28 and 28.1 were replaced by the following sections:

"**28.** A restaurant sales permit authorizes, in an establishment whose principal and usual activity is to prepare and sell food on the premises, the sale of alcoholic beverages for consumption on the premises if such beverages are generally served as an accompaniment to the food.

A restaurant sales permit also authorizes the permit holder to allow a patron to take home a partially consumed container of wine purchased in the establishment, provided the container has been securely resealed.

A restaurant permit also authorizes the sale, for take out or delivery in a sealed container, of alcoholic beverages, other than draught beer, alcohol and spirits, if such beverages are sold with food prepared by the permit holder.

The price of alcoholic beverages sold for take out or delivery may differ from the price of alcoholic beverages sold for consumption on the premises.

"**28.1.** A restaurant service permit authorizes its holder, in an establishment whose principal and usual activity is to prepare and sell food on the premises, to serve to his patrons, or allow them to consume on the premises, alcoholic beverages, other than alcohol and spirits, they have brought with them to the establishment for consumption on the premises, if such beverages are generally served as an accompaniment to the food prepared by the permit holder.";

(2) as if "**DIVISION I.2**" in the heading before section 34.1.1, enacted by section 51 of this Act, were replaced by "**DIVISION I.1**";

(3) as if "restaurant permit" and "27" in the first paragraph of section 34.1.1, enacted by section 51 of this Act, were replaced by "restaurant sales permit" and "28", respectively;

(4) as if both occurrences of "restaurant permit" in sections 34.1.4 and 34.1.5, enacted by section 51 of this Act, were replaced by "restaurant sales permit"; and

(5) as if sections 34.1.1 to 34.1.5, enacted by section 51 of this Act, were renumbered 34.2.1 to 34.2.5.

70. Paragraph 2.2 of section 114 of the Act respecting liquor permits, enacted by paragraph 3 of section 56 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages, is to be read as if it were renumbered 2.1 from 11 December 2020 until the date of coming into force of paragraph 3 of that section 56, to the extent that it enacts paragraph 2.1 of section 114 of the Act respecting liquor permits.

CHAPTER IV

MEASURES CONCERNING SMALL-SCALE BEER PRODUCER'S AND SMALL-SCALE PRODUCTION PERMITS

ACT RESPECTING LIQUOR PERMITS

71. Section 72.1 of the Act respecting liquor permits (chapter P-9.1), amended by section 29 of chapter 20 of the statutes of 2018, is again amended by inserting the following subparagraph after subparagraph 2 of the second paragraph:

"(2.1) in the establishment of the holder of a grocery permit, the presence of alcoholic beverages supplied by the holder of a small-scale beer producer's permit;".

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

72. Section 24.1 of the Act respecting the Société des alcools du Québec (chapter S-13), amended by section 105 of chapter 20 of the statutes of 2018, is again amended by inserting the following subparagraph after subparagraph 1 of the first paragraph:

"(1.1) have his raw materials pressed and the alcoholic beverages he makes filtered and bottled, on his behalf and in his establishment, by a person who has the necessary equipment and expertise;".

73. Section 24.2 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 2 of the first paragraph:

"(2.1) have the alcoholic beverages he makes filtered and bottled, on his behalf and in his establishment, by a person who has the necessary equipment and expertise;";

(2) by inserting "and sell and deliver the same alcoholic beverages to the holder of a grocery permit" after "Act respecting liquor permits" in the third paragraph.

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

74. Section 82.1 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1) is amended by inserting the following paragraph after the second paragraph:

"In addition, no holder of a grocery permit may keep, possess or sell in his establishment beer made by the holder of a small-scale beer producer's permit not purchased directly from that permit holder."

75. Section 83 of the Act is amended by replacing "or from the Corporation" in paragraph 6 by ", from the Corporation or from a grocery permit holder".

REGULATION RESPECTING CIDER AND OTHER APPLE-BASED ALCOHOLIC BEVERAGES

76. Section 13.1 of the Regulation respecting cider and other apple-based alcoholic beverages (chapter S-13, r. 4) is amended by striking out "themselves".

CHAPTER V

MEASURES RELATING TO THE GOVERNANCE OF THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX

ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX

77. Section 3 of the Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1) is replaced by the following section:

"**3.** The board shall consist of commissioners, including a president and not more than two vice-presidents, in a number determined by the Government. The commissioners shall be appointed by the Government for terms not exceeding five years.

The Government may appoint part-time commissioners."

78. Section 4 of the Act is repealed.

79. Section 15 of the Act is amended by replacing "Nine commissioners constitute" in the second paragraph by "A majority of the commissioners constitutes".

80. Section 26 of the Act is replaced by the following section:

"**26.** The decisions of the board shall be made in one of three ways: in a plenary session, by one or more commissioners or by a member of the personnel designated by the president."

81. Section 27 of the Act is repealed.

82. Section 28 of the Act is amended, in the first paragraph,

(1) by striking out ", except cases and applications involving public interest, public security or public tranquility" in subparagraph 2;

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

"(3) an application for review under the last paragraph of section 29 or under section 37, or an application for the review of a decision rendered by a racing judge or a paddock judge under section 53 or 54 of the Act respecting racing (chapter C-72.1)."

83. The Act is amended by inserting the following section after section 28:

"**28.1.** The president or the vice-president designated by the president for that purpose may, where he considers it expedient, in particular given the complexity or importance of a matter, provide for a panel consisting of more than one commissioner, of whom one shall be an advocate.

The decision shall be made by a majority of the commissioners who heard the matter. In the case of a tie, the matter before the panel shall be referred to the president so that he may refer it to another panel."

84. Section 29 of the Act is amended by inserting ", the Act respecting safety in sports (chapter S-3.1)" after "the Act respecting lotteries, publicity contests and amusement machines (chapter L-6)" in subparagraph 1 of the first paragraph.

85. Section 37 of the Act is amended by replacing "In cases to which subparagraph 3 of the first paragraph applies" in the second paragraph by "In all cases".

CHAPTER VI

FINAL PROVISIONS

86. The provisions of this Act come into force on 11 December 2020, except sections 57 and 58, which come into force on the date of coming into force of section 27 of the Act respecting liquor permits (chapter P-9.1), enacted by section 2 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20).

Regulations and other Acts

Gouvernement du Québec

O.C. 206-2021, 10 March 2021

Striking off of the Caisse de dépôt et placement du Québec and Investissement Québec from Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors

WHEREAS Chapter IV of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) provides for the process of negotiation and making of the collective agreements of the government agencies appearing in Schedule C to the Act;

WHEREAS that process applies to the Caisse de dépôt et placement du Québec and to Investissement Québec;

WHEREAS section 76 of the Act provides, in particular, that the Government may strike off from Schedule C any agency appearing in it, add to it any agency it has struck off or any other agency;

WHEREAS it is expedient to exclude the Caisse de dépôt et placement du Québec and Investissement Québec from the application of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity and the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) be amended by striking off "The Caisse de dépôt et placement du Québec" and "Investissement Québec".

YVES OUELLET,
Clerk of the Conseil exécutif

104932

Gouvernement du Québec

O.C. 282-2021, 17 March 2021

Immigration Act
(chapter I-0.2.1)

**Québec immigration
—Amendment**

Regulation to amend the Québec Immigration Regulation

WHEREAS, under section 9 of the Québec Immigration Act (chapter I-0.2.1), for each class of foreign nationals, the Government may, by regulation, determine immigration programs and, for each program, the selection conditions and any selection criteria applicable to foreign nationals;

WHEREAS, under section 26 of the Act, the Government may, by regulation, determine that achieving a score obtained by applying a selection grid is one of the selection conditions referred to in section 9 and such a grid may include selection factors and criteria such as training, work experience and knowledge of French;

WHEREAS, under the first paragraph of section 30 of the Act, the conditions applicable to a person who or a partnership that participates in the management of an investment or of a deposit of a sum of money by a person who files an application in the economic class are determined by government regulation;

WHEREAS, under the second paragraph of section 30 of the Act, the Government also determines, by regulation, conditions relating to the investment, deposit, management and disposition of the sums invested or deposited, including their reimbursement and confiscation;

WHEREAS, under section 104 of the Act, a regulation made in particular under sections 26 and 30 and, in the case of provisions relating to a permanent immigration program, section 9 of the Act, is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) and, despite section 17 of that Act, comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date set in the regulation;

WHEREAS, despite section 104 of the Québec Immigration Act, a draft Regulation to amend the Québec Immigration Regulation was published in Part 2 of the *Gazette officielle du Québec* of 9 December 2020 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS section 106 of the Act provides that a regulation made under the Act may apply to an application according to the date on which it was filed or to the application examination stage and may apply to an expression of interest according to the date on which it was submitted;

WHEREAS it is expedient to make the Regulation to amend the Québec Immigration Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Immigration, Francization and Integration:

THAT the Regulation to amend the Québec Immigration Regulation, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Québec Immigration Regulation

Québec Immigration Act
(chapter I-0.2.1, ss. 9, 26, 30 and 106)

1. The Québec Immigration Regulation (chapter I-0.2.1, r. 3) is amended in section 51 by striking out paragraph 4.

2. Section 53 is revoked.

3. Section 54 is amended by striking out paragraph 1.

4. Sections 55 to 57 are revoked.

5. Schedule A is amended by striking out criterion 11.2 of Factor 11.

6. The amendments provided for in sections 1 to 5 of this Regulation apply to an application for selection for permanent immigration filed under the entrepreneur program before 1 November 2020 for which no decision had been rendered on that date.

7. In the case of a foreign national who has been selected under section 51 of the Québec Immigration Regulation before 1 November 2020, the financial institution gives to the entrepreneur access to the amount withheld under paragraph 4 of section 53 of the Regulation, as it read before that date.

8. This Regulation comes into force on 31 March 2021.

104944

Gouvernement du Québec

O.C. 287-2021, 17 March 2021

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

Occupational health and safety — Amendment

Regulation to amend the Regulation respecting occupational health and safety

WHEREAS, under subparagraphs 7 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations

— prescribing measures for the supervision of the quality of the work environment and standards applicable to every establishment or construction site in view of ensuring the health, safety and physical well-being of workers, particularly with regard to work organization, lighting, heating, sanitary installations, quality of food, noise, ventilation, variations in temperature, quality of air, access to the establishment, means of transportation used by workers, eating rooms and cleanliness of a workplace, and determining the hygienic and safety standards to be complied with by the employer where the employer makes premises available to workers for lodging, meal service or leisure activities;

— generally prescribing any other measure to facilitate the application of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting occupational health and safety was published in Part 2 of the *Gazette officielle du Québec* of 5 August 2020 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendment at its sitting of 17 December 2020;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting occupational health and safety, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting occupational health and safety

An Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 7 and 42)

1. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 2 by striking out "146,".

2. Section 145 is amended by replacing the second paragraph by the following:

"The quantity of drinking water provided to the workers must be sufficient to meet their daily physiological and personal hygiene needs while taking into account, in particular, the work situation and the environmental and climatic conditions.

Without limiting the scope of the second paragraph, the quantity must at least enable each worker to drink 1 litre of drinking water, wash their hands 4 times over a period of 8 hours and take a shower once a day, when this Regulation requires that it be put at the disposal of the workers. The quantity must also ensure the proper functioning of emergency showers, if applicable.".

3. Section 146 is revoked.

4. Section 147 is replaced by the following:

"**147. Control:** In any establishment supplied with drinking water by a distribution system exempted from the application of Division I of Chapter III, "Quality control of drinking water", of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40), the employer must have a sample of that water analyzed for the control of total coliform bacteria and Escherichia coli bacteria before the water is put at the disposal of the workers for the first time and, subsequently, once a month.

The first and second paragraphs of section 30 of the Regulation respecting the quality of drinking water apply to that sample.

Upon receiving the analyses results, the employer must keep them posted in a visible location that is easily accessible to workers until the following results are received. In default of such a location, the employer must communicate each of the results to the workers by any appropriate means.".

5. Schedule VIII is revoked.

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

104946

Gouvernement du Québec

O.C. 288-2021, 17 March 2021

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

**Solid waste removal – Montréal
— Amendment**

Decree to amend the Decree respecting solid waste removal in the Montréal region

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government may order that a collective agreement respecting any trade, industry, commerce or occupation is to also bind all the employees and professional employers in Québec or in a stated region of Québec, within the scope determined in such decree;

WHEREAS the Government made the Decree respecting solid waste removal in the Montréal region (chapter D-2, r. 5);

WHEREAS, under the first paragraph of section 6.1 of the Act respecting collective agreement decrees, sections 4 to 6 apply to an application for amendment;

WHEREAS, in accordance with the first paragraph of section 4 of the Act, the contracting parties addressed an application to amend the Decree to the Minister of Labour, Employment and Social Solidarity;

WHEREAS, under the first paragraph of section 6 of the Act, at the expiry of the time specified in the notice provided for in section 5 of the Act, the Minister may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft decree to amend the Decree respecting solid waste removal in the Montréal region was published in Part 2 of the *Gazette officielle du Québec* of 4 November 2020 and in a French language newspaper and in an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees, despite section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the Decree without amendment;

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

THAT the Decree to amend the Decree respecting solid waste removal in the Montréal region, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting solid waste removal in the Montréal region

An Act respecting collective agreement decrees
(chapter D-2, ss. 2, 4, 6 and 6.1)

1. The Decree respecting solid waste removal in the Montréal region (chapter D-2, r. 5) is amended in section 1.01

(1) by replacing paragraph 2 by the following:

"(2) "solid waste": any waste product solid at 20 °C from industrial, commercial or agricultural activities, detritus, incineration and demolition residue, domestic garbage, rubbish, rubble and other trash solid at 20 °C; any product mentioned above that is collected for the purposes of recovery or recycling is also included.

Automobile bodies, soils and sands soaked with hydrocarbons, pesticides, explosive or spontaneously flammable products, pathological waste, manure, mining residues and radioactive waste, muds and solid residues from pulp and paper mills or from sawmills are excluded;";

(2) by inserting the following after paragraph 11:

"(11.1) "relative": the employee's spouse, the child, father, mother, brother, sister and grandparents of the employee or the employee's spouse as well as those persons' spouses, their children, and their children's spouses. The following are also considered to be an employee's relative for the purposes of this Decree:

(a) a person having acted, or acting, as a foster family for the employee or the employee's spouse;

(b) a child for whom the employee or the employee's spouse has acted, or is acting, as a foster family;

(c) a tutor or curator of the employee or the employee's spouse or a person under the tutorship or curatorship of the employee or the employee's spouse;

(d) an incapable person having designated the employee or the employee's spouse as mandatary;

(e) any other person in respect of whom the employee is entitled to benefits under an Act for the assistance and care the employee provides owing to the person's state of health;".

2. The following is inserted after section 9.03:

"**9.03.1.** The employee referred to in section 9.03 is also entitled, where the employee so requests, to an additional annual leave without pay equal to the number of days required to increase his annual leave to 3 weeks.

Such additional leave need not follow immediately a leave under section 9.03 and it may not be divided, or be replaced by a compensatory indemnity.".

3. Section 9.04 is amended

(1) by striking out "class A" before "employee";

(2) by replacing "5" by "3".

4. Section 10.01 is amended by replacing "of his consort, father, mother, child, brother or sister, or of the father or mother of his consort" by "of his spouse, father, mother, child or the child of his spouse, brother or sister, or the father or mother of his spouse".

5. Section 10.04 is revoked.

6. Section 10.05 is amended by replacing "1 day" and "4" by "2 days" and "3", respectively.

7. Section 10.10 is amended

(1) by striking out "if the employee has 60 days of continuous service" at the end of the first paragraph;

(2) by striking out the fourth paragraph.

8. The following is inserted after section 10.11:

"**10.12.** An employee may be absent from work for 10 days per year to fulfil obligations relating to the custody, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26).

The leave may be divided into days. A day may also be divided if the employer consents thereto.

If it is warranted, by the duration of the absence for instance, the employer may request that the employee furnish a document attesting to the reasons for the absence.

The employee must advise the employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and the duration of the leave.

The first 2 days taken annually are remunerated according to the calculation formula described in the first paragraph of section 8.05, with respect to class A employees, and according to the calculation formula described in the second paragraph of section 8.05, with respect to class B employees, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of uninterrupted service, even if the employee was absent previously.

10.13. The right provided for in the fifth paragraph of section 10.12 applies in the same manner to absences authorized according to section 79.1 of the Act respecting labour standards (chapter N-1.1). Despite the foregoing, the employer is not required to pay more than 2 days of absence in the same year where the employee is absent for any of the reasons provided for in section 79.1 of the Act respecting labour standards or section 10.12.".

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

104947

Gouvernement du Québec

O.C. 289-2021, 17 March 2021

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

Building service employees – Montréal — Amendment

Decree to amend the Decree respecting building service employees in the Montréal region

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government may order that a collective agreement respecting any trade, industry, commerce or occupation is to also bind all the employees and professional employers in Québec or in a stated region of Québec, within the scope determined in such decree;

WHEREAS the Government made the Decree respecting building service employees in the Montréal region (chapter D-2, r. 15);

WHEREAS, under the first paragraph of section 6.1 of the Act respecting collective agreement decrees, sections 4 to 6 apply to an application for amendment;

WHEREAS, in accordance with section 4 of the Act, the contracting parties addressed an application to amend the Decree to the Minister of Labour, Employment and Social Solidarity;

WHEREAS, under the first paragraph of section 6 of the Act, at the expiry of the time specified in the notice provided for in section 5 of the Act, the Minister may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft Decree to amend the Decree respecting building service employees in the Montréal region was published in Part 2 of the *Gazette officielle du Québec* of 9 December 2020 and in a French language newspaper and an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees, despite section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the Decree without amendment;

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

THAT the Decree to amend the Decree respecting building service employees in the Montréal region, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting building service employees in the Montréal region

An Act respecting collective agreement decrees
(chapter D-2, ss. 2, 4, 6 and 6.1)

1. The Decree respecting building service employees in the Montréal region (chapter D-2, r. 15) is amended in the portion before Division 1.00 by replacing "The Service Employees' Union, local 800 — QFL" by "Union des employés et employées de service, section locale 800;".

2. Section 1.01 is amended by adding the following after paragraph k:

"*(l)* "Parity Committee": Comité paritaire de l'entretien d'édifices publics, région de Montréal.".

3. Section 3.01 is amended in the French text by replacing "comité" in subparagraph 7 of the second paragraph by "Comité".

4. Section 3.03 is amended by replacing "parity committee" by "Parity Committee".

5. The following is added after section 3.07:

"(*Insert, as provided for in section 8 of this Decree, sections 5.01 to 5.03, so that they become sections 3.08 to 3.10.*)".

6. Section 4.03 is amended by replacing "not more than 7 hours" in subparagraph 2 of the first paragraph by "less than 7 hours".

7. The following text before section 5.01 is struck out:

"**DIVISION 5.00**
CALL-BACK AND CALL-IN".

8. Sections 5.01 to 5.03 become sections 3.08 to 3.10.

9. Section 6.102 is replaced by the following:

"**6.102.** The employer's contribution to the plan is $0.45 per hour paid to the employee.".

10. Section 6.103 is amended in the French text by replacing "comité" by "Comité".

11. The following is added after section 6.104:

"**6.105.** The employer must, from the first day of employment, have his employees under 71 years of age complete, date and sign the group retirement plan enrolment form provided by the Parity Committee.

It is the employer's responsibility to ask the Parity Committee to renew its supply of forms in a timely manner.

The employer must send, not later than the 15th day of each month, the enrolment forms, dated and signed by his employees.".

12. Sections 7.02 and 7.04 are amended by replacing "3 weeks" in the second paragraph by "8 weeks".

13. Section 7.06 is amended by replacing "due to illness" in paragraph 2 by "for any reason set out in Division 9.00 of the Decree or in Division V.1 of Chapter IV of the Act respecting labour standards (chapter N-1.1)".

14. Section 8.05 is replaced by the following:

"**8.05.** The employer must give the employee his vacation pay in a lump sum before the employee goes on vacation or in the manner applicable for the regular payment of his wages.".

15. Section 8.11 is amended by replacing "owing to sickness or accident" by "for one of the reasons set out in section 8.04.3".

16. Section 9.01 is amended by replacing subsection 1 by the following:

"(1) On the occasion of the death or the funeral of a member of his family, the regular employee is entitled to the following leaves:

(a) 5 paid days, in the case of the death of his spouse, his child or the child of his spouse;

(b) 3 paid days and 2 additional days without pay, in the case of the death of his father, mother, brother or sister;

(c) 1 day with pay, in the case of the death of his father-in-law, mother-in-law, brother-in-law, sister-in-law, grandfather or grandmother;

(d) 1 day without pay, in the case of the death of his son-in-law, daughter-in-law or grandchildren.".

17. Section 9.03 is amended by replacing "1 day" and "4 more days" in paragraph 1 by "2 days" and "3 more days", respectively.

18. Section 9.05 is amended

(1) by striking out "if the employee has 60 days of uninterrupted service" in the first paragraph;

(2) by striking out the fourth paragraph.

19. Section 9.06 is replaced by the following:

"**9.06.** For the purposes of this section, the definition of relative refers to the definition set out in section 79.6.1 of the Act respecting labour standards (chapter N-1.1).

An employee may be absent from work for 10 days per year to fulfill obligations relating to the care, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26).

The leave may be divided into days. A day may also be divided if the employer consents thereto.

If it is warranted, by the duration of the absence for instance, the employer may request that the employee provide a document attesting to the reasons for the absence.

The employee must notify his employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and the duration of the leave.

Subject to the provisions of Division 12.00, the first 2 days of leave taken annually must be remunerated according to the following formula: 1/20 of the wages earned during the 4 complete weeks of pay preceding the week of the leave, excluding overtime hours, and with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of uninterrupted service, even if he was absent previously. However, the employer is not required to pay remuneration for more than 2 days of absence during the same calendar year, when the employee is absent from work for any of the reasons set out in this section or in section 9.09.".

20. The following is added after section 9.08:

"**9.09.** The employee may be absent from work for a period of not more than 26 weeks over a period of 12 months for any of the reasons set out in section 79.1 of the Act respecting labour standards (chapter N-1.1).

The employee must notify the employer of his absence as soon as possible, giving the reasons for it. If it is warranted by the duration of the absence or its repetitive nature, for instance, the employer may request that the employee provide a document attesting to those reasons.

Subject to the provisions set out in Division 12.00, the right provided for in the sixth paragraph of section 9.06 applies in the same manner to absences authorized under this section. However, the employer is not required to pay remuneration for more than 2 days of absence during the same calendar year, when the employee is absent from work for any of the reasons set out in this section or in section 9.06, in the event that the accumulated days of leave are insufficient.".

21. The following is added after section 10.03:

"**10.04.** An employer cannot require an amount of money from an employee to pay for expenses related to the operations and mandatory employment-related costs of the enterprise.".

22. The title of Division 11.00 is amended by adding "AND ADAPTED EQUIPMENT" at the end.

23. Section 11.01 is amended by adding the following at the end:

"Where required for the tasks, the employer provides adapted equipment, including protective footwear, stripping boots or shoe cover. The employer must pay the cost of adapted equipment and replace it, if necessary.".

24. Section 11.02 is amended by adding "and adapted equipment" after "special clothing".

25. The following is added after section 11.03:

"**DIVISION 11.100**
OCCUPATIONAL HEALTH AND SAFETY

11.101 The duration of use of a backpack vacuum cleaner is limited to a maximum of 3 hours per working day, but cannot exceed more than 2 consecutive hours. When the duration of use of a backpack vacuum cleaner exceeds 2 hours in a working day, the employee must interrupt the task for a period of at least 60 consecutive minutes.".

26. The following is added after section 12.02:

"**12.02.1.** The indemnities paid under the sixth paragraph of section 9.06 or the third paragraph of section 9.09 are deducted from the employee's accumulated leave hour credits.

However, if the indemnities are paid to the employee when he has not yet acquired regular status, or when the balance of his leave credit is insufficient or zero, they are deducted from the leave hour credit subsequently accumulated by the employee.

Despite the foregoing, no employer may require or obtain by any other means the reimbursement of the indemnities paid to the employee during the year under the sixth paragraph of section 9.06 or the third paragraph of section 9.09 when the employee has not yet acquired regular status, or when the balance of his leave credit is insufficient or zero, on the ground that the indemnities could not be reimbursed under the second paragraph of this section.".

27. Despite the first paragraph of section 6.105, the employer has 6 months as of (insert the date of coming into force of this Decree) to have his employees under 71 years of age, already in his employ and who have not already done so on that date, complete, date and sign the group retirement plan enrolment form.

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

104948

Gouvernement du Québec

O.C. 387-2021, 24 March 2021

An Act respecting financial assistance for education expenses
(chapter A-13.3)

Interest rate to be applied to certain measures provided for in the Act and financial assistance for education expenses owing to the COVID-19 pandemic for the 2020-2021 and 2021-2022 years of allocation

Regulation respecting the interest rate to be applied to certain measures provided for in the Act respecting financial assistance for education expenses and the Regulation respecting financial assistance for education expenses owing to the COVID-19 pandemic for the 2020-2021 and 2021-2022 years of allocation

WHEREAS, under subparagraphs 14 and 15 of the first paragraph of section 57 of the Act respecting financial assistance for education expenses (chapter A-13.3), the Government may, by regulation, on the recommendation of the Minister of Higher Education and after consultation with the Minister of Education for matters related to a level of education under the latter's jurisdiction, and for each financial assistance program, unless otherwise indicated,

—fix the rate of interest to be applied to the balance of a guaranteed loan and the terms and conditions of payment of interest to the financial institution;

—prescribe the terms and conditions of repayment of a guaranteed loan, require the capitalization of the interest accrued for any period determined by the Government and provide for the cases where a borrower is in default and the consequences of the default;

WHEREAS, under the first paragraph of section 90 of the Act respecting the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1), the Minister of Higher

Education, after consulting with the Minister of Education when the matter relates to a level of education within that Minister's jurisdiction, must seek the advice of the Comité consultatif sur l'accessibilité financière aux études on any draft regulation respecting the financial assistance programs established by the Act respecting financial assistance for education expenses;

WHEREAS, by Order in Council 177-2020 dated 13 March 2020, the Government declared a public health emergency and took certain measures to protect the health of the population;

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

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication must be published with the regulation;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 where the authority that has made it is of the opinion that the urgency of the situation requires it and the reason justifying such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency owing to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation respecting the interest rate to be applied to certain measures provided for in the Act respecting financial assistance for education expenses and the Regulation respecting financial assistance for education expenses owing to the Covid-19 pandemic for the 2020-2021 and 2021-2022 years of allocation:

—the economic consequences of the COVID-19 pandemic, the resulting lay-offs and the difficulty for some borrowers to fulfil their obligations with respect to the repayment of their student debts require the implementation of the measure as soon as 1 April 2021;

—the federal government announced similar measures applicable to Canadian borrowers, to be implemented in April 2021;

WHEREAS the Minister of Education has been consulted in accordance with the first paragraph of section 57 of the Act respecting financial assistance for education expenses;

WHEREAS the Comité consultatif sur l'accessibilité financière aux études has given its advice;

IT IS ORDERED, therefore, on the recommendation of the Minister of Higher Education:

THAT the Regulation respecting the interest rate to be applied to certain measures provided for in the Act respecting financial assistance for education expenses and the Regulation respecting financial assistance for education expenses owing to the Covid-19 pandemic for the 2020-2021 and 2021-2022 years of allocation, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting the interest rate to be applied to certain measures provided for in the Act respecting financial assistance for education expenses and the Regulation respecting financial assistance for education expenses owing to the Covid-19 pandemic for the 2020-2021 and 2021-2022 years of allocation

An Act respecting financial assistance for education expenses
(chapter A-13.3, s. 57, 1st par., subpars. 14 and 15)

DIVISION I
GENERAL

1. The Minister pays to the financial institution, on behalf of the borrower, the interest on the balance of the guaranteed loan and any capitalized interest, accrued during the period beginning on 1 April 2021 and ending on 31 March 2022, at the rate provided for in section 73 of the Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1).

2. A borrower who wishes to reduce the payments applicable to the repayment of the balance of the borrower's guaranteed loan for the period referred to in section 1 from the amount of interest paid by the Minister under that section must apply to the financial institution. Failing such application, the amount of the interest paid by the Minister is deducted from the balance of the principal of the borrower's guaranteed loan.

DIVISION II
FINAL

3. This Regulation applies despite any inconsistent provision of the Regulation respecting financial assistance for education expenses.

4. This Regulation comes into force on 1 April 2021.

104954

M.O., 2021

Order number 2021-006 of the Minister of Immigration, Francization and Integration dated 18 March 2021

Québec Immigration Act
(chapter I-0.2.1)

Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals

THE MINISTER OF IMMIGRATION, FRANCIZATION AND INTEGRATION,

CONSIDERING that section 26 of the Québec Immigration Act (chapter I-0.2.1) provides that the Government may, by regulation, determine that achieving a score obtained by applying a selection grid is one of the selection conditions referred to in section 9 of the Act and that such a grid may include selection factors and criteria such as training, work experience and knowledge of French;

CONSIDERING that section 27 of the Act provides that the weighting of the selection criteria referred to in section 26, the passing score and, as applicable, the cut-off score for a selection criterion are set by ministerial regulation;

CONSIDERING that the first paragraph of section 104 of the Act provides that a regulation made under section 27 is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) and, despite section 17 of that Act, comes into force on the date of its publication of the *Gazette officielle du Québec* or any later date set in the regulation;

CONSIDERING that section 106 of the Act provides that a regulation made under the Act may apply to an application according to the date on which it was filed or to the application examination stage and may apply to an expression of interest according to the date on which it was submitted;

CONSIDERING that the Regulation to amend the Québec Immigration Regulation made under Order in Council 282-2021 dated 17 March 2021 comes into force on 24 March 2021;

CONSIDERING that it is expedient to harmonize the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2.1, r. 4) with the amendments made to the Québec Immigration Regulation (chapter I-0.2.1, r. 3);

CONSIDERING that it is expedient to amend the Regulation respecting the weighting applicable to the selection of foreign nationals;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals, attached to this Order, is hereby made.

Montréal, 18 March 2021

NADINE GIRAULT,
Minister of Immigration, Francization and Integration

Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals

Québec Immigration Act
(chapter I-0.2.1, ss. 27 and 106)

1. The Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2.1, r. 4) is amended at the end of Schedule B by replacing "94" under "MAXIMUM" for the number of points for the applicant with or without spouse or de facto spouse by "89".

2. Schedule C is amended by replacing "ENTREPREURSHIP" in the title "INNOVATION – ENTREPREURSHIP", by "ENTREPRENEURSHIP".

3. Schedule D is amended

(1) by striking out "Cut-off score" in Factors 1, 9, 10 and 13;

(2) by striking out Factor 11;

(3) by striking out the "INNOVATION – ENTREPREURSHIP" section;

(4) by replacing, in the "SELECTION" section,

(a) under "PASSING SCORE" for the number of points for the applicant with or without spouse or de facto spouse, "81" by "51";

(b) under "MAXIMUM" for the number of points for the applicant with or without spouse or de facto spouse, "125" by "95".

4. Schedule E is amended by replacing "99" in the "SELECTION" section, under "MAXIMUM" for the number of points for the applicant without spouse or de facto spouse by "107" and "112" for the number of points for the applicant with spouse or de facto spouse by "120".

5. The amendment provided for in paragraph 2 of section 3 of this Regulation applies to the application for selection for permanent immigration filed under the entrepreneur program before 1 November 2020 for which no final decision had been rendered on that date.

6. This Regulation comes into force on 31 March 2021.

104955

M.O., 2021

Order 2021-014 of the Minister of Health and Social Services dated 15 March 2021

An Act respecting prescription drug insurance (chapter A-29.01)

Regulation respecting exceptions to the prohibition against paying or reimbursing the price of a medication or supply covered by the basic prescription drug insurance plan

MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING paragraph 1 of section 80.2 of the Act respecting prescription drug insurance (chapter A-29.01), which provides that an accredited manufacturer or wholesaler may not, nor may an intermediary, pay or reimburse to a person covered by the basic plan all or part of the price of a medication or supply covered by the plan, except to the extent provided for by ministerial regulation, in particular for humanitarian reasons;

CONSIDERING that paragraph 1 of section 80.2 of the Act comes into force on the day of coming into force of the first regulation under paragraph 1 of that section 80.2, in accordance with paragraph 5 of section 84 of the Act to extend the powers of the Régie de l'assurance maladie du Québec, regulate commercial practices relating to prescription drugs and protect access to voluntary termination of pregnancy services (2016, chapter 28);

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting exceptions to the prohibition against paying or reimbursing the price of a medication or supply covered by the basic prescription drug insurance plan was published in Part 2 of the *Gazette officielle du Québec* of 4 July 2018 with a notice that it could be made by the Minister on the expiry of 45 days following that publication;

CONSIDERING that the Regulation respecting exceptions to the prohibition against paying or reimbursing the price of a medication or supply covered by the basic prescription drug insurance plan is the first regulation under paragraph 1 of section 80.2 of the Act respecting prescription drug insurance;

CONSIDERING that it is expedient to make the Regulation respecting exceptions to the prohibition against paying or reimbursing the price of a medication or supply covered by the basic prescription drug insurance plan with amendment;

ORDERS AS FOLLOWS:

The Regulation respecting exceptions to the prohibition against paying or reimbursing the price of a medication or supply covered by the basic prescription drug insurance plan is hereby made.

Québec, 15 March 2021

CHRISTIAN DUBÉ,
Minister of Health and Social Services

Regulation respecting exceptions to the prohibition against paying or reimbursing the price of a medication or supply covered by the basic prescription drug insurance plan

An Act respecting prescription drug insurance (chapter A-29.01, s. 80.2, par. 1)

1. An accredited manufacturer or wholesaler or an intermediary may pay or reimburse to a person covered by the basic prescription drug insurance plan all or part of the price of the following medications :

(1) those entered on the list drawn up by the Minister under section 60 of the Act respecting prescription drug insurance (chapter A-29.01) for which the lowest price method does not apply;

(2) those for which a generic or biosimilar version is not entered on the list drawn up by the Minister under section 60 of the Act.

2. Where a medication that was referred to in section 1 ceases to be referred to in that section, an accredited manufacturer or wholesaler or an intermediary may continue to pay or reimburse to a person covered by the basic prescription drug insurance plan all or part of the price of the medication for a maximum period of 30 days following the beginning of the application of the lowest

price method to the medication or the entry of a generic or biosimilar version on the list drawn up by the Minister under section 60 of the Act, as the case may be.

3. An accredited manufacturer or wholesaler or an intermediary may continue to pay or reimburse to a person covered by the basic prescription drug insurance plan all or part of the price of a medication that is not referred to in section 1 if, before the coming into force of paragraph 1 of section 80.2 of the Act, that person has already received such a payment or reimbursement for that medication.

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

104957

M.O., 2021-01

Order number P-30.1.1-2021-01 of the Minister of Finance dated 16 March 2021

An Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund (chapter P-30.1.1)

Financial Assistance for Investment Program applicable to enterprises billed at Rate L and enterprises that are large power consumers served by off-grid systems

CONSIDERING the first paragraph of section 1 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund (chapter P-30.1.1), which provides that the Minister of Finance administers the Financial Assistance for Investment Program, which assistance is applicable in the form of a partial payment of the electricity bill of a recipient enterprise that carries out an investment project which pursues the objectives determined by ministerial order;

CONSIDERING the second paragraph of section 1 of the Act, which provides that the classes of eligible enterprises and the eligibility requirements of a project are determined by ministerial order, and a ministerial order may pertain to one or more components of the Program according to the class of enterprises to which it applies;

CONSIDERING the first paragraph of section 2 of the Act, which provides that an enterprise or a group to which it belongs may, according to the terms determined by ministerial order, be entitled to more than one amount of financial assistance;

CONSIDERING the first paragraph of section 3 of the Act, which provides in particular that the amount of financial assistance may, in the cases and on the conditions prescribed by ministerial order, reach up to 50% of the eligible costs of the project;

CONSIDERING the second paragraph of section 3 of the Act, which provides in particular that the amount of financial assistance may not exceed 20% of the electricity costs for each billing period during the maximum period of application of the financial assistance, determined by ministerial order;

CONSIDERING the third paragraph of section 3 of the Act, which provides that the manner in which the financial assistance is applied is to be determined by ministerial order;

CONSIDERING the first paragraph of section 4 of the Act, which provides that the eligible costs of a project that are incurred on the dates set by ministerial order are the amounts giving entitlement to tax depreciation;

CONSIDERING section 5 of the Act, which provides that financial assistance is applicable only to electricity bills for a consumption period prior to the date determined by ministerial order;

CONSIDERING section 6 of the Act, which provides that to receive financial assistance, an enterprise must send an application to the Minister before the date and in the manner determined by ministerial order;

CONSIDERING the first paragraph of section 7 of the Act, which provides that the financial assistance is subject to a verification conducted in the manner determined by ministerial order;

CONSIDERING the second paragraph of section 7 of the Act, which provides in particular that where the financial assistance is revised or revoked in the course of a verification, it may be recovered in the manner determined by ministerial order;

CONSIDERING the second paragraph of section 8 of the Act, which provides in particular that if a decision grants or modifies financial assistance, it is also notified to the electric power distributor which must specify, in the manner determined by ministerial order, the amount of the assistance on the electricity bill it issues to the enterprise;

CONSIDERING section 12 of the Act, which provides that the ministerial orders provided for by the Act are not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) or to the date of coming into force set out in section 17 of that Act;

CONSIDERING Décret 1285-2019 dated 18 December 2019, which establishes the conditions of the Programme de rabais d'électricité applicable aux consommateurs de grande puissance desservis par les réseaux autonomes;

CONSIDERING Décret 1286-2019 dated 18 December 2019, which establishes the conditions of the Programme de rabais d'électricité applicable aux consommateurs facturés au tarif « L »;

CONSIDERING the second paragraph of section 20 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund, which provides that special contracts covered by the Programme de rabais d'électricité applicable aux consommateurs de grande puissance desservis par les réseaux autonomes and those covered by the Programme de rabais d'électricité applicable aux consommateurs facturés au tarif « L » are terminated on the date of coming into force of that section and, from that date, the rebates to which the beneficiaries of those programs are entitled are governed by that Act;

CONSIDERING paragraph 4 of section 245 of chapter 5 of the Statutes of 2020, which provides that sections 1 to 11, 19 and 20 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund come into force on the date of coming into force of the first ministerial order made under that Act;

CONSIDERING THAT it is expedient to implement the measures needed to ensure a transition from the Programme de rabais d'électricité applicable aux consommateurs facturés au tarif « L » and the Programme de rabais d'électricité applicable aux consommateurs de grande puissance desservis par les réseaux autonomes to the Financial Assistance for Investment Program established by the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund;

THE MINISTER OF FINANCE ORDERS AS FOLLOWS:

THAT the conditions, terms and characteristics of the Financial Assistance for Investment Program that are to be established by ministerial order pursuant to sections 1 to 8 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund (chapter P-30.1.1), attached to this Ministerial Order, form, from the date of publication of this Ministerial Order, an integral part of the Program.

Québec, March 16, 2021

ERIC GIRARD,
Minister of Finance

Conditions, terms and characteristics of the Financial Assistance for Investment Program

An Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund (chapter P-30.1.1)

1. Every enterprise billed at Rate L or having entered into a request for supply with Hydro-Québec for a block of power eligible for that rate, as well as every enterprise served by or having entered into a request for supply to be served by an off-grid system for at least 5,000 kilovolt-amperes of available power is, if it obtains an attestation of eligibility for a project referred to in section 3, entitled to receive financial assistance in the form of a partial payment of its electricity costs.

2. For the purposes of this Program, the rate applicable is the rate for the contract of an enterprise referred to in section 1 under Hydro-Québec's electricity rates for its electricity distribution activities, including the credits for supply and the adjustment for transformation losses that are applicable.

The financial assistance to which an enterprise referred to in section 1 may be entitled does not apply to any rate options applicable under Hydro-Québec's electricity rates, as referred to in the first paragraph. However, an enterprise receiving financial assistance remains eligible for those options, in particular the interruptible electricity options, and for the commercial programs that apply.

3. A project is eligible when it targets one of the following objectives:

(1) the conversion of production processes to adapt existing products to market demand;

(2) the enhancement of productivity or energy efficiency through the modernization of operating procedures;

(3) increased output to adapt supply to market demand;

(4) a new production start-up.

In addition, the project must meet the following conditions:

(1) it must be carried out in Québec in an establishment of the enterprise or of the group to which it belongs, or in an establishment where the main production phases take place;

(2) subject to the provisions of section 17, the eligible project costs must represent an investment at least equal to the lesser of

(*a*) 40% of the electricity costs for the 12-month period preceding the application to establish the eligibility of the establishments of the enterprise or the group to which it belongs, billed at Rate L, or the establishments served by an off-grid system with available power of at least 5,000 kilovolt-amperes, or, for an enterprise that has been subject to the same requirement for a period of less than 12 months, an estimate of the cost produced by Hydro-Québec; and

(*b*) $40 million;

(3) the project costs must be capitalized before 1 January 2026;

(4) the project must generate new investment.

For the purposes of this Financial Assistance for Investment Program, projects may be grouped in a single application for eligibility.

4. The eligible costs for a project covered by an application from an enterprise billed at Rate L or having entered into a request for supply with Hydro-Québec for a block of power eligible for that rate are, when the application is received before 1 January 2019, the amounts incurred after 17 March 2016 that give entitlement to tax depreciation.

The eligible costs for a project covered by an application from an enterprise referred to in section 1 are, when the application is received after 31 December 2018, the amounts incurred starting on 1 January of the year during which the application giving entitlement to tax depreciation is received.

If an enterprise belongs to a group referred to in section 2 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund (chapter P-30.1.1), the eligible costs for the project and the financial assistance are calculated for the group.

5. In accordance with section 3 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund, an increase in the amount of financial assistance to which an enterprise or the group to which it belongs is entitled is granted for each 2% reduction in the intensity of greenhouse gas emissions generated by the project, up to a maximum reduction of 20%. The increase corresponds to 1% of eligible project costs for each 2% reduction.

The intensity of greenhouse gas emissions is the ratio of greenhouse gas emissions to the quantity of units produced.

The enterprise must report the greenhouse gas emissions before and after the carrying out of the project, using the methods indicated on the Ministère des Finances website. In the case of a project with no reference greenhouse gas emissions prior to the carrying out of the project, the enterprise must, in its application, use a comparative analysis to show the maximum potential reduction in the intensity of greenhouse gas emissions offered by the solution selected for the project.

Greenhouse gas emissions are calculated in accordance with the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15).

The increase in financial assistance to incentivize a reduction in greenhouse gas emissions will be paid at the latest during the last payment year of the financial assistance, once the reduction in the intensity of greenhouse gas emissions or, where applicable, the achievement of the potential reduction offered by the project, has been verified using the methods indicated on the Ministère des Finances website.

The electricity bill may also be adjusted proportionally to take into account a reduction in electricity consumption resulting from the carrying out of a project that reduces the intensity of greenhouse gas emissions.

The terms and conditions for the greenhouse gas emissions reports may require that the information provided by the enterprise be attested by a member of the Ordre des ingénieurs du Québec or that the enterprise consent to the verification of the information on the site of the establishment.

6. Subject to the second paragraph, an enterprise must, to benefit from financial assistance for a project referred to in section 3, submit an application for eligibility using the form available on the Ministère des Finances website before 1 January 2024, along with an investment budget.

The application for eligibility for a project that is already under way must be submitted not later than the last day of the calendar year during which the project began.

The investment budget for a project must include a description of the project, a presentation of the type of investment involved, and a timeframe for expenditure.

The enterprise must demonstrate the technical and financial feasibility of its project, the economic potential for enhanced productivity or increased output, and the potential for a reduction in the intensity of greenhouse gas emissions, if applicable.

The enterprise must also demonstrate that activities have been ongoing in every establishment concerned by the project since at least the date of submission of the application and, at the Minister's request, that the activities have continued until the date of issue of the attestation of eligibility.

7. The financial assistance granted can only be applied to electricity bills issued before 1 January 2033. It is payable from the date provided for in section 11 until the expiry of a period of 48 consecutive months or, in the case of a project with eligible costs of $250 million or more, 96 consecutive months.

8. Except on contrary notice from the enterprise or the group to which it belongs, the amount of financial assistance is allocated to the electricity bills issued for all establishments billed at Rate L or all establishments served by an off-grid system with available power of at least 5,000 kilovolt-amperes, as the case may be, covering the consumption periods during the payment period referred to in section 7, in a way that ensures, where possible, that the assistance granted corresponds to 20% of the amount of each bill calculated in accordance with the applicable rate referred to in section 2.

When the last portion of the financial assistance applicable to an audited report is less than the percentage provided for in the first paragraph, Hydro-Québec must determine to which establishment or establishments referred to in that paragraph it applies the financial assistance, unless the enterprise or the group to which it belongs sends Hydro-Québec a prior notice indicating to which establishment or establishments Hydro-Québec should apply it.

9. If the enterprise or the group to which it belongs is entitled to receive more than one amount of financial assistance, the enterprise or group may choose to alternate the application of the financial assistance without exceeding the payment period referred to in section 7. Such alternation does not interrupt the payment period for the financial assistance. The enterprise or the group must so inform the Minister and Hydro-Québec.

In addition, an amount of financial assistance may apply cumulatively to the remainder of another amount of financial assistance, without exceeding the limit of 20% of electricity costs per consumption period.

10. Financial assistance is granted on the basis of audited reports on the capitalized costs of an eligible project, taking the following conditions into account:

(1) a project covered by an attestation of eligibility cannot be withdrawn by the enterprise after the first audited report has been submitted;

(2) a single audited report cannot target projects covered by separate attestations of eligibility.

11. Financial assistance is granted from the date of the second bill issued following the month in which the Minister receives the first complete audited report on capitalized costs for the project; the report may be filed at any time after the attestation of eligibility has been obtained for the enterprise's project.

The application of financial assistance following the first audited report begins on the date on which it becomes payable, unless the enterprise indicates otherwise in order to postpone the date. The enterprise and Hydro-Québec must be notified of the date.

12. The enterprise may send other audited reports about a project's capitalized costs to the Minister when it considers it appropriate. Provided that the reports are complete, the financial assistance connected to the filing of the reports is granted from the date of the second bill issued following the month during which the Minister receives each complete report.

If the filing of the reports means that more than one amount of financial assistance is payable at the same time, the amounts apply consecutively in the order in which the reports are received.

In addition, the enterprise must, on request, file a final document demonstrating the outcome of the project as compared to the applicable objectives referred to in section 3 or, where applicable, the reasons for not completing a project.

13. When an enterprise that receives financial assistance under this Program owns or acquires an establishment that is not included in an investment project for which an attestation of eligibility has been obtained, that financial assistance may apply to the electricity bill of that establishment only from the month following the month in which the enterprise has sent the Minister a document demonstrating that it is the owner of the establishment and that the establishment is billed at Rate L, or that the establishment is served by an off-grid system with available power of at least 5,000 kilovolt-amperes, as the case may be.

14. Despite any inconsistent provision, the application of financial assistance cannot be suspended at the enterprise's request following the receipt of an audited report concerning another project.

15. Following receipt of a report or other document referred to in section 11 or 12, the financial assistance may be granted, revised, suspended or revoked, as the case may be.

In addition, a modification in the rate charged to the establishments of an enterprise entails suspension of the financial assistance until the applicable rate referred to in section 2 is re-established.

Hydro-Québec

(1) applies the financial assistance according to the terms provided for in the decision notified; or

(2) suspends the financial assistance or ceases to apply it from the date indicated in the decision notified and applies Hydro-Québec's electricity rates for its electricity distribution activities.

The suspension of financial assistance does not interrupt the period during which it is payable.

Where applicable, Hydro-Québec revises the electricity bills using its usual procedure and in accordance with the terms to which it agrees with the Government.

16. For each consumption period referred to in section 8, the electricity bill indicates the following elements:

(1) the amount of the electricity bill calculated in accordance with the applicable rate referred to in section 2;

(2) the amount of the financial assistance applicable to the amount referred to in paragraph 1;

(3) any other amount or credit established pursuant to Hydro-Québec's electricity rates for its electricity distribution activities or Hydro-Québec's conditions of service for its electricity distribution activities.

17. If an enterprise transfers to another enterprise all its establishments billed at Rate L or all its establishments served by an off-grid system with available power of at least 5,000 kilovolt-amperes, as well as all the other establishments included in an investment project for which an attestation of eligibility has been obtained, the transferee enterprise acquires the rights and assumes the obligations of the transferor enterprise with regard to this Program, provided it files with the Minister

(1) a document showing its acquisition of the establishments concerned;

(2) an undertaking to continue to carry out the eligible investment projects involving some or all of the establishments;

(3) a document identifying the person it has designated to act as its representative with the Minister for the purposes of this Program.

18. If an enterprise transfers an establishment included in an investment project for which an attestation of eligibility has been obtained, it must file with the Minister an application to reduce the minimum required investment that the eligible project costs must meet.

19. Except in the case provided for in section 17, the rights conferred by an attestation of eligibility issued for an investment project concerning an establishment are not transferred when the establishment is transferred. A transferee enterprise that intends to continue the project and benefit from the Program must submit a new application for eligibility.

20. This Order comes into force on 1 April 2021.

104939

Draft Regulations

Draft Regulation

Public Curator Act
(chapter C-81)

An Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons
(2020, chapter 11)

Certification of an advocate or a notary for the purpose of recognizing an assistant to a person of full age

Notice is hereby given, pursuant to sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft regulation respecting the certification of an advocate or notary for the purpose of recognizing an assistant to a person of full age, the text of which appears below, may be enacted by the government on the expiry of a period of 45 days from the date of this publication.

The main purpose of this draft regulation is to determine the conditions that an advocate or notary must meet to be certified to perform operations preliminary to the recognition of an assistant to a person of full age.

This draft regulation will facilitate the recognition of an assistant to a person of full age by allowing persons who so wish to have recourse to trained and qualified professionals throughout Québec to perform operations preliminary to such recognition by the Public Curator. It should be noted that, pursuant to the first paragraph of article 297.10 of the Civil Code, as enacted by section 58 of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11), persons of full age who, because of a difficulty, wish to be assisted in taking care of themselves, administering their patrimony and, in general, exercising their civil rights, may ask the Public Curator to recognize a person who agrees to assist them, particularly in their decision-making.

Additional information concerning this draft regulation may be obtained from Stéphanie Beaulieu, advocate, Direction générale des affaires juridiques, Curateur public du Québec, 600, boulevard René-Lévesque Ouest, Montréal (Québec) H3B 4W9; telephone: 514 873-5535; email: stephanie.beaulieu@curateur.gouv.qc.ca.

Any person who wishes to comment on this draft regulation is asked to send their comments in writing, before the expiry of the 45-day period, to Denis Marsolais, Public Curator, 600, boulevard René-Lévesque Ouest, Montréal (Québec) H3B 4W9; e-mail: denis.marsolais@curateur.gouv.qc.ca. The Public Curator will communicate these comments to the Minister of Families.

MATHIEU LACOMBE,
Minister of Families

Regulation respecting the certification of an advocate or a notary for the purpose of recognizing an assistant to a person of full age

Public Curator Act
(chapter C-81, s. 68, par. 3.4)

An Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons
(2020, chapter 11, s. 153, par. 2)

1. To be certified by their professional order to perform operations preliminary to the recognition of an assistant to a person of full age, advocates and notaries must apply to their order and meet the following conditions:

(1) they subscribe to the professional liability insurance fund established by their professional order in accordance with section 86.1 of the Professional Code (chapter C-26);

(2) they are not subject to any suspension of their right to engage in professional activities, nor to any limitation of their right to engage in professional activities concerning a field of law or an activity related to the recognition of an assistant to a person of full age;

(3) they meet one of the following requirements:

a) in the two years preceding their application, they have taken a training course recognized by their professional order, of at least six hours duration, of which:

i. at least one hour covers legal aspects of the recognition of an assistant to a person of full age;

ii. at least five hours cover the following aspects related to operations preliminary to the recognition of an assistant to a person of full age: ethical issues, psychological and social aspects, communication issues and procedure;

b) they demonstrate to their professional order that they have acquired competencies equivalent to those of an advocate or notary who has taken the training provided for in subparagraph *a*;

(4) they undertake to take at least one and a half hours of continuing education activities related to the recognition of an assistant to a person of full age among the hours of continuing education activities to which they are bound, per reference period of at least two years, pursuant to the regulation adopted by their professional order in accordance with paragraph o of the first paragraph of section 94 of the Professional Code;

(5) they agree to the following information being sent to the Public Curator through their professional order:

a) their name;

b) the address and telephone number of their place of work;

c) a professional e-mail address established in their name;

d) the date on which they were certified, and, where applicable, the date on which their certification was terminated;

(6) they include with their application all useful information and documents, including the document showing the undertaking provided for in paragraph 4 and the document showing the acceptance provided for in paragraph 5;

(7) they pay the fees prescribed in accordance with paragraph 8 of section 86.0.1 of the Professional Code.

To be certified, advocates must also be registered on the roll of their professional order under the category of practising advocate.

For the purposes of subparagraph 4 of the first paragraph, continuing education activities relating to the recognition of assistants to persons of full age may not be self-learning activities. In addition, their undertaking takes effect at the start of the two-year reference period following the reference period during which the advocate or notary obtains their certification.

2. Advocates cease to be certified if they are no longer registered on the roll of their professional order under the category of practising lawyer.

The same applies to notaries who are no longer registered on the roll of their professional order.

3. Advocates and notaries also cease to be certified if they no longer satisfy one of the conditions set out in subparagraph 1 or 2 of the first paragraph of article 1.

The same applies if they do not comply with the undertaking provided for in subparagraph 4 of the first paragraph of article 1. However, their professional order may grant them a period of time in which to remedy their breach.

4. To be re-certified, advocates or notaries who cease to be certified pursuant to the second paragraph of article 3 must, in addition to satisfying the conditions laid down in article 1, remedy their failure to comply and provide proof thereof to their professional order.

5. This regulation comes into force on (*insert here the date of coming into force of paragraph 3.4 of section 68 of the Public Curator Act (chapter C-81), as enacted by paragraph 2 of section 153 of the Act to amend the Civil Code, the Code of Civil Procedure, the Act respecting the Public Curator and various provisions as regards to the protection of persons (2020, chapter 11)*).

104943

Draft Regulation

An Act respecting municipal courts
(chapter C-72.01)

Courts of Justice Act
(chapter T-16)

Criminal Code
(R.S.C. 1985, c. C-46)

Municipal Courts

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Municipal Courts Regulation, appearing below, may be submitted to the Government for approval, except the provisions that only apply in criminal and penal matters, on the expiry of 45 days following this publication.

The draft Regulation, which sets out uniform rules applicable to all municipal courts in matters necessary for the exercise of their jurisdiction, replaces the Rules of the municipal courts (chapter C-72.01, r. 1) approved in 2005. It takes into account the legislative amendments made since and ensures better consistency with the rules provided for in the Regulation of the Court of Québec (chapter C-25.01, r. 9). It adds in particular a division on quarrelsomeness.

Study of the matter has shown 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 Julie Bussière, executive assistant of the associate chief judge of the Court of Québec responsible for municipal courts by telephone at 418-649-3628 or by email at julie.bussiere@judex.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the office of the associate chief judge of the Court of Québec responsible for municipal courts, 300, boulevard Jean-Lesage, bureau 5.15, Québec (Québec) G1K 8K6.

SIMON JOLIN-BARRETTE,
Minister of Justice

Municipal Courts Regulation

An Act respecting municipal courts
(chapter C-72.01, s. 56.2)

Courts of Justice Act
(chapter T-16, s. 98)

Criminal Code
(R.S.C. 1985, c. C-46, ss. 482 and 482.1)

CHAPTER I
GENERAL

1. This Regulation applies to all municipal courts of Québec, subject to any special regulations adopted to supplement the Regulation and that are applicable only before the Municipal Court of Ville de Montréal pursuant to section 56.2 of the Act respecting municipal courts (chapter C-72.01).

2. Application exemption. In a proceeding, the judge may, in light of the particular circumstances of the case of which the judge is seized, exempt a party or person from the application of any provision of this Regulation, including the provisions relating to time limits, decorum, conduct during the hearing and applications for postponement.

3. Information technology. The terms pleading, reverse side or back, exhibit, expert report, transcript, register, record, document, copy, consultation, filing, producing and service also include, where applicable, their technology-based versions and technology-based access.

CHAPTER II
PROVISIONS APPLICABLE TO ALL MATTERS

DIVISION I
ADMINISTRATION

4. Keeping of registers, records, orders and judgments. The registers, records, orders and judgments necessary for the application of the Code of Civil Procedure (chapter C-25.01), the Criminal Code (R.S.C. 1985, c. C-46) and the Code of Penal Procedure (chapter C-25.1), and those required by specific Acts, must be kept in the court offices.

5. Consultation of registers, records, orders and judgments. Subject to specific legislative provisions or an order made by a judge, any person may have access to the registers, records, orders and judgments of the court during court office hours.

6. Consultation of a record. A record or an exhibit filed may be consulted only in the presence of the clerk or a person designated by the clerk from among the personnel of the court.

7. Copies of documents or exhibits. Subject to legislative provisions or an order made by a judge, any person may obtain a copy of documents or exhibits filed in the court record on payment of the fees under the tariffs of court costs.

8. Removal. A record or exhibit may be removed from the court office only at the request or with the authorization of a judge.

9. Contact information. Parties, their lawyers and parties not represented by a lawyer must provide the court office concerned with their name, address, postal code and a telephone number and, if available, an email address where they can be contacted. They must ensure that the information is kept up to date and inform the court office without delay of any change.

DIVISION II
PLEADINGS AND EXHIBITS

10. **Format and font.** Except if exempted by the judge, all pleadings must be written on one side only of a letter-size document measuring 21.5 x 28 cm (8½ x 11 in) using 12-point Arial font or be legibly written in the case of a handwritten pleading.

11. **Reference to relevant provisions.** Every application must indicate the title of and reference to the statutory or regulatory provision on which it is based.

12. **Numbering of exhibits.** Each exhibit number must be preceded by an identifying letter assigned to each party, and which is used until the end of the proceeding. There is only one series of numbers per party.

13. **Reverse side or back.** When required, the reverse side or back of a pleading must indicate the record number, the name of the parties, the nature or object of the pleading and, as applicable, the amount in dispute.

The lawyer representing a party must indicate on the reverse side or back his or her name, address, postal code, telephone number, fax number, email address and permanent court number, as applicable.

A party not represented by a lawyer must indicate on the reverse side or back his or her contact information including his or her name, address, postal code, telephone number, email address and fax number, if available.

14. **Signature.** Every pleading must be signed by the party, the party's lawyer or the person authorized by the lawyer's partnership.

15. **Designation of the parties.** In all pleadings, the parties retain the same order and designation as in the judicial application.

16. **Filing of pleadings.** A clerk who receives a pleading enters upon it the date and time it was received and, if applicable, numbers it and enters it in the court register.

17. **Medical record.** A medical record, an expert report or a document prepared by a physician, psychologist or social worker, or any other expert report of a psychosocial nature filed in the record in a sealed envelope is kept in the envelope and no person, except a person authorized by law, may have access to it without the permission of the court or a judge. The nature of the documents filed in a sealed envelope must be written on the envelope.

Access to such documents includes the right to make copies.

18. **Filing of documents in a sealed envelope.** Documents in a sealed enveloped are filed using an envelope on the reverse side or back of which the following information in block letters must appear:

(1) record number;

(2) filing date;

(3) identity of the filer and, if applicable, the party represented; and

(4) exhibit number and nature of the document filed.

The filing of a document that does not satisfy this section may be refused. If difficulties arise, the clerk refers the matter to a judge.

19. **Recording of information.** The name and capacity of a person consulting a document filed in a sealed envelope or requesting a copy of it are entered in the record by the clerk.

20. **Changes and clarifying particulars.** Where a change is made to a pleading, additions or substitutions must be underlined or indicated in the margin and deletions must be indicated by a dotted line or underlining between parentheses.

Where clarifying changes to a pleading have been ordered, a new pleading incorporating them must be filed in the record within the time set for doing so, following the same procedure.

21. **Technology-based document**. If the technological environment for court business so allows, the court may, on its own initiative or at the request of a party, require the filing of all or any part of certain documents or testimony using technology-based media, unless a party does not have the technology-based media.

The technology-based document must, when the information it contains is in text form, allow key-word searches as an essential function. If there is more than one document in the same file, the documents must be accompanied by an index containing hyperlinks between the index and each document filed.

A party that files or produces a technology-based document must reveal, in addition to its essential functions, all the other functions of the document of which the party is aware, as well as all the other functions that may affect the technological environment for court business.

DIVISION III
COURTROOMS AND ROLLS OF THE COURT

22. **Courtrooms.** The president judge or the judge responsible for the court determines the use and purposes of available courtrooms.

23. **Preparation of roll.** The roll is prepared by the clerk under the authority of the president judge, the judge responsible for the court or the judge.

24. **Content of roll available in courtroom.** The roll states the name of the presiding judge, the record number, the number of times the record has appeared on the roll since the beginning of the proceedings, the date of the last appearance on the roll, the date on which the information laid was sworn to or the ascertainment was served, the names of the parties and their lawyers, whether the presence of the defendant is required, whether the defendant is in custody, the nature of the offence, the nature of the proceeding, the number of the statement of offence, if any, the date, duration and place of the hearing, and the existence of victims' statements.

25. **Copy of roll.** Not later than 3:00 p.m. on the day before the hearing, a copy of the roll is delivered to the judge. On the day of the hearing, copies are available for consultation by the parties in the courtroom.

26. **Posting of roll.** The clerk sees to the posting of the roll at the entrance to the courtroom and at any other location designated by the president judge, the judge responsible for the court or the judge.

27. **Official version of roll.** Although versions of the roll are available in other media, the only official version of the roll is the version posted in the various municipal courts and, in the event of a discrepancy, that version prevails.

28. **Addition of case to roll.** No case may be added to the roll on the day of the hearing without authorization from the president judge, the judge responsible for the court or a judge.

29. **Transfer of case.** At the hearing, a party requesting the transfer of a case to another judge of the same court must first obtain authorization to do so from that other judge.

30. **Setting of dates.** The sittings of the court are set by the president judge, the judge responsible for the court or the judge and, in all cases, after consulting the clerk.

31. **Time of sittings.** The sittings of the court are held in the morning, afternoon or evening, at any time set by the president judge, the judge responsible for the court or the judge and, in all cases, after consulting the clerk.

DIVISION IV
HEARING, DECORUM AND ORDER

32. **Opening and adjournment of sitting.** All persons present at the hearing are to rise as the judge enters the courtroom and remain standing until the judge is seated.

At the opening of the sitting, the clerk, the usher or the person acting as usher says aloud: "Silence. Please rise. The Municipal Court of [...], presided over by the Honourable Judge [...], is now in session.".

Once the judge is seated, the clerk, the usher or the person acting as usher asks those present to be seated.

When the judge leaves the bench, the clerk, the usher or the person acting as usher asks those present to again rise, and no one may leave his or her seat until the judge has retired.

33. **Decorum.** The judge may make any order to ensure the proper administration of justice, the serenity of hearings, decorum, security, good order, and respect for the rights of the parties or their lawyers.

The usher, or any security officer, ensures decorum and good order are respected and sees that silence is maintained and the persons present at the hearing are suitably seated. He or she assists the judge in the application of this Regulation and the guidelines concerning the use of technology in the courtroom.

34. **Food and drink.** Drinking, eating and chewing gum are not permitted in the courtroom.

35. **Technological devices.** The use of personal technological devices is permitted in accordance with the guidelines concerning the use of technology in the courtroom.

36. **Dress code.** Every person present in the courtroom must wear suitable attire.

Judges wear a gown either closed in front or with a black waistcoat, a white shirt, collar and bands, dark clothing and appropriate footwear at all times in the courtroom.

Lawyers wear a black gown either closed in front or with a black waistcoat, a white shirt, collar and bands, dark clothing and appropriate footwear at all times in the courtroom.

The same rule applies to articling students, minus the bands.

At all times, the clerks, ushers and other officers of the court wear a gown with plain clothing of a dark hue. Appropriate footwear must be worn.

37. **Punctuality.** The parties and lawyers must be present and ready to proceed at the opening of sittings or at any other set time.

38. **Conduct during hearing.** Every person who addresses the court or a witness must rise and remain standing.

The person must show respect, courtesy and restraint towards the judge, the opposing party, the lawyers, the witnesses and the personnel of the court.

In addition, no person may enter into a discussion with another person, including the clerk, or consult the court record.

39. **Place of defendant.** Throughout the trial or proceeding, the defendant is to remain in the assigned place and rise and remain standing during the reading of the information laid and the pronouncement of the judgment and the sentence, as applicable.

40. **Support for party not represented.** Before the hearing, a party not represented by a lawyer must take the necessary steps to obtain information on the proper manner in which the party's rights may be asserted before the court.

41. **Persons with disability who need assistance.** Persons with a disability who need assistance must inform the clerk as quickly as possible so that the appropriate measures may be taken.

If the request appears excessive, the clerk refers it to the judge seized of the case.

42. **Swearing in.** The clerk, in the presence of the judge, swears witnesses in by asking them to take an oath or make a solemn affirmation.

43. **Interpreter.** A party requiring the services of an interpreter must so inform the court office without delay.

In civil matters, a party requiring the assistance of an interpreter must retain and pay for the interpreter's services, except in the cases provided for in articles 298 and 299 of the Code of Civil Procedure.

44. **Security in courtrooms.** During a hearing, the security of the persons present and responsibility for the persons for whom detention has been ordered must be ensured by appropriate personnel designated by the municipality responsible for the court.

The hearing is held when the judge considers that security is ensured.

45. **Postponement and cancellation of subpoena or summons.** No case set for trial may be postponed solely by the consent of the parties or by reason of their absence.

A party foreseeing that it will not be able to proceed on the date set by the court or applying to have a subpoena or summons cancelled must immediately notify the opposing party and submit the application to the president judge, the judge responsible for the court or the judge.

Except with permission from one of the above judges, an application for the postponement of a case set for trial must be presented in writing, with reasons, at least 10 days before the date set for the trial.

Prior notice of the application of 3 working days, excepting Saturdays, must be given to all the parties.

Despite the time limit set out in the third paragraph, if the reasons for the postponement become known less than 10 days before the date set for the trial, the president judge, the judge responsible for the court or the judge may receive a written application for postponement, and decides it in the best interest of justice.

When postponement is granted, the reasons for the decision are entered in the minutes.

46. **Technological means.** The court may, on its own initiative or at the written request of a party, hear an application using any appropriate technological means. The use of such technology is contingent on the quality of the equipment used and its availability. After examining the application, the judge communicates the decision to the parties.

Where applicable, the parties make representations in the courtroom before the judge, in a suitably equipped room, or in the judge's chambers.

The parties and their lawyers are responsible for providing the judge's office with the contact information to be used and for being available and able to be contacted at the set time.

In all instances, a sound recording is required for conservation and reproduction purposes.

DIVISION V
SOUND RECORDINGS, STENOGRAPHIC NOTES AND MINUTES

47. **Sound recording.** The clerk is required to make a sound recording of the trial, and when so requested by the court, ensures the operation of any other technology-based means of communication.

48. **Testimony outside court.** Testimony given outside the court is recorded in a manner that allows it to be stored and reproduced.

When a stenographer's services are used, the stenographer may, in the event that decorum or good order is disturbed, suspend the sitting in order to obtain from the judge, as soon as possible, a decision on whether to continue.

Stenographic notes may be presented in a "4 in one" format, with an alphabetical index.

49. **Transcript or copy of recording.** When a transcript is ordered by the judge, the clerk provides the judge with the transcript within 30 days unless the judge decides otherwise.

Every transcript of a judgment so ordered must be submitted to the judge who rendered the judgment to allow that judge to verify its accuracy before the transcript is given to the party requesting it. The verified transcript is also filed in the court record.

Unless otherwise provided or otherwise ordered by a judge, any person may obtain a copy of the sound recording of the trial from the clerk.

50. **Minutes of hearing.** The clerk draws up the minutes of the hearing and enters the following:

(1) in all matters:

(a) the record number;

(b) the names of the parties;

(c) the presence or absence of the parties;

(d) the names of the lawyers, their permanent court number and the party they are representing or, if applicable, the fact that a party has declined to be represented;

(e) the name of the judge presiding the hearing;

(f) the name of the clerk and, if applicable, of the stenographer;

(g) the courtroom number, the date and time of the beginning and end of the sitting and the tape position numbers;

(h) the names of the interpreters;

(i) the names and addresses of the witnesses, and mention of the party calling them to testify;

(j) the classification code and description of all exhibits produced, by letter in numerical order;

(k) admissions;

(l) objections to evidence;

(m) the reasons for any decision on an application for postponement;

(n) the conclusions of any judgment, decision or measures rendered at the hearing by the judge; and

(o) the different stages in the proceeding showing the time and, if applicable, the tape position numbers;

(2) in civil matters, the minutes must also indicate the nature of the case and the amount in dispute, if any;

(3) in criminal and penal matters, the following information must also be entered:

(a) in addition to the conclusions of any decision or order made by the judge at the hearing, the sentence imposed by the judge; and

(b) any waiver of language rights and notice concerning those rights.

DIVISION VI
AUTHORITIES

51. **Authorities.** A party relying on a judgment or doctrine must provide a copy to the judge and the parties, on which the relevant passages are highlighted.

Producing only the relevant excerpts of doctrine and case law is permitted, in which case the pages immediately preceding and following the excerpts or, for case law, the judicial decision, its reference and headnote, must be produced.

Double-sided printing is permitted.

52. **List of authorities.** In a given matter, a list of authorities for doctrine and case law may be established or agreed on by the parties with the consent of the judge. The authorities are considered to have been produced and the parties are exempted from reproducing them.

53. **Regulatory and legislative provisions.** In civil matters, a represented party relying on regulatory or legislative provisions other than those of the Civil Code, the Code of Civil Procedure, the Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), (1982, c. 11), the Charter of Human Rights and Freedoms (chapter C-12) and the Consumer Protection Act (chapter P-40.1) must provide the judge and the parties with a copy of the provisions.

In criminal and penal matters, a party relying on regulatory or legislative provisions other than those of the Canadian Charter of Rights and Freedoms, the Criminal Code, the Canada Evidence Act (R.S.C. 1985, c. C-5), the Controlled Drugs and Substances Act (S.C. 1996, c. 19), the Charter of Human Rights and Freedoms, the Code of Penal Procedure and the Highway Safety Code (chapter C-24.2) must provide the judge and the parties with a copy of the provisions.

54. **Outline of argument.** The judge may require the parties to produce an outline of argument concisely setting out the points of law or fact to be discussed, with references to the supporting evidence and authorities.

DIVISION VII
QUARRELSOMENESS

55. **Declaration of quarrelsomeness.** After filing it in the register, the clerk sends to the Ministère de la Justice du Québec, for entry into the public register of persons found to be quarrelsome, a copy of any order prohibiting the person from introducing a pleading that has been filed in the court office, while respecting the confidentiality required by law; the clerk then informs the chief judge accordingly.

56. **Application by quarrelsome party for authorization to file an application.** An application for authorization to file an application must be addressed to and served on the chief judge or the judge designated by the chief judge and be filed in the court office where the order originated. The application may be decided on the face of the documents, without a hearing.

The application for authorization must be filed with a copy of the order and the planned pleading.

The chief judge or the judge designated by the chief judge may defer the application to the court, in which case the applicant must have the planned pleading served on the parties, giving 10 days' notice of presentation.

A pleading that has not received prior authorization is deemed not to exist. The clerk must refuse to receive it, or the judge must reject it, unless it is an application for authorization or a notice of appeal.

CHAPTER III
CRIMINAL AND PENAL PROCEEDINGS

DIVISION I
CRIMINAL PROCEEDINGS

§1. *Rules of practice*

57. **Matters subject to directive.** The chief justice may establish directives on, among others, the following matters: judicial authorizations, handling of sealed materials, appearances by videoconference, joint hearings, and applications under the Canadian Charter of Rights and Freedoms.

§2. *Applications*

58. **Application.** Every application must set out the facts on which it is based and be accompanied by an affidavit from the applicant attesting to those facts, and by a notice of presentation.

The application must contain

(1) a concise description of its object;

(2) a description of the arguments that will be pleaded; and

(3) a detailed description of its factual basis, specific to the case;

(4) the conclusions sought.

If the judge requires a transcript in order to decide the application, the applicant must serve the transcript and file it with the application and supporting exhibits.

59. **Service.** Every application must be served on the opposing party or the lawyer for that party when so required, and on the president judge, the judge responsible for the court or the judge, with a notice of presentation of at least 3 working days, except Saturdays.

An application under the Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, must be served within at least 30 days.

The application must also be filed at the court office as soon as possible after service.

Proof of service must be attached to the original of the document served.

60. **Time limit for filing application.** A judge may refuse to enter on a roll any application that has not been filed with the court office one working day before the date scheduled for its presentation.

61. **Service on lawyer.** Service on a lawyer is made at the lawyer's office.

§3. Appearance and withdrawal of a lawyer

62. **Representation of lawyer.** The defendant's lawyer of record may be represented by an associate or by another lawyer mandated for the purpose.

63. **Presence of lawyer.** A lawyer whose client fails to appear in the courtroom when his or her name is called must nonetheless appear before the court.

64. **Withdrawal of lawyer.** A lawyer who has appeared for a defendant may not withdraw from the matter unless an application to that effect has been made and served on the defendant and on the opposing party.

§4. Case management conference, pre-hearing conference and facilitation conference

65. **Case management conference.** In accordance with section 551.3 of the Criminal Code, an appointed judge may hold a case management conference in the presence of the defendant and the lawyers of record to define the issues genuinely in dispute and to establish appropriate means to simplify the proceedings and reduce the duration of the hearing.

66. **Pre-hearing conference.** A pre-hearing conference under section 625.1 of the Criminal Code is held on the date and at the time and place set by the judge.

67. **Facilitation conference.** A judge may hold a facilitation conference with the parties' lawyers to seek partial or full resolution of the matter.

68. **Appointment of judge responsible for case management.** An application for a case management conference is made under sections 551.1 and 551.7 of the Criminal Code.

DIVISION II
PENAL PROCEEDINGS

69. **Provisions applicable.** The provisions of Division I of this Chapter apply, with the necessary modifications, to all matters under the Code of Penal Procedure.

70. **Content of notice of hearing.** The notice of hearing given to the defendant in penal matters must contain the provisions of articles 62 and 63 of the Code of Penal Procedure.

71. **Designation of judge responsible for case management.** An application to have a case management judge designated is made in accordance with articles 186.1 and 186.3 of the Code of Penal Procedure.

72. **Pre-hearing conference.** A pre-hearing conference may be held under article 218.0.1 of the Code of Penal Procedure on a judge's own initiative or on a party's application.

CHAPTER IV
PROVISIONS APPLICABLE IN CIVIL MATTERS

§1. Record

73. **Court register.** When a record is to be forwarded to the court or the judge, an updated extract from the court register is filed in it and all previous extracts are destroyed.

§2. Applications presented in civil practice and to judge sitting in chambers

74. **Content.** A written application presented in civil practice or to a judge sitting in chambers must indicate its nature and object and provide a reference to the legislative or regulatory provision on which it is based.

An application presented in connection with a case management conference must indicate its nature and object, be accompanied by all that is necessary for its analysis, and provide a reference to the legislative or regulatory provision on which it is based.

§3. Case management and pre-trial conference

75. **Examination of case protocol.** The case protocol is examined and the case management conference is held by the court.

76. **Examinations.** The judge may authorize a pre-trial examination, an examination by affidavit or an examination of a witness outside the court using videoconference facilities or any other means of communication,

if the means proposed appears to the judge to be reliable and proportionate to the circumstances of the case, taking into account the quality of the equipment used and its availability, and the possibility for the court of taking cognizance of and using the content of the examination. The judge must take into consideration, for the court, the technological environment for court business.

77. **Application to set date by priority.** Every application to have a date set by priority for a case must be in writing, give reasons, and be presented to the president judge, the judge responsible for the court or a judge.

The application may be made for any serious reason, in particular the complexity of the case and the number of witnesses.

§4. Readiness for trial and setting down by default

78. **Readiness for trial.** After the filing of the joint declaration, the parties must immediately inform the court of any proceeding or circumstance that could modify the status of the case.

Similarly, in the event of a discontinuance, transaction or bankruptcy, the parties must immediately inform the court office and file, without delay, a copy of the notice of bankruptcy or the declaration evidencing the discontinuance or transaction.

79. **Setting down by default.** A setting down by default after a failure by a party to answer a summons, attend a case management conference without valid reason or defend the application must specify the nature of the case and the amount in dispute.

§5. Advisement and judgment

80. **Advisement.** Before submitting the record to the judge to be taken under advisement, the clerk ensures that it is complete. If the record is incomplete, the clerk so informs the lawyers or parties so that they may remedy the situation within the time set by the judge.

No case is taken under advisement until the record has been completed, unless the judge decides otherwise.

81. **Judgment signed on pleading**. A judgment written and signed on a pleading presented to the judge does not need to be written out and signed again on a separate sheet, and a certified true copy of it may be issued by the clerk.

82. **Incomplete trial or record**. If the parties fail to complete the trial or the record within the time set by the judge when trying a case, whether contested or not, the judge may withdraw from the adjudication, render judgment on the basis of the record as constituted or make any other order the judge considers appropriate.

CHAPTER V
FINAL

83. This Regulation replaces the Rules of the municipal courts (chapter C-2.01, r. 1).

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

104945

Notices

Notice

An Act respecting prescription drug insurance
(chapter A-29.01)

List of Medications attached to the Regulation respecting the List of medications covered by the basic prescription drug insurance plan — Amendments made in 2020

In accordance with section 60.3 of the Act respecting prescription drug insurance, the Régie de l'assurance maladie du Québec hereby gives notice of the amendments made, during the 2020 calendar year, to the List of Medications attached to the Regulation respecting the List of medications covered by the basic prescription drug insurance plan, made by Order 2007-005, dated 1 June 2007, of the Minister of Health and Social Services.

List of Medications covered by the basic prescription drug insurance plan

Website: https://www.ramq.gouv.qc.ca/en/about-us/list-medications

Amendments	Date of coming into force	Date of publication
Alternative medication authorization pursuant to section 60.1	13 January 2020	20 January 2020
New List (replacement of APPENDIX I)	5 February 2020	3 February 2020
Alternative medication authorization pursuant to section 60.1 (2 notices)	21 January 2020	6 February 2020
Alternative medication authorization pursuant to section 60.1	3 January 2020	19 February 2020
Alternative medication authorization pursuant to section 60.1	21 January 2020	19 February 2020
New List (replacement of APPENDIX I)	4 March 2020	2 March 2020
Alternative medication authorization pursuant to section 60.1	26 February 2020	13 March 2020
Alternative medication authorization pursuant to section 60.1 (2 notices)	4 March 2020	13 March 2020
Alternative medication authorization pursuant to section 60.1 (2 notices)	31 January 2020	30 March 2020
Alternative medication authorization pursuant to section 60.1	4 March 2020	30 March 2020
Alternative medication authorization pursuant to section 60.1 (2 notices)	6 March 2020	30 March 2020
Alternative medication authorization pursuant to section 60.1	23 March 2020	3 April 2020
Alternative medication authorization pursuant to section 60.1	1 April 2020	24 April 2020

Amendments	Date of coming into force	Date of publication
Alternative medication authorization pursuant to section 60.1	10 April 2020	24 April 2020
New List (replacement of APPENDIX I)	29 April 2020	27 April 2020
Correction pursuant to section 60.2	29 April 2020	8 May 2020
Alternative medication authorization pursuant to section 60.1 (2 notices)	22 April 2020	15 May 2020
Alternative medication authorization pursuant to section 60.1 (6 notices)	24 April 2020	15 May 2020
Alternative medication authorization pursuant to section 60.1	27 April 2020	15 May 2020
Alternative medication authorization pursuant to section 60.1	30 April 2020	15 May 2020
Alternative medication authorization pursuant to section 60.1 (2 notices)	6 May 2020	15 May 2020
New List (replacement of APPENDIX I)	27 May 2020	25 May 2020
Correction pursuant to section 60.2	27 May 2020	1 June 2020
Alternative medication authorization pursuant to section 60.1	20 May 2020	29 May 2020
Alternative medication authorization pursuant to section 60.1	22 May 2020	29 May 2020
Alternative medication authorization pursuant to section 60.1	2 June 2020	17 June 2020
Alternative medication authorization pursuant to section 60.1	11 June 2020	19 June 2020
New List (replacement of APPENDIX I)	8 July 2020	6 July 2020
Alternative medication authorization pursuant to section 60.1	12 June 2020	31 July 2020
Alternative medication authorization pursuant to section 60.1	6 July 2020	31 July 2020
Alternative medication authorization pursuant to section 60.1	16 July 2020	31 July 2020
New List (replacement of APPENDIX I)	19 August 2020	17 August 2020
Alternative medication authorization pursuant to section 60.1 (2 notices)	21 September 2020	24 September 2020
New List (replacement of APPENDIX I)	30 September 2020	28 September 2020
Correction pursuant to section 60.2	30 September 2020	2 October 2020
Alternative medication authorization pursuant to section 60.1 (3 notices)	25 September 2020	13 October 2020
Alternative medication authorization pursuant to section 60.1 (2 notices)	20 January 2020	20 October 2020
Alternative medication authorization pursuant to section 60.1	6 July 2020	20 October 2020
Alternative medication authorization pursuant to section 60.1	19 October 2020	3 November 2020
Alternative medication authorization pursuant to section 60.1	28 October 2020	3 November 2020
Alternative medication authorization pursuant to section 60.1 (2 notices)	26 October 2020	3 November 2020

Amendments	Date of coming into force	Date of publication
New List (replacement of APPENDIX I)	11 November 2020	9 November 2020
Alternative medication authorization pursuant to section 60.1	27 October 2020	11 November 2020
Amendment to the List of Medications	18 November 2020	18 November 2020
New List (replacement of APPENDIX I)	16 December 2020	14 December 2020
Alternative medication authorization pursuant to section 60.1	8 December 2020	22 December 2020

Original signed by:

SONIA MARCEAU,
Secretary General of the
Régie de l'assurance maladie du Québec

104951

Notice

Regulations established under the first paragraph of section 72.1 of the Health Insurance Act — Amendments made in 2020

Health Insurance Act
(chapter A-29)

In accordance with the third paragraph of section 72.1 of the Health Insurance Act, the Régie de l'assurance maladie du Québec hereby gives notice of the amendments made, in the 2020 calendar year, to the regulations made under the first paragraph of that section, which amendments were published on the website of the Régie.

Tariff for insured devices which compensate for a motor deficiency and related services (A-29, r. 9)

Website: https://www.ramq.gouv.qc.ca/en/about-us/tariff-insured-devices-which-compensate-a-motor-deficiency-related-services

Replacements or amendments	Date of coming into force	Date of publication
Amendment to the schedule to the Regulation (tariff)	1 April 2020	1 April 2020
Amendment to the schedule to the Regulation (tariff)	13 July 2020	13 July 2020
Amendment to the schedule to the Regulation (tariff)	1 January 2021	16 December 2020

Tariff for insured hearing aids and related services (A-29, r. 8)

Website: https://www.ramq.gouv.qc.ca/en/about-us/tariff-hearing-aids

Replacements or amendments	Date of coming into force	Date of publication
Amendment to the schedule to the Regulation (tariff)	1 April 2020	1 April 2020
Amendment to the schedule to the Regulation (tariff)	13 July 2020	13 July 2020

Replacements or amendments	Date of coming into force	Date of publication
Amendment to the schedule to the Regulation (tariff)	21 October 2020	21 October 2020
Amendment to the schedule to the Regulation (tariff)	1 January 2021	16 December 2020
Tariff for insured visual aids and related services (A-29, r. 8.1)		
Website: https://www.ramq.gouv.qc.ca/en/about-us/tariff-visual-aids		
Replacements or amendments	**Date of coming into force**	**Date of publication**
Amendment to the schedule to the Regulation (tariff)	1 July 2020	22 June 2020
Amendment to the schedule to the Regulation (tariff)	1 April 2020	1 April 2020

Original signed by

SONIA MARCEAU,
Secretary General of the
Régie de l'assurance maladie du Québec

104952