

Laws and Regulations

Volume 153

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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

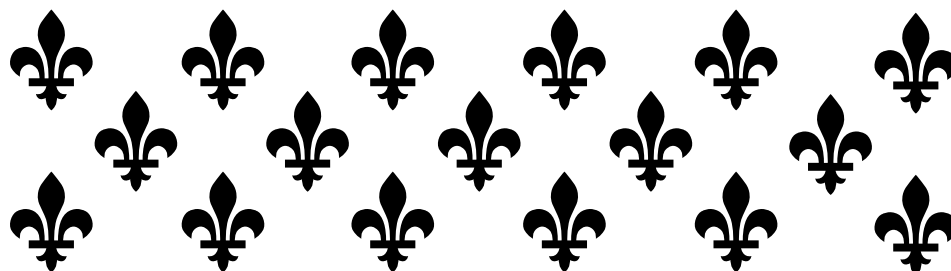
QUÉBEC, 20 APRIL 2021

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 20 April 2021*

This day, at a quarter to four o'clock in the afternoon,
His Excellency the Lieutenant-Governor was pleased to
assent to the following bill:

60 An Act to amend the Public Service Act and
 other provisions

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



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 60
(2021, chapter 11)

An Act to amend the Public Service Act and other provisions

**Introduced 12 June 2020
Passed in principle 9 March 2021
Passed 15 April 2021
Assented to 20 April 2021**

**Québec Official Publisher
2021**

EXPLANATORY NOTES

This Act provides for changes to the recruitment and promotion processes for public servants so as to ensure that the latter are chosen following a selection process rather than a qualification process. It eliminates the notion of banks of qualified persons and provides for rules governing the manner in which positions are filled rather than the manner in which persons who could potentially fill a position in the public service are qualified.

Under the Act, deputy ministers and chief executive officers are now responsible for the staffing process within their own government department or body. The Act also provides for rules with which the deputy ministers and chief executive officers must comply when hiring.

The Conseil du trésor is empowered to establish various standards applicable to the new staffing process, including the categories of evaluation tools that must be used in selecting a candidate. The Conseil du trésor is also empowered to determine the cases and situations in which a deputy minister or a chief executive officer may select, otherwise than by following the rules of a selection process, a person who holds or has already held a position in the public service and to determine the rules applicable to such a selection.

The Chair of the Conseil du trésor is given the power to provide consulting services on evaluation tools to deputy ministers and chief executive officers as well as to develop, administer and correct examinations at their request. The Chair of the Conseil du trésor also has the power to conduct an audit to determine if deputy ministers and chief executive officers have established and implemented selection processes in accordance with the law.

The Conseil du trésor may establish equivalencies to the minimum conditions of eligibility not only for classes of positions or grades, but also for a particular position. The Chair of the Conseil du trésor is also given the power to authorize a deputy minister or a chief executive officer to initiate a selection process by using an equivalency established by the Conseil du trésor. Furthermore, in certain situations a person may participate in a selection process and be appointed to a position even if that person does not meet the minimum conditions of eligibility, provided that the person is in the process of meeting such conditions.

The Conseil du trésor is granted the power to implement a pilot project concerning the recruitment and promotion of certain public servants until the rules relating to the selection process come into force.

The Act specifies that the length of the probationary period for recruitment and promotion is calculated in days actually worked.

When a public servant, who was elected as a Member or holds another elective office or becomes a political employee, decides to exercise his right to return to the public service, he regains his position in the government department or body and the classification to which he belonged at the time of his departure. The Act eliminates the public servant's right to require that the Chair of the Conseil du trésor reassess his qualifications and rehire him by priority in a position corresponding to those qualifications when returning to the public service.

Under the Act, the Chair of the Conseil du trésor is allowed to request that the Commission de la fonction publique conduct a special audit on any matter within its jurisdiction. The Commission is also allowed to correct any clerical error on its own initiative.

The Act specifies that the Government has the power to determine the rules applicable to public servants who cease to perform their duties.

Finally, the Act introduces a number of transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS ACT:

- Public Administration Act (chapter A-6.01);
- Act respecting the Agence du revenu du Québec (chapter A-7.003);
- Act respecting the Autorité des marchés publics (chapter A-33.2.1);
- Act respecting the Conseil des arts et des lettres du Québec (chapter C-57.02);
- Act respecting the Conservatoire de musique et d'art dramatique du Québec (chapter C-62.1);
- Act respecting the regulation of the financial sector (chapter E-6.1);

- Act respecting Financement-Québec (chapter F-2.01);
- Public Service Act (chapter F-3.1.1);
- Act respecting Institut national de santé publique du Québec (chapter I-13.1.1);
- Act respecting Investissement Québec (chapter I-16.0.1);
- National Museums Act (chapter M-44);
- Public Protector Act (chapter P-32);
- Act respecting the Société des établissements de plein air du Québec (chapter S-13.01);
- Act respecting the Société du parc industriel et portuaire de Bécancour (chapter S-16.001);
- Act respecting the Société du Plan Nord (chapter S-16.011);
- Act mainly to establish the Centre d’acquisitions gouvernementales and Infrastructures technologiques Québec (2020, chapter 2);
- Act respecting the Institut de technologie agroalimentaire du Québec (2021, chapter 3).

REGULATION AMENDED BY THIS ACT:

- Règlement sur la preuve et la procédure de la Commission de la fonction publique (chapter F-3.1.1, r. 3.01, French only).

REGULATIONS REPEALED BY THIS ACT:

- Regulation respecting the qualification process and qualified persons (chapter F-3.1.1, r. 3.1);
- Regulation respecting promotion further to the upgrading of a position (chapter F-3.1.1, r. 4.1).

Bill 60

AN ACT TO AMEND THE PUBLIC SERVICE ACT AND OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PUBLIC SERVICE ACT

1. Section 13 of the Public Service Act (chapter F-3.1.1) is amended by adding the following paragraph at the end:

“The probationary period is calculated in days actually worked as part of the powers and duties assigned to the recruited person for the period. The calculation is based on the particularities of each position.”

2. Section 14 of the Act is amended

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

“A public servant obtains permanent tenure if he meets the following conditions:

(1) he has passed his probationary period; and

(2) he has been employed continuously in the public service for two years.”;

(2) by inserting “of subparagraph 2” after “meaning” in the second paragraph.

3. Section 15 of the Act is amended by adding the following paragraph at the end:

“The probationary period is calculated in days actually worked as part of the powers and duties assigned to the promoted person for the period. The calculation is based on the particularities of each position.”

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

“**26.** A public servant elected in a provincial election ceases to be subject to this Act, except sections 30, 129 and 130.”

5. Section 27 of the Act is amended by replacing the second paragraph by the following paragraph:

“Where the public servant is granted full leave without pay, he ceases to be subject to this Act, except sections 30, 129 and 130.”

6. Section 28 of the Act is amended

(1) by replacing “29, 30 and 129 to 131” in the first paragraph by “30, 129 and 130”;

(2) by striking out the second paragraph.

7. Section 29 of the Act is repealed.

8. Section 30 of the Act is replaced by the following section:

“30. When a public servant contemplated in sections 26, 27 or 28 ceases to engage in the activities referred to in those sections, he regains the classification in the government department or body to which he belonged at the time of his departure and to which he would have been entitled had he remained in the class of positions to which he belonged before engaging in those activities.

To that end, the public servant must notify in writing the deputy minister or the chief executive officer of the government department or body to which he belonged within the time and on the conditions determined by the Conseil du trésor.”

9. Sections 30.1 and 31 of the Act are repealed.

10. Section 33 of the Act is amended by replacing “Except where jurisdiction in the matters enumerated in this paragraph is assigned to another authority under a collective agreement, a public servant” in the first paragraph by “A public servant who is not governed by a collective agreement”.

11. Sections 35 and 36 of the Act are repealed.

12. Subdivision 1 of Division II of Chapter III of the Act is replaced by the following subdivision:

“§1.— *Recruitment and promotion processes for public servants*

“42. Public servants are recruited and promoted by means of selection processes.

“43. Each deputy minister and chief executive officer shall establish and implement selection processes for recruiting and promoting public servants within his government department or body. However, in cases determined by

the Conseil du trésor, the deputy minister or the chief executive officer must obtain permission from the Chair of the Conseil du trésor before initiating a selection process.

The Conseil du trésor may determine that, under certain circumstances, the Chair of the Conseil du trésor must establish and implement such selection processes for several government departments and bodies, while allowing the departments and bodies to select a candidate from among the candidates who participated in the process.

Without limiting the powers conferred on the Commission de la fonction publique under section 115, the Chair of the Conseil du trésor may conduct an audit to verify whether the deputy ministers and chief executive officers establish and implement the selection processes in compliance with this Act. For that purpose, the Chair of the Conseil du trésor may designate a person in writing to conduct the audit.

“44. Before filling one or more positions through recruitment or promotion, a deputy minister or a chief executive officer shall publish an employment offer inviting interested persons to apply. The employment offer must be published for at least ten working days on the public service portal provided for that purpose and accessible via Internet. The Conseil du trésor may determine the classes of positions for which an employment offer may be published for a shorter period of at least five working days, when labour market conditions and labour availability require it.

An employment offer must include the profile sought for the position to be filled, the location where the position will be held, the salary scale, the length of the publication period, the deadline for applying and any other element determined by the Conseil du trésor.

“45. The deputy minister or the chief executive officer shall determine the profile of the person sought for each position to be filled, and the profile must appear in the published employment offer. The profile must ensure the best fit with the position to be filled.

“46. The profile of the person sought for a position to be filled must be consistent with the Conseil du trésor’s directives, including those providing for minimum conditions of eligibility, or their equivalencies, for classes of positions, grades or a position, and allow the implementation of government policies regarding, in particular,

(1) affirmative action programs intended, in particular, for women, members of visible minorities, members of ethnic minorities, handicapped persons and Aboriginal peoples; and

(2) recruitment, whether from educational institutions or from all or any category of the persons employed in the education and health and social services sectors.

In addition, the profile may, in particular, include additional requirements to the minimum conditions of eligibility, or their equivalencies, for classes of positions, grades or a position as well as for assets. Those additional requirements and assets must take into account the nature and particularities of the position to be filled.

The profile of the person sought for a position to be filled through promotion may, exceptionally, require that only public servants belonging to a specific entity or geographical area may apply for the position to be filled. The Conseil du trésor shall define what constitutes an entity and a geographical area and determine the factors that a deputy minister or a chief executive officer must consider before adding such a requirement.

“47. A person interested in a position to be filled in the public service must apply in the manner and form and according to the other terms specified in the published employment offer.

“48. To fill a position, a deputy minister or a chief executive officer may only consider the applications submitted in accordance with section 47.

“49. An administrative unit entrusted with human resources management shall preselect applications from among those submitted in accordance with section 47. The applications are submitted to the deputy minister or the chief executive officer.

In order to be preselected, an application must comply with the profile included in the employment offer and, if the administrative unit considers it advisable, the candidate must have been evaluated with one or more evaluation tools from among those included in the categories provided for in section 50.1.

In the absence of such a unit or if a position is to be filled within the unit, the deputy minister or the chief executive officer shall mandate another unit to assume the responsibilities provided for in the first paragraph.

“50. A deputy minister or a chief executive officer shall, on the basis of recognized good practices in the matter, select from among the applications submitted to him the candidate whose profile best fits the profile sought for the position to be filled. The selection of the candidate must be based on merit and independently of any political influence.

If, among the qualified persons, there is one to whom an affirmative action program or a program designed to ensure the hiring of handicapped persons applies, the deputy minister or the chief executive officer must take the objectives of the program into consideration. The hiring objectives determined by the Conseil du trésor as regards the various components of Québec society must also be taken into consideration.

“50.1. The selected candidate must have been evaluated with at least two evaluation tools included in the categories established by the Conseil du trésor, such as a work sample, an aptitude test, an achievement test, a cognitive ability test, a psychometric test, an oral examination or any other tool based on recognized good practices in the matter.

The Conseil du trésor may, however, determine the classes of positions for which only one evaluation tool is sufficient and determine any other terms or conditions related to the evaluation of a candidate, such as the mandatory use of categories of specific evaluation tools for certain classes of positions.

“50.2. Before a selected candidate is appointed by the deputy minister or the chief executive officer in accordance with section 51, the director of the administrative unit referred to in section 49 must confirm in writing to the deputy minister or the chief executive officer that the selection process has been conducted in accordance with the law.

“50.3. The result of an examination administered during any selection process provided for in the Act or during a qualification assessment is deemed to be the result obtained during an identical or equivalent examination administered previously during any of those situations if the time period between the administration of those examinations does not exceed one year.

The Chair of the Conseil du trésor shall establish a list of the examinations that are considered identical or equivalent.

A public body may communicate to the deputy minister or the chief executive officer any information that is necessary for the purposes of the first paragraph.

“50.4. The Chair of the Conseil du trésor may provide to deputy ministers or chief executive officers consulting services regarding evaluation tools. The Chair may also develop examinations that may be administered during a selection process.

In addition, at the request of the deputy minister or the chief executive officer, the Chair may administer such examinations and correct them. The Chair then transmits to the deputy minister or the chief executive officer the examination results the candidates obtained.

“50.5. A deputy minister or a chief executive officer may select a person who holds or has already held a position in the public service otherwise than in accordance with the rules under this subdivision in any of the following situations:

- (1) the position of a public servant is upgraded;
- (2) a public servant has participated in a human resources development program approved by the Conseil du trésor;

- (3) a person has been employed as a student or intern;
- (4) a person has retired from the public service;
- (5) to recruit a casual employee as a regular employee; or
- (6) any other situation determined by the Conseil du trésor.

The Conseil du trésor shall determine the rules pursuant to which such a selection is to be made to ensure that the person fits the profile required to fill the position.

“50.6. When a position needs to be filled again within a time period determined by the Conseil du trésor that does not exceed six months, the deputy minister or the chief executive officer may fill the position again without repeating the selection process by selecting a candidate from among those who were previously evaluated.

A deputy minister or a chief executive officer may do the same when a position similar to a position that has been filled is to be filled in the same government department or body within a time period determined by the Conseil du trésor that does not exceed six months.

The Conseil du trésor may determine the other terms and conditions related to the selection provided for in the first and second paragraphs, such as the definition of a similar position.”

13. Section 51 of the Act is amended by replacing “combler” in the French text by “pourvoir”.

14. Sections 53, 53.0.1 and 53.2 of the Act are repealed.

15. Section 54 of the Act is amended by replacing “regulation under subparagraph 11 of the first paragraph of section 50.1” in the first paragraph by “standards determined by the Conseil du trésor under section 54.1”.

16. The Act is amended by inserting the following section after section 54:

“54.1. The Conseil du trésor shall determine by regulation the standards for the classification of public servants.”

17. Section 63 of the Act is amended by replacing “54” by “54.1”.

18. Section 70 of the Act is amended, in the introductory clause of the first paragraph,

(1) by replacing “the powers of the Commission de la fonction publique or the powers of the chairman of the Conseil du trésor relating to” by “the powers of the Commission de la fonction publique, the powers of the Chair of the Conseil du trésor or the powers of a deputy minister or a chief executive officer relating to”;

(2) by replacing all occurrences of “qualification” by “selection”;

(3) by striking out “, banks of qualified persons”.

19. Section 99 of the Act is amended

(1) by striking out paragraphs 1 to 5;

(2) by replacing “five-year human resources management strategy” and “every two and a half years” in paragraph 7.1 by “multi-year human resources management strategy of not over five years” and “at mid-term and at the end of the term”, respectively.

20. Section 102 of the Act is amended by striking out “sections 30 and 31,” in the first paragraph.

21. Section 115 of the Act is amended

(1) by replacing “system of recruitment and promotion” in subparagraph 2 of the first paragraph by “recruitment and promotion”;

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

“The Commission must also conduct a special audit on any matter within its jurisdiction when the Chair of the Conseil du trésor requests it. To do so, the Commission shall make any inquiry it deems necessary. It must then report its audit findings to the Chair of the Conseil du trésor. However, the audit may not take precedence over the Commission’s other functions and obligations.”

22. The Act is amended by inserting the following section after section 123:

“123.0.1. A decision containing an error in writing or calculation or any other clerical error may be corrected on the record and without further formality by the member who rendered the decision.

If the member is unable to act or has ceased to hold office, another member designated by the chair of the Commission may correct the decision.”

23. Section 123.1 of the Act is repealed.

24. Section 126 of the Act is amended by inserting the following paragraph after paragraph 1:

“(1.1) determine the standards applicable to public servants who cease to perform their duties;”.

25. Section 129 of the Act is amended

(1) by replacing “qualification” in the first paragraph by “selection”;

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

“The application of a person found guilty of such an offence may not be considered for a position to be filled in the public service for a period of five years unless the person has obtained a pardon and, if a public servant, the person is also liable to disciplinary action.”

PUBLIC ADMINISTRATION ACT

26. Section 32 of the Public Administration Act (chapter A-6.01) is amended by adding the following paragraph at the end:

“The Conseil du trésor may establish equivalencies to the minimum conditions of eligibility referred to in subparagraph 1 of the first paragraph, which may be established with respect to a position.”

27. The Act is amended by inserting the following sections after section 32:

“32.1. The Chair of the Conseil du trésor may authorize, on the terms and conditions he determines, a deputy minister or a chief executive officer to initiate a selection process using an equivalency established by the Conseil du trésor in addition to the equivalencies referred to in the third paragraph of section 32.

The Chair may do the same before a deputy minister or a chief executive officer selects a person otherwise than through a selection process in accordance with section 50.5 of the Public Service Act (chapter F-3.1.1).

“32.2. Exceptionally, a public servant may be appointed to a position even though the public servant does not meet the minimum conditions of eligibility, or the equivalencies provided, if the public servant successfully completes a human resources development program which enables him to acquire the knowledge and skills required for the position. Such a program may, in particular, be implemented to support an administrative reorganization or the implementation of technological changes or to ensure a better match between an organization’s new needs and the possibility of proper development and promotion for employees. Such a program must first be authorized by the Conseil du trésor, subject to any condition it determines.

“32.3. Exceptionally and to the extent that the person must meet the minimum conditions of eligibility or the additional requirements provided for in the desired profile to be appointed to the position, a person may participate in the selection process aimed at filling that position even if, at the time the person is applying, the person does not meet those conditions or requirements, in any of the following situations:

(1) the person is awaiting his proof of Canadian citizenship, proof of permanent residency or work permit issued by the federal authority;

(2) the person is in the process of meeting the requirements to be a member of the professional order required for the position to be filled;

(3) the person is in the process of completing the last year of the most advanced formal training required for the position to be filled;

(4) the person is awaiting a qualification, certification or permit issued by a competent authority in the matter; or

(5) any other situation determined by the Conseil du trésor.

Despite the first paragraph, a person referred to in subparagraph 3 or 4 of that paragraph may be appointed to a position even if the person does not meet the minimum conditions of eligibility or the additional requirements, provided the person is in the process of meeting them within a time period corresponding to the length of the person's probationary period less a day, without exceeding one year. Failure to comply with that last condition will result in the termination of the person's employment.

The Conseil du trésor shall determine any other applicable rule for the purposes of this section.”

28. Section 248 of the Act is repealed.

ACT RESPECTING THE AGENCE DU REVENU DU QUÉBEC

29. Section 183 of the Act respecting the Agence du revenu du Québec (chapter A-7.003) is amended by striking out the second paragraph.

30. Section 184 of the Act is amended by striking out the third paragraph.

31. Section 185 of the Act is amended by striking out the fourth paragraph.

ACT RESPECTING THE AUTORITÉ DES MARCHÉS PUBLICS

32. Section 264 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) is amended by striking out the second paragraph.

ACT RESPECTING THE CONSEIL DES ARTS ET DES LETTRES DU QUÉBEC

33. Section 39 of the Act respecting the Conseil des arts et des lettres du Québec (chapter C-57.02) is amended by striking out the second paragraph.

ACT RESPECTING THE CONSERVATOIRE DE MUSIQUE ET D'ART DRAMATIQUE DU QUÉBEC

34. Section 90 of the Act respecting the Conservatoire de musique et d'art dramatique du Québec (chapter C-62.1) is amended by striking out the second paragraph.

ACT RESPECTING THE REGULATION OF THE FINANCIAL SECTOR

35. Section 721 of the Act respecting the regulation of the financial sector (chapter E-6.1) is amended by striking out the second paragraph.

ACT RESPECTING FINANCEMENT-QUÉBEC

36. Section 62 of the Act respecting Financement-Québec (chapter F-2.01) is repealed.

ACT RESPECTING INSTITUT NATIONAL DE SANTÉ PUBLIQUE DU QUÉBEC

37. Section 41 of the Act respecting Institut national de santé publique du Québec (chapter I-13.1.1) is repealed.

ACT RESPECTING THE INSTITUT DE TECHNOLOGIE AGROALIMENTAIRE DU QUÉBEC

38. Section 87 of the Act respecting the Institut de technologie agroalimentaire du Québec (2021, chapter 3) is amended by striking out the third paragraph.

ACT RESPECTING INVESTISSEMENT QUÉBEC

39. Section 168 of the Act respecting Investissement Québec (chapter I-16.0.1) is repealed.

NATIONAL MUSEUMS ACT

40. Section 46 of the National Museums Act (chapter M-44) is repealed.

PUBLIC PROTECTOR ACT

41. Section 37.1 of the Public Protector Act (chapter P-32) is repealed.

ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN AIR DU QUÉBEC

42. Section 40 of the Act respecting the Société des établissements de plein air du Québec (chapter S-13.01) is repealed.

ACT RESPECTING THE SOCIÉTÉ DU PARC INDUSTRIEL ET PORTUAIRE DE BÉCANCOUR

43. Section 50 of the Act respecting the Société du parc industriel et portuaire de Bécancour (chapter S-16.001) is repealed.

ACT RESPECTING THE SOCIÉTÉ DU PLAN NORD

44. Section 94 of the Act respecting the Société du Plan Nord (chapter S-16.011) is amended by striking out the second paragraph.

ACT MAINLY TO ESTABLISH THE CENTRE D'ACQUISITIONS GOUVERNEMENTALES AND INFRASTRUCTURES TECHNOLOGIQUES QUÉBEC

45. Section 89 of the Act mainly to establish the Centre d'acquisitions gouvernementales and Infrastructures technologiques Québec (2020, chapter 2) is amended by striking out the third paragraph.

RÈGLEMENT SUR LA PREUVE ET LA PROCÉDURE DE LA COMMISSION DE LA FONCTION PUBLIQUE

46. Chapter V of the Règlement sur la preuve et la procédure de la Commission de la fonction publique (chapter F-3.1.1, r. 3.01, French only), comprising sections 23 to 31, is repealed.

REGULATION RESPECTING THE QUALIFICATION PROCESS AND QUALIFIED PERSONS

47. The Regulation respecting the qualification process and qualified persons (chapter F-3.1.1, r. 3.1) is repealed.

REGULATION RESPECTING PROMOTION FURTHER TO THE UPGRADING OF A POSITION

48. The Regulation respecting promotion further to the upgrading of a position (chapter F-3.1.1, r. 4.1) is repealed.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

49. In any Act other than the Public Service Act (chapter F-3.1.1), “promotion-only qualification process” is replaced wherever it appears by “promotion selection process”, unless the context indicates otherwise.

50. The qualification processes under way on the date of coming into force of section 12 are continued.

The banks of qualified persons related to such processes and those already established on that date are continued until the date that is one year after the date of coming into force of section 12.

The same applies to the lists of candidates declared qualified that are valid on the day before the date of coming into force of section 12 and that may be used in accordance with sections 35 and 36 of the Act to amend the Public Service Act mainly with respect to staffing (2013, chapter 25).

In addition, when a person's qualification or certification of qualification is maintained on the date of coming into force of section 12, it continues to be maintained until the date that is one year after the date of coming into force of that section.

51. Until the date that is one year after the date of coming into force of section 12, a deputy minister or a chief executive officer may, instead of initiating a selection process to fill a position, decide to appoint a person who is registered in a bank of qualified persons or on a list of candidates declared qualified referred to in the second and third paragraphs of section 50 or a person, referred to in the fourth paragraph of section 50, whose qualification or certification of qualification is maintained. Such an appointment is to be made in accordance with the former legislation.

However, when a deputy minister or a chief executive officer initiates a selection process to fill a position, a person referred to in the first paragraph must have participated in the process in order to be appointed.

52. The result of an examination administered during any selection process provided for by the Act or during a qualification assessment is deemed to be the result obtained during an identical or equivalent examination administered, before the coming into force of section 12, during a qualification process, including a specific qualification process, or a qualification assessment, if the time period between the administration of those examinations does not exceed one year.

The Chair of the Conseil du trésor shall establish a list of the examinations that are considered identical or equivalent.

A public body may communicate to the deputy minister or the chief executive officer any information that is necessary for the purposes of the first paragraph.

53. Any person found guilty of an offence under section 129 of the Public Service Act after the coming into force of section 25 is removed from the banks of qualified persons referred to in section 50.

The five-year period provided for in section 129, as it read before the coming into force of section 25, continues until the end of the period after the coming into force of section 25. Therefore, the application of a person found guilty under section 129 before it was amended by section 25 may not be considered for a position to be filled in the public service for the remainder of that period.

54. Until section 12 comes into force and despite any provision to the contrary, the Conseil du trésor may implement a pilot project concerning the recruitment and promotion of public servants for one or more classes of positions or one or more specific positions. The pilot project must be substantially consistent with the selection process provided in section 12.

The Conseil du trésor shall publish in the *Gazette officielle du Québec* the pilot project with a notice stating its intention to implement the project within 30 days after publication of that notice and indicating that any interested person may, within that time, send comments to the person designated in the notice.

55. Sections 1 and 3 apply only to probationary periods that begin after 19 April 2021.

56. Section 2 applies to public servants who have not acquired permanent tenure on 20 April 2021.

57. Sections 4 to 9 only apply to elected public servants as of the date of their coming into force.

The same applies to public servants who perform their duties on an office staff or as a member of the staff of a Member.

58. The provisions of this Act come into force on the date or dates to be set by the Government, except sections 1 to 3, 26 and 54 to 56, which come into force on 20 April 2021.

Regulations and other Acts

Gouvernement du Québec

O.C. 776-2021, 2 June 2021

Act respecting roads
(chapter V-9)

Roads under the management of the Minister of Transport — Amendment to Order in Council 292-93 dated 3 March 1993

Amendment to Order in Council 292-93 dated 3 March 1993 concerning the roads under the management of the Minister of Transport

WHEREAS the Government, under the first paragraph of section 2 of the Act respecting roads (chapter V-9), determines, by Order in Council published in the *Gazette officielle du Québec*, the roads under the management of the Minister of Transport;

WHEREAS the Government, under the first paragraph of section 3 of the Act respecting roads, may, by Order in Council published in the *Gazette officielle du Québec*, determine that a road under the management of the Minister of Transport shall pass, on the date indicated in the Order in Council, under the management of a municipality in accordance with chapter I and division I of chapter IX of title II of the Municipal Powers Act (chapter C-47.1);

WHEREAS the Government, under the second paragraph of section 3 of the Act respecting roads, may, by Order in Council published in the *Gazette officielle du Québec*, determine that a road under the management of a municipality shall pass, on the date indicated in the Order in Council, under the management of the Minister of Transport;

WHEREAS Order in Council number 292-93 dated March 3, 1993, and its subsequent amendments determined, by municipality, the roads under the management of the Minister of Transport;

WHEREAS the schedule of this Order in Council and its subsequent amendments should be amended again, with regard to the municipalities indicated, in order to correct the description of certain roads and list the roads that were geometrically redefined, as indicated in the schedule of this Order in Council;

WHEREAS the schedule of this Order in Council and its subsequent amendments should be amended again, with regard to the municipalities indicated, in order to determine that certain roads under the management of the Minister of Transport shall pass under the management of the municipalities in the territory of which they are located, and that certain roads under the management of a municipality shall pass under the management of the Minister of Transport, by making the required additions and removals, as indicated in the schedule of this Order in Council;

IT IS ORDERED, accordingly, on the recommendation of the Minister of Transport:

THAT the Order in Council number 292-93 dated March 3, 1993, and its subsequent amendments should be amended again, with regard to the municipalities indicated, in order to correct the description of certain roads and list the roads that were geometrically redefined, as indicated in the schedule of this Order in Council;

THAT the Order in Council number 292-93 dated March 3, 1993, and its subsequent amendments should be amended again, with regard to the municipalities indicated, in order to determine that certain roads under the management of the Minister of Transport shall pass under the management of the municipalities in the territory of which they are located, and that certain roads under the management of a municipality shall pass under the management of the Minister of Transport, by making the required additions and removals, as indicated in the schedule of this Order in Council;

THAT this Order in Council be effective as of the date it is published in the *Gazette officielle du Québec*.

YVES OUELLET
Clerk of the Conseil exécutif

SCHEDULE ROADS UNDER THE MANAGEMENT OF THE MINISTER OF TRANSPORT

PRESENTATION NOTE

The roads under the management of the Minister of Transport are described for each municipality in which they are located. The update of the schedule of Order in Council number 292-93 dated March 3, 1993, and its subsequent

amendments states the corrections to the description of a road, the addition or removal of roads, and the changes affecting the right-of-way width of a road or its geometric redevelopment.

A) CORRECTIONS TO THE DESCRIPTION, ADDITIONS OR REMOVALS

Roads covered by a “Correction to the description”, “Addition” or “Removal” are described by means of the following five elements:

1. ROAD CLASS

The nomenclature of road classes comes from the functional classification established by the ministère des Transports.

2. SECTION IDENTIFICATION

The roads are identified according to the coding used by the Ministère to subdivide its road network. The coding breaks down into road / segment / section / sub-road. The sequence within the sub-road has evolved over the years (the current coding appears in bold in the examples below). Here is how to interpret the information:

Main road

| Road | Segment | Section | Sub-road | Description |
|-------|---------|---------|----------------|-------------------------------------------------------------------------------|
| 00138 | - 01 | - 110 | - 000-C | Main road (000) with Contiguous lanes |
| 00020 | - 02 | - 090 | - 000-S | Main road (000) with Separated (divided) lanes |
| 00020 | - 02 | - 090 | - 0-00-1 | Main road (000) with number serving for computer validation “1” (from 0 to 9) |

Ramp

| Road | Segment | Section | Sub-road | Description |
|-------|---------|---------|--------------|-------------------------------------------------|
| 00020 | - 02 | - 090 | - 32A | Ramp (3), intersection No. 2 , named “A” |
| 00020 | - 02 | - 090 | - 3-02-0-A | Ramp (3), intersection No. 02, named “0-A” |

3. ROAD NAME (ODONYM)

For roads with a number lower than 1000, this number is recorded in this element, and not the odonym. The odonym is used for other roads.

When one or more ramps exist along a road section, the total number of ramps attached to this section is also recorded in this element. The cumulative length of all these ramps is then found under the heading “Length in kilometres”.

4. LOCATION OF BEGINNING

This element contains the description of a physical reference point to locate the beginning of a road section or identifies a municipal limit in the cases where a road section is found in more than one municipality.

5. LENGTH IN KILOMETRES

The length in kilometres is recorded for each road or part of a road. This length, established by the Minister of Transport, corresponds to the distance travelled by a vehicle between two points, without considering the number of lanes or the layout in contiguous lanes or divided roadways. Thus, the length is the same, whether for an autoroute or a collector road.

B) CHANGE OF RIGHT-OF-WAY WIDTH OR GEOMETRIC REDEVELOPMENT

The roads that are the object of a “Change of right-of-way width” or “Geometric redevelopment” are described by means of the same elements as section A above, as well as the plan number, the land surveyor’s name and the number of the land surveyor’s minutes.

CHANDLER, V (0202800)

| Road class | Section identification | Road name | Location of beginning | Length in kilometres |
|------------|------------------------|-----------|--------------------------------|----------------------|
| National | 00132-17-180-000-C | Route 132 | Rivière Grand Pabos | 7.77 |
| National | 00132-17-190-000-C | Route 132 | Former limit of Pabos-Mills, M | 11.79 |

- Geometric redevelopments
- Removals

| | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------|---------------------|--------|
| National | 00132-17-185-000-C | Route 132 | Rivière Grand Pabos | 19.049 |
| According to plan AA-6307-154-78-0007, prepared by Jean-Louis Leblanc, land surveyor, under number 1756 of his minutes, and Guy Saindon, land surveyor, under numbers 1296, 1360 and 1569 of his minutes, that is, phase 1 sheets 1 to 8C, excluding sheets 8 and 8B. | | | | |

DRUMMONDVILLE, V (4905800)

| Road class | Section identification | Road name | Location of beginning | Length in kilometres |
|------------|------------------------|-------------------------|-----------------------------|----------------------|
| Autoroute | 00055-03-081-000-S | Autoroute 55 6 ramps | Limit of Saint-Nicéphore, v | 5.99 4.60 |

- Correction to the description
- Removals

| | | | | |
|-----------|--------------------|-------------------------|-----------------------------|--------------|
| Autoroute | 00055-03-081-000-S | Autoroute 55 4 ramps | Limit of Saint-Nicéphore, v | 5.99 4.30 |
|-----------|--------------------|-------------------------|-----------------------------|--------------|

FORESTVILLE, V (9504500)

- Addition

| Road class | Section identification | Road name | Location of beginning | Length in kilometres |
|------------|------------------------|-----------|------------------------------|----------------------|
| National | 138-91-132-000-C | Route 138 | Limit of Portneuf-sur-Mer, M | 6.61 |

SAINT-ANTONIN, M (1201500)

| Road class | Section identification | Road name | Location of beginning | Length in kilometres |
|------------|------------------------|-------------------------|----------------------------------------|----------------------|
| National | 00185-01-126-000-C | Route 185 1 ramp | Rivière Verte | 3.16 0.41 |
| Collector | 92240-01-000-0-00-9 | Chemin de Rivière-Verte | Intersection with route 185 | 4.48 |
| Local 2 | 92690-05-030-000-C | 3 ^e Rang | 600 metres south of route 185 | 0.60 |
| Local 2 | 92690-06-010-000-C | 3 ^e Rang | Intersection with route 185 | 0.58 |
| Local 2 | 92694-01-030-000-C | Route de la Station | Intersection with chemin de la rivière | 0.50 |

- Corrections to the description
- Geometric redevelopments
- Removals

| | | | | |
|-----------|--------------------|---------------------------------------------|------------------------------------------------|------|
| National | 00185-01-128-000-C | Route 185 | Bridge on rivière Verte | 3.16 |
| Collector | 92240-01-007-000-C | Route de la Station/chemin de Rivière-Verte | Intersection with autoroute 85 south exit ramp | 5.01 |

According to plan AA-6508-154-14-0867-1 prepared by Guy Saindon, land surveyor, under numbers 1456, 1481, 1494 and 1551 of his minutes, and according to plan AA-6508-154-14-0867-A-1 prepared by Guy Saindon, land surveyor, under numbers 1461, 1485 and 1503 of his minutes.

SAINT-CHARLES-GARNIER, P (0901000)

- Addition

| Road class | Section identification | Road name | Location of beginning | Length in kilometres |
|---------------------|------------------------|--------------------------------|---------------------------------------|----------------------|
| Access to resources | 94840-01-010-000-C | Route de Saint-Charles-Garnier | Intersection with 9 ^e Rang | 1.79 |

SAINT-HYACINTHE, V (5404800)

- Removal

| Road class | Section identification | Road name | Location of beginning | Length in kilometres |
|------------|------------------------|------------|--------------------------------------|----------------------|
| Collector | 70830-05-000-000C | Grand rang | Intersection with rue Casavant Ouest | 0.25 |

SAINT-STANISLAS-DE-KOTSKA, M (7004000)

- Removal

| Road class | Section identification | Road name | Location of beginning | Length in kilometres |
|------------|------------------------|----------------|-----------------------|----------------------|
| Collector | 60860-02-020-000C | Rue principale | Rue Centrale | 0.79 |

Gouvernement du Québec

O.C. 777-2021, 2 June 2021

Act respecting roads
(chapter V-9)

Strategic bridges the management of which is under the responsibility of the Minister of Transport — Amendment to Order in Council 98-2003 dated 29 January 2003

Amendment to Order in Council 98-2003 dated 29 January 2003 concerning strategic bridges the management of which is under the responsibility of the Minister of Transport

WHEREAS, under the third paragraph of section 2 of the Act respecting roads (chapter V-9), the Government may, by Order in Council published in the *Gazette officielle du Québec*, recognize the strategic character of certain bridges, the management of such bridges being under the responsibility of the Minister of Transport;

WHEREAS Order in Council number 98-2003 dated January 29, 2003, and its subsequent amendments recognized the strategic character of certain bridges;

WHEREAS it is appropriate to amend the schedule of Order in Council number 98-2003 dated January 29, 2003, and its subsequent amendments again, with regard to the municipalities indicated, to add a bridge, including its barrier system, namely guardrails, so that it becomes under the management of the Minister of Transport, and to remove bridges so that they become under the management of the municipalities in the territory of which they are located, as indicated in the schedule of this Order in Council;

IT IS ORDERED, accordingly, on the recommendation of the Minister of Transport:

THAT the schedule of Order in Council number 98-2003 dated January 29, 2003, and its subsequent amendments be amended again, with regard to the municipalities indicated, to add a bridge, including its barrier system, namely guardrails, so that it becomes under the management of the Minister of Transport, and to remove bridges so that they become under the management of the municipalities in the territory of which they are located, as indicated in the schedule of this Order in Council;

THAT this Order in Council be effective as of the date it is published in the *Gazette officielle du Québec*.

YVES OUELLET
Clerk of the Conseil exécutif

SCHEDULE – Bridges recognized as strategic

| Municipality: Name, designation (geographic code) | Bridge number | Road | Obstacle |
|------------------------------------------------------|------------------|--------------------------|-------------------------------------|
| ADDITION | | | |
| Petite-Rivière-Saint-François, M (1600500) | 19710 | Route 138 | Cours d'eau Freddy-Gagnon |
| DELETIONS | | | |
| Lévis, V (2521300) | 04020 | Chemin de la Coopérative | Rivière Terrebonne |
| La Malbaie, V (1501300) | 01649 | Rang Saint-Charles | Quatre lacs de la Providence outlet |

Gouvernement du Québec

O.C. 778-2021, 2 June 2021

Act respecting roads
(chapter V-9)

Lookouts, rest areas, service areas and parking lots located in the right of way of a road under the management of the Minister of Transport — Amendment to Order in Council 483-95 dated 5 April 1995

Amendment to Order in Council 483-95 dated 5 April 1995 concerning lookouts, rest areas, service areas and parking lots located in the right of way of a road under the management of the Minister of Transport

WHEREAS the Government, under the first paragraph of section 2 of the Act respecting roads (chapter V 9), determines, by Order in Council published in the *Gazette officielle du Québec*, the roads under the management of the Minister of Transport;

WHEREAS, under section 5 of the aforementioned Act, the provisions of the Act which apply to roads, except for section 6, shall also apply to lookouts, rest areas, service areas, control stations and parking lots located in the right of way of a road;

WHEREAS Order in Council number 483-95 dated April 5, 1995, and its subsequent amendments determined, by municipality, the lookouts, rest areas, service areas, control stations and parking lots located in the right of way of a road under the management of the Minister of Transport;

WHEREAS the schedule of this Order in Council and its subsequent amendments should be amended again, with regard to the municipalities indicated, to add a rest area, a lookout, service areas and control stations located in the right of way of a road under the management of the Minister of Transport, as indicated in the schedule of this Order in Council;

WHEREAS the schedule of this Order in Council and its subsequent amendments should be amended again, with regard to the municipalities indicated, to relinquish the management of equipment and cease recognizing it as a lookout, rest area, service area or control station, as indicated in the schedule of this Order in Council, so that the Minister of Transport can dispose of it in compliance with the law;

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

THAT the schedule of Order in Council number 483-95 dated April 5, 1995, and its subsequent amendments be amended again, with regard to the municipalities indicated, to add a rest area, a lookout, service areas and control stations located in the right of way of a road under the management of the Minister of Transport, as indicated in the schedule of this Order in Council;

THAT the schedule of Order in Council number 483-95 dated April 5, 1995, and its subsequent amendments be amended again to relinquish the management of equipment and cease recognizing it as a lookout, rest area, service area or control station, as indicated in the schedule of this Order in Council, so that the Minister of Transport can dispose of it in compliance with the law;

THAT this Order in Council be effective as of the date it is published in the *Gazette officielle du Québec*.

YVES OUELLET
Clerk of the Conseil exécutif

SCHEDULE

LOOKOUTS, REST AREAS, SERVICE AREAS AND CONTROL STATIONS LOCATED IN THE RIGHT OF WAY OF A ROAD UNDER THE MANAGEMENT OF THE MINISTER OF TRANSPORT

PRESENTATION NOTE

Lookouts, rest areas, service areas and control stations located in the right of way of a road under the management of the Minister of Transport are described for each municipality in which they are located. The update of the schedule of Order in Council number 483-95 dated April 5, 1995, and its subsequent amendments states the location and description of the infrastructure.

(1) Name of municipality (name, status, geographical code)

Name of the municipality in which the infrastructure is located.

(2) Road name

Name of the road where the infrastructure is located.

(3) Official name or type of infrastructure

Official name of the infrastructure recognized by the Commission de toponymie. The type of infrastructure is indicated in the absence of a name. Control stations and areas often do not have an official name.

(4) Location, road, segment, section, and side

Identification of the location of the infrastructure.

The roads are identified by a sequence of figures composed of 4 different groups:

Group 1: road number (5 figures);

Group 2: road segment number (2 figures);

Group 3: road section number (3 figures);

Group 4: side of autoroute (left, right).

ADDITIONS

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Bury, M (4107000) | Route 108 | Area | 00108-01-246 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Drummondville, M (4905800) | Autoroute 55 | Control station | 00055-03-081 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Lac-Ashuapmushuan, NO (9190200) | Route 167 | Rest area | 00167-01-121 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Saint-Ferdinand, M (3201300) | Route 165 | Lookout | 00165-01-054 |

ADDITIONS (continued)

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Saint-Wenceslas, M (5002300) | Autoroute 55 | Control station | 00055-04-075 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Sainte-Luce, V (1307300) | Autoroute 20 | Area | 00020-09-117 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Stanstead, V (4500800) | Autoroute 55 | Area | 00055-01-045 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Témiscouata-sur-le-Lac, V (1307300) | Autoroute 85 | Control station | 00085-01-040 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Trois-Rives, M (3505500) | Route 155 | Control station Control station | 00155-03-160 D 00155-03-160 G |

DELETIONS

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Assemetquagan, ptie, NO (0790201) | Route 132 | Belvédère d'Assemetquagan | 00132-20-011 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Assemetquagan, ptie, NO (0790201) | Route 132 | Belvédère de Routhierville | 00132-20-013 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Beaulac, VL (3100500) | Route 112 | Halte Henri-Vachon | 00112-04-150 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Boucher, M (3505500) | Route 155 | Area | 00155-03-130 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Cabano, V (1307000) | Route 185 | Control station | 00185-01-065 |

DELETIONS (continued)

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Dégelis, V (1300500) | Route 185 | Halte de la Sauvagine | 00185-01-010 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Eastman, VL (4509000) | Route 112 | Belvédère d'Austin | 00112-02-340 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| La Baie, V (9404000) | Route 170 | Belvédère Jos-Maquillon | 00170-01-150 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| La Baie, V (9404000) | Route 170 | Belvédère des Défricheurs | 00170-01-150 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Notre-Dame-des-Pins, P (2912000) | Route du Pont | Halte du Pont-Couvert | 87171-01-000 |

DELETIONS (continued)

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Notre-Dame-du-Lac, V (1303500) | Route 185 | Halte du Lac-Témiscouata | 00185-01-030 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Saint-Pascal, SD (1402000) | Route 230 | Belvédère de St-Pascal | 00230-01-090 |

| Name of municipality (geographical code) | Road name | Official name or type of equipment | Location, road, segment, and section |
|-----------------------------------------------------|------------------|-------------------------------------------|---------------------------------------------|
| Stanstead-Est, SD (4405000) | Route 143 | Belvédère Victor-Morrill | 00143-01-050 |

Gouvernement du Québec

O.C. 781-2021, 2 June 2021

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

Occupational health and safety — Amendment

Safety Code for the Construction Industry — Amendment

Safety representatives in establishment — Amendment

Quality of the work environment — Repealed

Regulation to amend the Regulation respecting occupational health and safety, Regulation to amend the Safety Code for the construction industry, Regulation to amend the Regulation respecting safety representatives in establishments and Regulation to revoke the Regulation respecting the quality of the work environment

WHEREAS, under subparagraphs 7, 9, 10, 12, 19, 21 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;

—determining, by category of establishments or construction sites, the individual and common protective devices and equipment that the employer must put at the disposal of the workers, free of charge;

—determining the content of the registers that the employer must keep and update in conformity with section 52 of the Act;

—fixing, in such cases or circumstances as it may indicate, the maximum daily or weekly number of hours that may be devoted to particular work, according to the nature of the work, the place where it is carried out and the physical capacity of the worker, and prescribing the distribution of these hours and a minimum rest period or meal period;

—prescribing standards respecting the safety of such products, processes, equipment, materials, contaminants or dangerous substances as it specifies, indicating the directions for their use, maintenance and repair, and prohibiting or restricting their use;

—determining the cases and circumstances where a label or a notice must indicate the dangers inherent in a contaminant or dangerous substance and indicate the safety measures to be taken in handling or using the contaminant or substance;

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

WHEREAS, under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply;

WHEREAS, under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

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, a draft Regulation to amend the Safety Code for the construction industry, a draft Regulation to amend the Regulation respecting safety representatives in establishments and a draft Regulation to revoke the Regulation respecting the quality of the work environment were published in Part 2 of the *Gazette officielle du Québec* of 6 November 2019 with a notice that they 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 Regulations with amendments at its sitting of 19 November 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 Regulations;

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, the Regulation to amend the Safety Code for the construction industry, the Regulation to amend the Regulation respecting safety representatives in establishments and the Regulation to revoke the Regulation respecting the quality of the work environment, 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

Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 10, 12, 19, 21 and 42, and 2nd and 3rd pars.)

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

(1) striking out the definition of “predominant frequency band”;

(2) inserting the following definitions, in alphabetical order:

““impulse noise” means a noise of short duration (generally less than one second), peaking at a high level and characterized by a sharp increase and rapid decrease in sound level. The parameter used to measure an impulse noise is the C-weighted peak sound pressure level;

“calculator” means a calculation tool that can be used to evaluate the daily noise exposure level ($L_{EX,8h}$ or $L_{ex,8h}$) for the purpose of reducing the duration of workers’ daily exposure to noise;

“NF EN” means the European standard, the French version of which (NF) is published in France by the Association française de normalisation;”

(3) by striking out the definitions of “continuous noise” and “impact noise”;

(4) by striking out the definition of “dB”;

(5) by replacing the definition of “dBA” by the following definitions:

““dBA” means an A-weighted decibel measurement - the weighting reduces the significance of extreme frequencies, in particular low frequencies below 200 Hz, and increases the significance of frequencies around 2 500 Hz. A-weighting must be used for all measurements to evaluate $L_{EX,8h}$ or $L_{ex,8h}$;

“dBC” means a C-weighted decibel measurement - the weighting reduces the significance of frequencies at or below 31 Hz and increases the significance of frequencies at or above 8 000 Hz. C-weighting must be used for all measurements to evaluate peak sound pressure level;”;

(6) by striking out the definitions of “corrected dBA” and “linear dB”;

(7) by inserting the following definitions at the place determined by alphabetical order:

““daily noise exposure level” means the equivalent continuous sound pressure level (dBA) for an 8-hour working day. It results from measurements that include all the types of noise present, including impulse noises;

“equivalent continuous sound pressure level (dBA)” means the A-weighted continuous sound pressure level measured over a given period of time. It is identical to the sound pressure level of a constant noise having the same total A-weighted sound energy over the same period of time. It results from measurements that include all the types of noise present, including impulse noises. In the formulas used to calculate daily noise exposure level, it corresponds to $L_{p,A,eq7e}$ or $L_{eq,t}$, which is the A-weighted equivalent continuous sound pressure level for the duration of the working day in hours (T_e or T_w);”;

(8) by inserting the following definition at the place determined by alphabetical order:

““peak sound pressure level” means the instantaneous peak sound pressure level measured in C-weighted decibels;”;

(9) by striking out the definition of “peak value”.

2. The Regulation is amended by replacing sections 130 to 141 by the following:

“§1. General

130. This Division sets noise exposure limits, means for evaluating the daily noise exposure level and peak sound pressure level in an establishment, and the standards applicable.

The provisions of this Division are intended to eliminate or reduce noise at source or, at a minimum, to reduce workers' exposure to noise.

They also specify the reasonable means that an employer must implement to eliminate or reduce noise at source, comply with the noise exposure limits, and reduce workers' exposure to noise. They specify the workplace situations in which the wearing of hearing protectors is necessary.

For the purposes of this Division, "workplace situation" means a trade or a representative function of a worker or group of workers that includes all the tasks and activities of the worker or group of workers, and takes into account the workplace.

§2. Noise exposure limits

131. The noise exposure limits are as follows:

(1) daily noise exposure level: 85 dBA, as defined using one of the following formulas:

(a) under the ISO Standard 9612:2009, Acoustics — Determination of occupational noise exposure — Engineering method,:

$$L_{EX,8h} = L_{p,A,eqT_e} + 10 \lg[T_e/T_0] \text{ dB},$$

where T_e = effective duration of the working day, in hours;

T_0 = reference duration, 8 h;

(b) under CSA Standard Z107.56-13, Measurement of noise exposure 2014:

$$L_{ex,8h} = L_{eq,t} + 10 \log (T_w/8),$$

where T_w = effective duration of the working day, in hours;

(2) peak sound pressure level ($L_{p,Cpeak}$): 140 dBC, using the following formula from ISO Standard 9612:2009, Acoustics — Determination of occupational noise exposure — Engineering method:

$$L_{p,Cpeak} = 10 \lg[p_{Cpeak}^2/p_0^2] \text{ dB},$$

where the reference value, p_0 , is 20 μ Pa.

§3. General requirements

132. At the time of the design and organization of an establishment, the implementation of a new process or a change to the design, organization or process, the employer must take reasonable means to eliminate or reduce noise at source or, at a minimum, reduce workers' exposure to noise.

Such means must also be taken at the time of the purchase or replacement of a machine or piece of equipment so that the one that produces the least noise is acquired.

The reasonable means referred to in this section must not compromise any other element of worker health or safety.

133. The employer must, every 5 years, evaluate each workplace situation that exceeds the exposure limits to determine the reasonable means that would eliminate or reduce noise at source, allow the limits established pursuant to section 131 to be respected, or, at a minimum, reduce workers' exposure to noise.

In the year following the evaluation, the employer must begin to implement all the means needed to eliminate or reduce the noise at source. If they are not sufficient to ensure compliance with the exposure limits, the employer must implement the other means that are necessary in order to respect the exposure limits. The means must be fully implemented before the start of the next five-year evaluation.

134. The employer must, within 30 days of its occurrence, identify any change in a workplace situation that presents a risk of exceeding the exposure limits.

In the year following the change, the employer must measure the daily noise exposure level and peak sound pressure level in accordance with subdivision 4, or begin to implement reasonable means to eliminate or reduce the noise at source or comply with the limits set pursuant to section 131 or, at a minimum, reduce workers' exposure to noise.

The employer, when opting to implement reasonable means, must complete the implementation before the end of the 5-year period since the last evaluation performed pursuant to the first paragraph of section 133. However, if the period ends less than two years before the date on which the situation changes, the employer has a period of two years from the date of the change to fully implement the means.

135. The employer must implement, among the reasonable means enabling compliance with the objectives defined in subdivision 1, those that eliminate or reduce

noise at source, in particular by replacing a machine or piece of equipment by one that produces less noise, maintaining the machine or piece of equipment and keeping it in proper working order, or making a correction to the machine or piece of equipment.

The employer may also implement reasonable means that, depending on their effectiveness, make it possible to

(1) limit the propagation of noise by enclosing a machine or piece of equipment or installing sound insulation in a work area or workplace;

(2) reduce a worker's exposure, in particular by isolating a workstation.

When it is not possible to respect the exposure limits, the employer must implement all the reasonable means identified, even if they do not allow the noise to be reduced sufficiently to respect the exposure limits.

136. The employer must reduce the workers' daily exposure to noise, in accordance with section 137, or provide them with hearing protectors in accordance with the rules established in subdivision 5,

(1) during the time needed to implement reasonable means;

(2) during the time needed to repair or maintain a machine or piece of equipment; or

(3) when it is not possible to respect the exposure limits.

137. To determine the reduction in the workers' daily exposure to noise, the employer must

(1) ensure, if a worker is affected by a single workplace situation comprising a single task or activity that may exceed the exposure limits during the working day, that the worker is not exposed to the equivalent continuous sound pressure level (dBA) specified in the following table for longer than the time indicated:

| Equivalent continuous sound pressure level (dBA) | Maximum permitted daily duration | |
|--------------------------------------------------|----------------------------------|-------|
| 82 | 16 | Hours |
| 83 | 12 | |
| 85 | 8 | |
| 88 | 4 | |
| 91 | 2 | |
| 94 | 1 | |

| Equivalent continuous sound pressure level (dBA) | Maximum permitted daily duration | |
|--------------------------------------------------|----------------------------------|---------|
| 97 | 30 | Minutes |
| 100 | 15 | |
| 103 | 7 | |
| 106 | 4 | |
| 109 | 2 | |
| 112 | 1 | Seconds |
| 115 | 28 | |
| 118 | 14 | |
| 121 | 7 | |
| 124 | 3 | |
| 127 | 1 | |
| 130-140 | < 1 | |

(2) determine, if a worker is affected by a workplace situation comprising more than one task or activity that may exceed the exposure limits during the working day, a reduction in the daily exposure to noise using the calculator published by the Commission on its website. The $L_{ex,8h}$ or $L_{EX,8h}$ daily exposure level calculated in this way must be consistent with the daily noise exposure limit.

This section shall not have the effect of permitting a work period that is longer than the period authorized by a law or regulation, a collective agreement, an order in council or a contract of employment.

§4. Measurement

138. The employer must measure, in accordance with this subdivision, the daily noise exposure level and peak sound pressure level when

- (1) no reasonable means can be implemented; or
- (2) all reasonable means have been implemented.

The measurement must be made in the 30 days following the end of the period provided to identify reasonable means or following the date on which the means are fully implemented, as the case may be.

139. The measurement of the daily noise exposure level and peak sound pressure level must be made in view of the recommendations made in ISO Standard 9612:2009, Acoustics – Determination of occupational noise exposure – Engineering method, or in CSA Standard Z107.56-13, 2014, Measurement of noise exposure.

In addition, the integrating sound level meter or dosimeter used for the measurement must be a model recommended in one of the two standards.

140. The measurement of the daily noise exposure level and peak sound pressure level must be made by

- (1) a professional or technician with training in occupational hygiene or specialized training in acoustics; or
- (2) a person who masters best practices in the field of noise measurement.

This section shall not have the effect of preventing the employer from designating a person to assist the person referred to in the first paragraph, provided the latter person retains entire responsibility for the measurements made pursuant to this subdivision.

§5. Selection of hearing protectors

141. The employer must provide hearing protectors that meet the performance and selection requirements in the following clauses of CSA Standard Z94.2-2014, Hearing Protection Devices – Performance, Selection, Care, and Use:

- (1) 3 to 8.2.1;
- (2) 8.2.4 to 9.1;
- (3) 9.3.4;
- (4) 9.4;
- (5) 9.5.3 to 9.6.1;
- (6) 9.6.3 to 9.7.1;
- (7) 9.8.3;
- (8) 9.9 to 10.3.5;
- (9) 11.2.3 to 11.2.5;
- (10) 12 to 12.2.6.3;
- (11) tables 1 to 6;
- (12) annexes A, B and D.

For the purposes of Clause 9.6.4.3 of the standard, the result of a measurement performed in accordance with subdivision 4 may be used as a measurement of a worker's noise exposure, namely the $L_{ex,8h}$ or $L_{EX,8h}$ equivalent.

That measurement is not mandatory where the employer selects hearing protectors according to the single-number ratings method provided for in the standard.

The employer may also provide hearing protectors that meet

(1) the performance requirements set out in the following clauses of the Hearing protectors - general requirements standard or Safety requirements and testing, as the case may be:

(a) 1 to 6 and annexes A and ZA of Part 1: Ear-muffs, NF EN 352-1;

(b) 1 to 6 and annexes A and ZA of Part 2: Earplugs, NF EN 352-2;

(c) 1 to 6 and annexes A and ZA of Part 3: Ear-muffs attached to an industrial safety helmet, NF EN 352-3;

(d) 1 to 7 and annexes A, B and ZA of Part 4: Level-dependent ear-muffs, NF EN 352 4;

(e) 1 to 7 and annexes A, B and ZA of Part 5: Active noise-reduction ear-muffs, NF EN 352-5;

(f) 1 to 7 and annexes A, B and ZA of Part 6: Ear-muffs with electrical audio input, NF EN 352-6;

(g) 1 to 7 and annexes A, B and ZA of Part 7: Level-dependent earplugs, NF EN 352-7; and

(2) the selection requirements set out in the following clauses of NF Standard EN 458:2016, Hearing protectors - Recommendations for selection, use, care and maintenance - Guidance document:

(a) 3 to 4;

(b) 6 to 6.2.1;

(c) 6.2.3 to 6.5;

(d) 6.8 to 6.9.2;

(e) annexes A to E.

For the purposes of Clause 6.2.3.2 and Annex B of NF Standard EN 458:2016, the result of a measurement made in accordance with subdivision 4 may be used as a measurement of the peak sound pressure level.

A hearing protector meets the requirements of this section if it conforms to the most recent or second most recent version of a standard named in the section and has not exceeded the manufacturer's expiry date, if any.

141.1. The hearing protectors provided for a worker must attenuate noise in such a way that the worker is not exposed to levels that exceed those established in section 131.

141.2. In all cases where the employer must provide hearing protectors, the employer must also provide workers with theoretical and practical training that addresses

(1) the elements to be taken into consideration in selecting and using hearing protectors in response to different workplace situations;

(2) the adjustment of hearing protectors;

(3) the inspection of hearing protectors;

(4) the maintenance of hearing protectors; and

(5) the risks associated with noise and the importance of wearing protectors during any exposure to noise.

§6. Posting

141.3. The employer must notify workers, by way of a sign, of the existence of a zone where the wearing of hearing protectors is required.

The information in the sign must be clear and precise. It must be easily legible and be clearly distinguished from any other sign placed on the same surface. In addition, it must be displayed permanently and in plain view near the zone where the wearing of protectors is mandatory.

When it is not possible to display a sign, the employer may use another way to identify a zone where the wearing of hearing protectors is required, and must inform the workers accordingly.

141.4. The employer must post or disseminate in another way any report of a measurement made pursuant to subdivision 4, not later than 15 days after the report becomes available.

The report must be readily accessible to workers in a visible place, for a minimum period of 3 months.

§7. Register

141.5. The employer must include and update in the prevention program, or if none in a register, the following entries and documents:

(1) the workplace situations where noise exposure limits may be exceeded, and the date on which they were identified;

(2) the reasonable means implemented and the start and end dates for their implementation;

(3) the measurement reports.

The employer must keep the information for a minimum period of 10 years, and must make it available to the Commission, to workers and their representatives, to the safety representative, to the health and safety committee and to the physician responsible for the employer's establishment."

3. The Regulation is amended by striking out Schedule VII.

4. From 16 June 2023, the employer has one year to identify the workplace situations that may exceed exposure limits in the employer's establishment.

The identification of these situations is, for the purposes of this Regulation, a change in a workplace situation for the purposes of section 134.

For the purposes of this section, the result of any measurement made in the two years preceding the coming into force of this Regulation may be used to meet the measurement requirement in section 139 if

(1) the measurement was made in accordance with the requirements of this Regulation; and

(2) since the measurement was made, no change has occurred in the workplace situation concerned.

5. This Regulation comes into force on 16 June 2023.

Regulation to amend the Safety Code for the Construction Industry

Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 10, 12, 19, 21 and 42, and 2nd and 3rd pars.)

1. The Safety Code for the Construction Industry (chapter S-2.1, r. 4) is amended in section 1.1 by

(1) inserting the following definition after definition (3), "ASTM":

"(3.1) "impulse noise" means a noise of short duration (generally of less than one second), peaking at a high level and characterized by a sharp increase and rapid decrease in sound level. The parameter used to measure an impulse noise is the C-weighted peak sound pressure level;"

(2) striking out definition (4) “continuous noise” and definition (5) “impact noise”;

(3) inserting the following definition after definition 7 “bolting”:

“(7.0.0) “calculator” means a calculation tool that can be used to evaluate the daily noise exposure level ($L_{EX,8h}$ or $L_{ex,8h}$) for the purpose of reducing the duration of workers’ daily exposure to noise;”;

(4) inserting the following definitions after definition (13), “depot”:

“(13.2) “dBA” means an A-weighted decibel measurement - the weighting reduces the significance of extreme frequencies, in particular low frequencies below 200 Hz, and increases the significance of frequencies around 2 500 Hz. A-weighting must be used for all measurements to evaluate $L_{EX,8h}$ or $L_{ex,8h}$;

(13.3) “dBC” means a C-weighted decibel measurement - the weighting reduces the significance of frequencies at or below 31 Hz and increases the significance of frequencies at or above 8 000 Hz. C-weighting must be used for all measurements to evaluate peak sound pressure level;”;

(5) inserting the following definition after definition (25.1), “protective wall”:

“(25.2) “NF EN” means the European standard, the French version of which (NF) is published in France by the Association française de normalisation;”;

(6) inserting the following definitions after definition (26), “NFPA”:

“(26.1) “daily noise exposure level” means the equivalent continuous sound pressure level (dBA) for an 8-hour working day. It results from measurements that include all the types of noise present, including impulse noises;

(26.2) “equivalent continuous sound pressure level (dBA)” means the A-weighted continuous sound pressure level measured over a given period of time. It is identical to the sound pressure level of a constant noise having the same total A-weighted sound energy over the same period of time. It results from measurements that include all the types of noise present, including impulse noises. In the formulas used to calculate daily noise exposure level, it corresponds to L_{p,A,eqT_e} or $L_{eq,t}$, which is the A-weighted equivalent continuous sound pressure level for the duration of the working day in hours (T_e or T_w);”;

(7) by inserting the following definition after definition (29.1) “asbestos dust”:

“(29.2) “peak sound pressure level” means the instantaneous peak sound pressure level measured in C-weighted decibels;”.

2. The following is inserted after section 2.20.14:

“§2.21. Noise

2.21.1. This subdivision sets noise exposure limits, means for evaluating the daily noise exposure level and peak sound pressure level in an establishment, and the standards applicable.

The provisions of this subdivision are intended to eliminate or reduce noise at source or, at a minimum, to reduce workers’ exposure to noise.

They also specify the reasonable means that an employer must implement to eliminate or reduce noise at source, comply with the noise exposure limits, and reduce workers’ exposure to noise. They specify the workplace situations in which the wearing of hearing protectors is necessary.

For the purposes of this subdivision, “workplace situation” means a trade or a representative function of a worker or group of workers that includes all the tasks and activities of the worker or group of workers, and takes into account the workplace.

2.21.2. The noise exposure limits are as follows:

(1) daily noise exposure level: 85 dBA, as defined using one of the following formulas:

(a) under ISO Standard 9612:2009, Acoustics – Determination of occupational noise exposure – Engineering method:

$$L_{EX,8h} = L_{p,A,eqT_e} + 10 \lg[T_e/T_0] \text{ dB},$$

where T_e = effective duration of the working day, in hours;

T_0 = reference duration, 8 h;

(b) under CSA Standard Z107.56-13, 2014, Measurement of noise exposure:

$$L_{EX,8h} = L_{eq,t} + 10 \log(T_w/8),$$

where T_w = effective duration of the working day, in hours.

(2) peak sound pressure level ($L_{p,Cpeak}$): 140 dBC, using the following formula, provided for in ISO Standard 9612:2009, Acoustics – Determination of occupational noise exposure – Engineering method:

$$L_{p,Cpeak} = 10 \lg[p_{Cpeak}^2/p_0^2] \text{ dB},$$

where the reference value, p_0 , is 20 μPa .

2.21.3. When purchasing or replacing a tool, vehicle, piece of machinery, machine or piece of equipment, the employer must implement reasonable means so that the one that produces the least noise is acquired.

The reasonable means referred to in the first paragraph must not compromise any other element of worker health or safety.

2.21.4. When planning and performing work, the employer must identify workplace situations that may exceed the noise exposure limits and implement reasonable means to eliminate or reduce noise, in particular by taking into consideration one or several of the following means:

- (1) eliminate or reduce noise at source;
- (2) limit the propagation of noise by enclosing a machine or piece of equipment;
- (3) reduce a worker's exposure, in particular by isolating a workstation;
- (4) maintaining a machine or piece of equipment and keeping it in proper working order.

When it is not possible to respect the exposure limits, the employer must implement all the reasonable means identified, even if they do not allow the noise to be reduced sufficiently to respect the exposure limits.

2.21.5. The employer must reduce the workers' daily exposure to noise, in accordance with section 2.21.6, or provide them with hearing protectors in accordance with the rules established in section 2.21.10,

- (1) during the time needed to implement a reasonable measure;
- (2) during the time needed to repair or maintain a machine or piece of equipment;
- (3) when it is not possible to respect the exposure limits; or
- (4) in the situations referred to in section 2.21.7.

2.21.6. To determine the reduction in the workers' daily exposure to noise, the employer must

(1) ensure, if a worker is affected by a single workplace situation comprising a single task or activity that may exceed the exposure limits during the working day, that the worker is not exposed to the equivalent continuous sound pressure level (dBA) specified in the following table for longer than the time indicated:

| Equivalent continuous sound pressure level (dBA) | Maximum permitted daily duration |
|--------------------------------------------------|----------------------------------|
| 82 | 16 |
| 83 | 12 |
| 85 | 8 |
| 88 | 4 |
| 91 | 2 |
| 94 | 1 |
| 97 | 30 |
| 100 | 15 |
| 103 | 7 |
| 106 | 4 |
| 109 | 2 |
| 112 | 1 |
| 115 | 28 |
| 118 | 14 |
| 121 | 7 |
| 124 | 3 |
| 127 | 1 |
| 130-140 | < 1 |

Hours

Minutes

Seconds

(2) determine, if a worker is affected by a workplace situation comprising more than one task or activity that may exceed the exposure limits during the working day, a reduction in the daily exposure to noise using the calculator published by the Commission on its website. The $L_{ex,8h}$ or $L_{EX,8h}$ daily exposure level calculated in this way must be consistent with the daily noise exposure limit.

This section shall not have the effect of permitting a work period that is longer than the period authorized by a law or regulation, a collective agreement, an order in council or a contract of employment.

2.21.7. The wearing of hearing protectors is mandatory when

(1) the noise level to which a worker is exposed exceeds the exposure limits according to an evaluation based on a measurement made in accordance with section 2.21.8 or using a Type I or Type II integrating sound level meter or a Type II dosimeter;

(2) it is not possible to converse with another person in a normal speaking voice, in other words without raising one's voice or shouting, at a distance of approximately one metre or one arm's-length from the other person, or if impulse noise is present.

The evaluation of noise using an integrating sound level meter or dosimeter must be performed by a person with the necessary knowledge acting in compliance with best practices. The person must be available throughout the working day. In addition, the integrating sound level meter or dosimeter must be correctly calibrated on site, before and after the measurement is made, in accordance with the manufacturer's instructions for the instrument used.

2.21.8. The measurement of the daily noise exposure level and peak sound pressure level must be made in view of the recommendations made in ISO Standard 9612:2009, Acoustics – Determination of occupational noise exposure – Engineering method, – or in CSA Standard Z107.56-13, 2014, Measurement of noise exposure.

In addition, the integrating sound level meter or dosimeter used for the measurement must be a model recommended in one of the two standards.

2.21.9. The measurement of the daily noise exposure level and peak sound pressure level must be made by

(1) a professional or technician with training in occupational hygiene or specialized training in acoustics; or

(2) a person who masters best practices in the field of noise measurement.

This section shall not have the effect of preventing the employer from designating a person to assist the person referred to in the first paragraph, provided the latter person retains entire responsibility for the measurements made pursuant to section 2.21.8.

2.21.10. The employer must provide hearing protectors that meet the performance and selection requirements in the following clauses of CSA Standard Z94.2-2014, Hearing Protection Devices – Performance, Selection, Care, and Use:

- (1) 3 to 8.2.1;
- (2) 8.2.4 to 9.1;
- (3) 9.3.4;
- (4) 9.4;
- (5) 9.5.3 to 9.6.1;
- (6) 9.6.3 to 9.7.1;
- (7) 9.8.3;
- (8) 9.9 to 10.3.5;
- (9) 11.2.3 to 11.2.5;
- (10) 12 to 12.2.6.3;
- (11) tables 1 to 6;
- (12) annexes A, B and D.

For the purposes of Clause 9.6.4.3 of the standard, the result of a measurement performed in accordance with section 2.21.8 may be used as a measurement of a worker's noise exposure, namely the $L_{ex,8h}$ or $L_{EX,8h}$ equivalent.

That measurement is not mandatory where the employer selects hearing protectors according to the single-number ratings method provided for in the standard.

The employer may also provide hearing protectors that meet

(1) the performance requirements set out in the following clauses of Hearing protectors - general requirements or Safety requirements and testing, as the case may be:

(a) 1 to 6 and annexes A and ZA of Part 1: Ear-muffs, NF EN 352-1;

(b) 1 to 6 and annexes A and ZA of Part 2: Earplugs, NF EN 352-2;

(c) 1 to 6 and annexes A and ZA of Part 3: Ear-muffs attached to an industrial safety helmet, NF EN 352-3;

(d) 1 to 7 and annexes A, B and ZA of Part 4: Level-dependent ear-muffs, NF EN 352-4;

(e) 1 to 7 and annexes A, B and ZA of Part 5: Active noise-reduction ear-muffs, NF EN 352-5;

(f) 1 to 7 and annexes A, B and ZA of Part 6: Ear-muffs with electrical audio input, NF EN 352-6;

(g) 1 to 7 and annexes A, B and ZA of Part 7: Level-dependent earplugs, NF EN 352-7; and

(2) the selection requirements set out in the following clauses of the NF Standard EN 458:2016, *Hearing protectors - Recommendations for selection, use, care and maintenance - Guidance document*:

(a) 3 to 4;

(b) 6 to 6.2.1;

(c) 6.2.3 to 6.5;

(d) 6.8 to 6.9.2;

(e) annexes A to E.

For the purposes of Clause 6.2.3.2 and Annex B of NF Standard EN 458:2016, the result of a measurement made in accordance with section 2.21.8 may be used as a measurement of the peak sound pressure level.

A hearing protector meets the requirements of this section if it conforms to the most recent or second most recent version of a standard named in the section and has not exceeded the manufacturer's expiry date, if any.

2.21.11. The hearing protectors provided for a worker must attenuate noise in such a way that the worker is not exposed to levels that exceed those established in section 2.21.2.

2.21.12. The employer must provide workers with theoretical and practical training on hearing protectors that addresses

(1) their use and the elements to be taken into consideration in selecting hearing protectors in response to different workplace situations;

(2) the adjustment of hearing protectors;

(3) the inspection of hearing protectors;

(4) the maintenance of hearing protectors;

(5) the risks associated with noise and the importance of wearing protectors during any exposure to noise;

(6) the methods used to evaluate noise levels pursuant to section 2.21.7.

2.21.13. The employer must post or disseminate in another way any report of a measurement made pursuant to section 2.21.8 not later than 15 days after the report becomes available.

The report must be readily accessible to workers in a visible place until the closure of the worksite or for a minimum period of 3 months, whichever date occurs first.

2.21.14. The employer must include and update in the prevention program, or if none in a register, the following entries and documents:

(1) the workplace situations where limits may be exceeded, as identified when the work was planned;

(2) the reasonable means implemented;

(3) the reports on the measurements made pursuant to section 2.21.8, if applicable.

The employer must keep the information specified in the first paragraph for a period of 10 years, and must keep the other information until the closure of the worksite. The employer must also make it available to the Commission, to workers and their representatives, to the safety representative and to the health and safety committee.”

3. Sections 2.10.7.1 to 2.10.7.9 of the Code are revoked.

4. This Regulation comes into force on 16 June 2023.

Regulation to amend the Regulation respecting safety representatives in establishments

Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 10, 12, 19, 21 and 42, and 2nd and 3rd pars.)

1. The Regulation respecting safety representatives in establishments (chapter S-2.1, r. 12) is amended by replacing “dBA sonometer” in Schedule 2 by “integrating sound level meter or dosimeter”.

2. This Regulation comes into force on 16 June 2023.

Regulation to repeal the Regulation respecting the quality of the work environment

Act respecting occupational health and safety
(chapter S 2.1, s. 223)

1. The Regulation respecting the quality of the work environment (chapter S-2.1, r. 11) is revoked.

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

105088

M.O., 2021-03

Order number V-1.1-2021-03 of the Minister of Finance dated 4 June 2021

Securities Act
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 45-106 respecting Prospectus Exemptions

WHEREAS paragraphs 1, 6, 11, 14 and 34 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the Regulation 45-106 respecting Prospectus Exemptions was approved by ministerial order no. 2009-05 dated 9 September 2009 (2009, *G.O.* 2, 3362A);

WHEREAS there is cause to amend this Regulation;

WHEREAS the draft Regulation to amend Regulation 45-106 respecting Prospectus Exemptions was published for a first consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 15, no. 9 of 8 March 2018;

WHEREAS the draft Regulation to amend Regulation 45-106 respecting Prospectus Exemptions was published for a second consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 16, no. 11 of 21 March 2019;

WHEREAS the revised text of the draft Regulation to amend Regulation 45-106 respecting Prospectus Exemptions was published in the *Bulletin de l'Autorité des marchés financiers*, vol. 17, no. 31 of 6 August 2020;

WHEREAS the *Autorité des marchés financiers* made, on 26 May 2021, by the decision no. 2021-PDG-0020, Regulation to amend Regulation 45-106 respecting Prospectus Exemptions;

WHEREAS there is cause to approve this Regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend Regulation 45-106 respecting Prospectus Exemptions appended hereto.

4 June 2021

ERIC GIRARD
Minister of Finance

REGULATION TO AMEND REGULATION 45-106 RESPECTING PROSPECTUS EXEMPTIONS

Securities Act

(chapter V-1.1, s. 331.1, par. (1), (6), (11), (14) and (34))

1. Section 1.1 of Regulation 45-106 respecting Prospectus Exemptions (chapter V-1.1, r. 21) is amended:

(1) by inserting, after the definition of the expression “private enterprise”, the following:

““professional association” means an association or other organization, whether incorporated or not, of real property appraisers that

(a) has its head office in Canada,

(b) admits its members on the basis of their academic qualifications, experience and ethical fitness,

(c) requires its members to meet standards of competence and comply with a code of ethics it has established or endorsed,

(d) requires or encourages its members to engage in continuing professional development, and

(e) under the powers conferred by statute or under an agreement, may suspend or expel its members if misconduct occurs;”;

(2) by inserting, after the definition of the expression “QT circular”, the following:

““qualified appraiser” means an individual who

(a) regularly performs property appraisals for compensation,

(b) is a member of a professional association and holds the designation, certification or licence to act as an appraiser for the class of property appraised, and

(c) is in good standing with the professional association referred to in paragraph (b);”;

(3) by inserting, after the definition of the expression “subsidiary”, the following:

““syndicated mortgage” means a mortgage in which 2 or more persons participate, directly or indirectly, as a lender in a debt obligation that is secured by the mortgage;”.

2. Section 2.4 of the Regulation is amended:

(1) by inserting, in paragraph (4) and after the words “a short-term securitized product”, the words “or a syndicated mortgage”;

- (2) by adding the following paragraph:

“(6) In Ontario, subsection 73.4(2) of the Securities Act does not apply to a distribution of a short-term securitized product or a syndicated mortgage.”.

3. Section 2.5 of the Regulation is amended by deleting, in paragraph (3), “or, in Ontario, a distribution under subsection 73.4(2) of the Securities Act (R.S.O. 1990, c. S.5)”.

4. Section 2.9 of the Regulation is amended:

- (1) by replacing, in subparagraph (d) of paragraph (11.1), “10” with “(10)”;

- (2) by adding, after paragraph (18), the following:

“(19) For the purposes of subsections (19.1) and (19.3), a qualified appraiser is independent of an issuer of a syndicated mortgage if there is no circumstance that, in the opinion of a reasonable person aware of all the relevant facts, could interfere with the qualified appraiser’s judgment regarding the preparation of an appraisal for a property.

“(19.1) Subsections (1), (2) and (2.1) do not apply to a distribution of a syndicated mortgage by an issuer unless, at the same time or before the issuer delivers an offering memorandum to the purchaser in accordance with subsections (1), (2) or (2.1), the issuer delivers to the purchaser an appraisal of the property subject to the syndicated mortgage that

- (a) is prepared by a qualified appraiser who is independent of the issuer,

(b) includes a certificate signed by the qualified appraiser stating that the appraisal is prepared in accordance with the standards and the code of ethics established or endorsed by the professional association of which the qualified appraiser is a member,

(c) provides the appraised fair market value of the property subject to the syndicated mortgage, without considering any proposed improvements or proposed development, and

(d) provides the appraised fair market value of the property as at a date that is within 6 months preceding the date that the appraisal is delivered to the purchaser.

“(19.2) An issuer of a syndicated mortgage relying on an exemption set out in subsection (1), (2) or (2.1) must not make a representation of, or give an opinion as to, the value of a property subject to the syndicated mortgage in any communication related to the distribution under the exemption, unless the issuer has a reasonable basis for that value.

“(19.3) If an issuer of a syndicated mortgage relying on an exemption set out in subsection (1), (2) or (2.1) discloses in any communication related to the distribution under the exemption any representation of, or opinion as to, the value of a property subject to the syndicated mortgage, other than the appraised fair market value disclosed in the appraisal referred to in subsection (19.1), the issuer must also disclose in that communication,

(a) with equal or greater prominence as the representation or opinion, the appraised fair market value referred to in subsection (19.1),

(b) the material factors or assumptions used to determine the representation or opinion, and

(c) whether or not the representation or opinion was determined by a qualified appraiser who is independent of the issuer.

“(19.4) The issuer must file a copy of an appraisal delivered under subsection (19.1) with the securities regulatory authority concurrently with the filing of the offering memorandum.”.

5. Section 2.36 of the Regulation is amended:

(1) by repealing paragraph (1);

(2) by replacing, in paragraph (2), the words “Except in Ontario, the prospectus requirement” with the words “The prospectus requirement”;

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

“(3) Subsection (2) does not apply to the distribution of a syndicated mortgage.”.

6. Section 6.4 of the Regulation is amended by adding, after paragraph (2), the following:

“(3) Despite subsections (1) and (2), an offering memorandum for the distribution of a syndicated mortgage under section 2.9 must be prepared in accordance with Form 45-106F2 and Form 45-106F18.”.

7. The Regulation is amended by adding, after Form 45-106F17, the following:

**“FORM 45-106F18
SUPPLEMENTAL OFFERING MEMORANDUM DISCLOSURE FOR SYNDICATED
MORTGAGES**

INSTRUCTIONS

1. *Provide all disclosure required under Form 45-106F2, as supplemented by this form, including information about the borrower under the syndicated mortgage. Where the headings in Form 45-106F2 and this form are the same, provide all of the required disclosure under the Form 45-106F2 heading.*

2. *You do not need to follow the order of items in this form. Information required in this form that has already been disclosed in response to the requirements of Form 45-106F2 need not be repeated.*

3. *You do not need to respond to any item in this form that is inapplicable.*

4. *Certain items in this form require disclosure about the issuer of a syndicated mortgage and the borrower under a syndicated mortgage. In some cases, the borrower is the issuer of the syndicated mortgage. In these circumstances, the terms “issuer” and “borrower” are interchangeable and there is no requirement to duplicate information.*

5. *In this form, the distribution of a syndicated mortgage is also referred to as the “offering”. The lenders or investors in a syndicated mortgage are also referred to in this form as the “purchasers”.*

6. *In this form, “principal holder” means each person who beneficially owns, or directly or indirectly has control or direction over, 10% or more of any class of voting securities of another person. If a principal holder is not an individual, in addition to the other disclosure requirements, provide the information required for the principal holder for any person that beneficially owns, or directly or indirectly has control or direction over more than 50% of the voting rights of the principal holder.*

7. *In this form, “related party” has the meaning set out in the General Instructions to Form 45-106F2.*

8. *Where this form requires an issuer to indicate that copies of a document are available on request, the issuer must provide a copy of such document when requested.*

Item 1 Description of the Offering

(1) Provide the following information about the investment being offered and the legal rights of the purchaser:

(a) the nature of the investment, i.e., whether it is a participation in a mortgage, an assignment of a participation in a mortgage, a mortgage unit or some other direct or indirect interest or participation in a mortgage over real property and the legal rights of the purchaser attaching to the investment;

(b) the rights of the purchaser on default by the borrower and the rights of the purchaser to share in the proceeds of any recovery from the borrower, in particular the purchaser's voting rights and whether the purchaser has the right to institute individual legal action against the borrower and, if not, the person or persons who may institute or coordinate the institution of legal action against the borrower;

(c) if the issuer of the syndicated mortgage is not the borrower under the syndicated mortgage, the rights of the purchaser against the issuer of the syndicated mortgage on default by the borrower, if any;

(d) any other material information about the investment or the legal rights of the purchaser.

(2) Describe the project and the plans for the use of the funds.

Item 2 Raising of Funds

(1) If the funds to be raised through the offering are required to be raised in stages, disclose the period over which the funds will be raised and the factors that determine when they will be raised.

(2) If there are any arrangements under which any part of the funds raised will only become available to the borrower if certain conditions are fulfilled, describe those conditions, the procedure for the return of funds to the purchaser if the conditions are not met and any deduction or penalty imposed on the borrower or any other person for not meeting the conditions. Disclose details of the arrangements made for, and the persons responsible for, the supervision of the trust or escrow account or the investment of unreleased funds, and the investment policy to be followed.

Item 3 Other Risk Factors Specific to Syndicated Mortgages

(1) State in bold:

“Investments in syndicated mortgages are speculative and involve a high degree of risk. You should be aware that this investment has not only the usual risks associated with the financial ability of the borrower to make repayments, but also additional risks associated with syndication.”.

(2) If the syndicated mortgage includes a personal covenant, guarantee or other financial commitment, state in bold:

“The ability of the person providing the personal covenant, guarantee or other financial commitment to perform under the personal covenant, guarantee or other financial commitment will depend on the financial strength of the person. There is no assurance that the person will have the financial ability to be able to satisfy the person’s obligations under the personal covenant, guarantee or other financial commitment. You might not receive any return from your investment or the initial amount invested.”.

(3) Disclose any material risk factors associated with the offering.

INSTRUCTIONS

Potential risk factors include, but are not limited to, any of the following:

- (a) the reliance on the ability of the borrower to make payments under the mortgage;*
- (b) the financial strength of any person offering a personal covenant, guarantee or other financial commitment;*
- (c) the ability to raise further funds as progress in development or construction takes place;*
- (d) changes in land value;*
- (e) unanticipated construction and development costs or delays;*
- (f) the expertise of the parties involved in administering the syndicated mortgage or operations involving the property;*
- (g) the ability to recover one’s investment in the event of foreclosure;*
- (h) operational risks involving the businesses of any tenants of the property;*
- (i) restrictions on the ability of purchasers to take action individually if the borrower defaults;*
- (j) whether there are other liabilities secured against the mortgaged property and their maturity schedule;*
- (k) the ranking of the syndicated mortgage in relation to other mortgages and liabilities secured against the mortgaged property, including any potential for future subordination;*

(l) *conflicts of interest between the borrower, purchasers, issuer or others involved in the offering;*

(m) *inadequate insurance coverage;*

(n) *inability to change the trustee (if any);*

(o) *the restrictions imposed by securities legislation on the resale of the syndicated mortgage and the resulting lack of liquidity.*

Item 4 Administration of the Mortgage

(1) Describe how the syndicated mortgage will be administered as well as all parties involved, including the name, address, contact person and any relevant licences or registration held by each party.

(2) Provide the following information about the specific responsibilities of all parties involved in the administration of the syndicated mortgage:

(a) collection responsibility for payments due under the syndicated mortgage;

(b) commencement of legal action on default;

(c) follow-up on insurance expirations or cancellations;

(d) all other material matters of administration to be provided by the person administering the syndicated mortgage.

(3) Describe the material terms of any administration agreement related to the syndicated mortgage.

(4) Disclose all fees and expenses to be charged to the purchaser under the administration agreement and how they are to be calculated.

(5) Disclose that copies of the administration agreement are available from the issuer on request and explain how to request a copy.

Item 5 Trust or Other Agreement

(1) Disclose whether there is any trust or other agreement that provides for any person to make advances of the funds to the borrower and to distribute the proceeds of repayments made by the borrower.

(2) Provide the following information about any agreement disclosed under subsection (1):

(a) whether the purchaser is required to grant a power of attorney to the trustee and the terms of that power of attorney;

(b) all fees and expenses to be charged to the purchaser under the agreement;

- (c) the specific responsibilities of all parties to the agreement regarding the following:
 - (i) the opening of a trust account into which all investment proceeds must be paid until advanced to the borrower and into which all proceeds received in repayment of the syndicated mortgage must be paid before distribution to the purchasers;
 - (ii) details of how payments related to the syndicated mortgage will be made;
 - (iii) the mechanism for replacing the trustee and the procedures for dispute resolution;
 - (d) any other material terms of the agreement.
- (3) Disclose that copies of any agreement disclosed under subsection (1) are available from the issuer on request and explain how to request a copy.

Item 6 Property Subject to the Mortgage

Provide the following information about the property subject to the mortgage:

- (a) the address and legal description;
- (b) the past, current and intended use;
- (c) any proposed improvements;
- (d) the date of acquisition of the property and the purchase price paid;
- (e) the details, including the purchase price, of any other transactions involving the property known to the borrower, any related party of the borrower or any of their respective partners, directors, officers or principal holders;
- (f) if the borrower is not the issuer of the syndicated mortgage, the details, including the purchase price, of any other transactions involving the property known to the issuer, any related party of the issuer or any of their respective partners, directors, officers or principal holders;
- (g) any material contractual arrangements relating to the property;
- (h) any insurance policies applicable to the property and their status;
- (i) any material claims or litigation;
- (j) any known contamination or environmental concerns;
- (k) any other material facts.

Item 7 Description of the Syndicated Mortgage

(1) Provide the following information about the syndicated mortgage:

(a) the principal amount, term, amortization period, interest rate, maturity date, any prepayment entitlement, the ranking of the syndicated mortgage (i.e., first, second, etc.) and any ability of the borrower to subordinate the syndicated mortgage to other indebtedness or to require the purchaser to consent to the subordination of the syndicated mortgage;

(b) the material terms and relative priority of any other mortgages or liabilities secured against the mortgaged property;

(c) the loan-to-value ratio of the property, calculated on an aggregate basis using the following formula:

$$A \div B$$

where A is the aggregate of the following:

(i) the loan value of the syndicated mortgage and

(ii) the loan value of all other mortgages or liabilities secured against the mortgaged property with priority that is equal to or greater than the syndicated mortgage, assuming in all cases that the maximum amount of any such mortgage or liability is fully drawn, and B is the appraised value of the property described under item 8;

(d) the impact on the loan-to-value ratio of any potential future subordination of the syndicated mortgage;

(e) the aggregate dollar amount of the funds being raised under the offering;

(f) the status of the syndicated mortgage, including whether there are any arrears and, if so, the amount and due dates of outstanding payments;

(g) the means by which the repayments by the borrower will be distributed and the procedure for establishing the proportion to which each purchaser is entitled to share in the distribution;

(h) the source of funds that the borrower will use to make payments on the syndicated mortgage, including any reserve accounts or other fund maintained by the borrower or any other person;

(i) any other material terms.

(2) Describe the material terms of any commitment letter, or other commitment document, that sets out the terms of the commitment to advance funds to the borrower.

(3) Disclose that copies of the commitment letter, or other commitment document, are available from the issuer on request and explain how to request a copy.

Item 8 Appraisal

(1) Provide the following information about the most recent appraisal of the value of the property subject to the mortgage, prepared by a qualified appraiser in accordance with subsection 2.9(19.1) of Regulation 45-106 respecting Prospectus Exemptions (chapter V-1.1, r. 21):

- (a) the method used;
- (b) all assumptions made;
- (c) any qualifications or limitations;
- (d) the date of the valuation.

(2) Describe the most recent assessment of the property subject to the mortgage, including existing improvements by any provincial or municipal assessment authority.

Item 9 Exemptions

Disclose any statutory or discretionary exemption from the registration requirement that is being relied upon by any person involved in the offering of the syndicated mortgage.

Item 10 Guarantees or Other Similar Financial Commitments

(1) Summarize the terms of any personal covenant, guarantee or other financial commitment provided in connection with the syndicated mortgage. Explain how the personal covenant, guarantee or financial commitment works.

(2) Disclose that copies of the personal covenant, guarantee or other financial commitment are available from the issuer on request and explain how to request a copy.

(3) Describe the business experience of the person providing any personal covenant, guarantee or other financial commitment.

(4) Describe the financial resources of the person providing the personal covenant, guarantee or other financial commitment. The description must enable a reasonable purchaser applying reasonable effort to understand the person's ability to meet the obligations under the personal covenant, guarantee or other financial commitment.

(5) Disclose whether the purchasers will be entitled to ongoing disclosure of the financial position of the person providing any personal covenant, guarantee or other financial commitment during the period of the personal covenant, guarantee or other financial commitment, and the nature, verification, timing and frequency of any disclosure that will be provided to purchasers.

Item 11 Organization of Mortgage Broker, Mortgage Brokerage or Mortgage Agency

State the laws under which any firm acting as a mortgage broker, mortgage brokerage or mortgage agency is organized and the date of formation of the mortgage broker, mortgage brokerage or mortgage agency.

Item 12 Borrower Information

If the borrower is not the issuer of the syndicated mortgage, provide the disclosure required under items 2, 3, 4 and 12 of Form 45-106F2 as if the borrower were the issuer of the syndicated mortgage.

Item 13 Developer

If the property subject to the syndicated mortgage is being developed, state the laws under which the developer is organized and the date of formation of the developer. Describe the business of the developer and any prior experience of the developer in similar projects.

Item 14 Mortgage Broker, Mortgage Brokerage or Mortgage Agency, Partners, Directors, Officers and Principal Holders

(1) Disclose the name, municipality of residence and principal occupation for the 5 years preceding the date of the offering memorandum of any individual mortgage broker involved in the offering and the partners, directors, officers and any principal holders of any firm acting as a mortgage broker, mortgage brokerage or mortgage agency involved in the offering.

(2) Disclose any penalty or sanction, including the reason for it and whether it is currently in effect, that has been in effect during the 10 years preceding the date of the offering memorandum, or any cease trade order that has been in effect for a period of more than 30 consecutive days during the 10 years preceding the date of the offering memorandum against any of the following:

(a) a mortgage broker, mortgage brokerage or mortgage agency involved in the offering;

(b) a director, officer or principal holder of a firm acting as a mortgage broker, mortgage brokerage or mortgage agency involved in the offering;

(c) any issuer of which a person referred to above was a director, officer or principal holder at the time of the penalty or sanction.

(3) Disclose any declaration of bankruptcy, voluntary assignment in bankruptcy, proposal under any bankruptcy or insolvency legislation, proceedings, arrangement or compromise with creditors or appointment of a receiver, receiver manager or trustee to hold assets that has been in effect during the 10 years preceding the date of the offering memorandum with respect to any of the following:

(a) a mortgage broker, mortgage brokerage or mortgage agency involved in the offering;

(b) a director, officer or principal holder of a firm acting as a mortgage broker, mortgage brokerage or mortgage agency involved in the offering;

(c) any issuer of which a person referred to above was a director, officer or principal holder at the time of the declaration, assignment, proposal, proceedings, arrangement, compromise or appointment.

Item 15 Developer, Partners, Directors, Officers and Principal Holders

(1) Disclose the name and address of any developer of the property subject to the syndicated mortgage.

(2) Disclose any penalty or sanction, including the reason for it and whether it is currently in effect, that has been in effect during the 10 years preceding the date of the offering memorandum, or any cease trade order that has been in effect for a period of more than 30 consecutive days during the 10 years preceding the date of the offering memorandum against any of the following:

(a) a developer of the property subject to the syndicated mortgage;

(b) a director, officer or principal holder of a developer of the property subject to the syndicated mortgage;

(c) any issuer of which a person referred to above was a director, officer or principal holder at the time of the penalty or sanction.

(3) Disclose any declaration of bankruptcy, voluntary assignment in bankruptcy, proposal under any bankruptcy or insolvency legislation, proceedings, arrangement or compromise with creditors or appointment of a receiver, receiver manager or trustee to hold assets that has been in effect during the 10 years preceding the date of the offering memorandum with respect to any of the following:

(a) a developer of the property subject to the syndicated mortgage;

(b) a director, officer or principal holder of a developer of the property subject to the syndicated mortgage;

(c) any issuer of which a person referred to above was a director, officer or principal holder at the time of the declaration, assignment, proposal, proceedings, arrangement, compromise or appointment.

Item 16 Conflicts of Interest

(1) Describe any existing or potential conflicts of interest among any of the following:

(a) the borrower;

(b) the issuer;

(c) a mortgage broker, mortgage brokerage or mortgage agency involved in the offering;

(d) a developer of the property subject to the syndicated mortgage;

(e) any partners, directors, officers or principal holders of the borrower, issuer, mortgage broker, mortgage brokerage or mortgage agency, or developer;

(f) the trustee, administrator of the mortgage, or any other person providing goods or services to the borrower, issuer, mortgage broker, mortgage brokerage or mortgage agency or developer in connection with the syndicated mortgage.

(2) Describe any direct or indirect interest in the property subject to the syndicated mortgage, the borrower or the business of the borrower held by any of the following:

(a) any mortgage broker, mortgage brokerage or mortgage agency, developer, trustee or administrator involved in the offering;

(b) a director, officer or principal holder of a person listed above.

Item 17 Material Contracts

(1) To the extent not already disclosed elsewhere in the offering memorandum, describe each material contract relating to the offering or the syndicated mortgage that is in force or is to be entered into by the borrower, issuer, mortgage broker, mortgage brokerage, mortgage agency or developer, or any related party of the foregoing.

(2) Disclose that copies of the material contracts are available from the issuer on request and explain how to request a copy.

Item 18 Disclosure of Fees

(1) Disclose whether a mortgage broker, mortgage brokerage or mortgage agency has provided a disclosure statement under mortgage legislation to the borrower concerning all fees, by whatever name those fees are called, to be charged to the borrower. Disclose that copies of the disclosure statement are available from the issuer on request and explain how to request a copy.

(2) If no mortgage broker, mortgage brokerage or mortgage agency has provided a disclosure statement to the borrower, describe the fees, by whatever name those fees are called, that are to be charged to the borrower, how they are to be calculated and paid and when any person involved in the distribution is entitled to payment.

(3) Disclose all fees, by whatever name those fees are called, to be paid by the purchaser, directly or indirectly, in connection with the syndicated mortgage.

Item 19 Registration Documentation

State:

“In addition to all other documentation received, the purchaser should request from the borrower, issuer or any mortgage broker, mortgage brokerage or mortgage agency involved in the distribution, the following documentation:

(a) a copy of the certificate of mortgage interest or assignment of the mortgage or any other document evidencing the investment;

(b) a copy of any confirmation signed by any secured party with priority over the syndicated mortgage confirming the outstanding balance of its encumbrance over the property and confirming that the borrower is not in arrears with any payments;

(c) written confirmation of valid insurance on the property and disclosure of the interest of the purchaser in the insurance;

(d) written confirmation that there are no outstanding arrears or delinquent municipal property taxes on the property;

- (e) a state of title certificate or equivalent, showing the registration of the syndicated mortgage;
- (f) a copy of any administration agreement or trust indenture;
- (g) a copy of any agreement the purchaser entered into in connection with the distribution of the syndicated mortgage.”.

8. (1) This Regulation comes into force on 1 July 2021.

(2) In Ontario, despite paragraph (1), this Regulation comes into force on the later of the following:

(a) 1 July 2021; and

(b) the day on which sections 4 and 5 of Schedule 37 to Bill 177, Stronger, Fairer Ontario Act (Budget Measures), 2017 are proclaimed into force.

(3) In Saskatchewan, despite paragraph (1), if this Regulation is filed with the Registrar of Regulations after 1 July 2021, this Regulation comes into force on the day on which it is filed with the Registrar of Regulations.

105090

M.O., 2021-04

Order number V-1.1-2021-04 of the Minister of Finance dated 4 June 2021

Securities Act
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations

WHEREAS paragraphs 11 and 26 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations was approved by ministerial order no. 2009-04 dated 9 September 2009 (2009, *G.O.* 2, 3309A);

WHEREAS there is cause to amend this Regulation;

WHEREAS the draft Regulation to amend Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations was published for a first consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 15, no. 9 of 8 March 2018;

WHEREAS the draft Regulation to amend Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations was published for a second consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 16, no. 11 of 21 March 2019;

WHEREAS the revised text of the draft Regulation to amend Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations was published in the *Bulletin de l'Autorité des marchés financiers*, vol. 17, no. 31 of 6 August 2020;

WHEREAS the *Autorité des marchés financiers* made, on 26 May 2021, by the decision no. 2021-PDG-0022, Regulation to amend Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations;

WHEREAS there is cause to approve this Regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations appended hereto.

4 June 2021

ERIC GIRARD
Minister of Finance

REGULATION TO AMEND REGULATION 31-103 RESPECTING REGISTRATION REQUIREMENTS, EXEMPTIONS AND ONGOING REGISTRANT OBLIGATIONS

Securities Act
(chapter V-1.1, s. 331.1, par. (11) and (26))

1. Section 8.12 of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations (chapter V-1.1, r. 10) is amended:

(1) by replacing, in paragraph (3), “In Alberta, British Columbia, Manitoba, New Brunswick, Québec and Saskatchewan, subsection (2)” with “Subsection (2)”;

(2) by repealing paragraph (4).

2. (1) This Regulation comes into force on 1 July 2021.

(2) In Ontario, despite paragraph (1), this Regulation comes into force on the later of the following:

(a) 1 July 2021; and

(b) the day on which sections 4 and 5 of Schedule 37 to Bill 177, Stronger, Fairer Ontario Act (Budget Measures), 2017 are proclaimed into force.

(3) In Saskatchewan, despite paragraph (1), if this Regulation is filed with the Registrar of Regulations after 1 July 2021, this Regulation comes into force on the day on which it is filed with the Registrar of Regulations.

M.O., 2021-05

Order number V-1.1-2021-05 of the Minister of Finance dated 4 June 2021

Securities Act
(chapter V-1.1)

CONCERNING the Regulation respecting the Distribution of Syndicated Mortgages

WHEREAS paragraphs 11 and 34 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the draft Regulation respecting the Distribution of Syndicated Mortgages was published for a first consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 17, no. 31 of 6 August 2020;

WHEREAS the draft Regulation respecting the Distribution of Syndicated Mortgages was published for a second consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 18, no. 11 of 18 March 2021;

WHEREAS the *Autorité des marchés financiers* made, on 26 May 2021, by the decision no. 2021-PDG-0024, Regulation respecting the Distribution of Syndicated Mortgages;

WHEREAS there is cause to approve this Regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation respecting the Distribution of Syndicated Mortgages appended hereto.

4 June 2021

ERIC GIRARD
Minister of Finance

REGULATION RESPECTING THE DISTRIBUTION OF SYNDICATED MORTGAGES

Securities Act
(chapter V-1.1, s. 331.1, pars. (11) and (34))

CHAPTER I DEFINITIONS

1. In this Regulation:

“**permitted client**” has the same meaning as in section 1.1 of Regulation 31-103 respecting registration requirements, exemptions and ongoing registrant obligations (V-1.1, r. 10);

“**qualified syndicated mortgage**” means a syndicated mortgage that satisfies all of the following:

(a) the syndicated mortgage secures a debt obligation on an immovable that satisfies all of the following:

- (i) it is used primarily for residential purposes;
- (ii) it includes no more than four units;
- (iii) it includes no more than one unit that is used for non-residential purposes;

(b) the syndicated mortgage does not secure a debt obligation incurred for the construction or development of an immovable;

(c) at the time the syndicated mortgage is arranged, the amount of the debt it secures, together with all other debt secured by mortgages on the immovable that have priority over, or the same priority as, the syndicated mortgage, assuming in all cases that the maximum amounts of any such mortgages are fully drawn, does not exceed 80 per cent of the fair market value of the immovable relating to the mortgage, excluding any value that may be attributed to proposed or pending development of the immovable;

(d) the syndicated mortgage cannot be subordinated to future financing without the consent of each lender;

(e) there is no existing agreement that requires the lenders of the syndicated mortgage to consent to future subordination of the syndicated mortgage;

(f) no person has the ability to consent to future subordination of the syndicated mortgage on behalf of the lenders of the syndicated mortgage without obtaining the consent of each lender.

“**syndicated mortgage**” means a mortgage in which two or more persons participate, directly or indirectly, as a lender in a debt obligation that is secured by the mortgage;

“**trade**” has the same meaning as in section 1.7 of Regulation 45-106 respecting prospectus exemptions (chapter V-1.1, r. 21).

CHAPTER II PROSPECTUS EXEMPTIONS

2. Despite subsection (3) of section 2.36 of Regulation 45-106 respecting prospectus exemptions (chapter V-1.1, r. 21), the prospectus requirement does not apply to a distribution of a qualified syndicated mortgage.
3. Despite subsection (3) of section 2.36 of Regulation 45-106 respecting prospectus exemptions (chapter V-1.1, r. 21), the prospectus requirement does not apply to a distribution of a syndicated mortgage on an immovable to a permitted client.
4. A prospectus or a prospectus exemption is required to carry out the first trade of a security acquired under section 3.

CHAPTER III COMING INTO FORCE

5. This Regulation comes into force on 1 July 2021.

Draft Regulations

Draft Regulation

Cities and Towns Act
(chapter C-19)

Municipal Code of Québec
(chapter C-27.1)

Act respecting the Communauté métropolitaine
de Montréal
(chapter C-37.01)

Act respecting the Communauté métropolitaine
de Québec
(chapter C-37.02)

Act respecting public transport authorities
(chapter S-30.01)

**Expenditure threshold for a contract that may be
awarded only after a public call for tenders,
the minimum time for the receipt of tenders
and the expenditure ceiling allowing the territory
from which tenders originate to be limited
— Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation ordering the expenditure threshold for a contract that may be awarded only after a public call for tenders, the minimum time for the receipt of tenders and the expenditure ceiling allowing the territory from which tenders originate to be limited, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

The draft Regulation sets the threshold and ceiling for certain expenditures for a contract that may be discriminated depending on whether the goods or services are Canadian or the suppliers or contractors have an establishment in Canada.

Further information may be obtained by contacting Marc-André Bélanger, Direction de la démocratie, de l'éthique et de la gestion contractuelle municipales, Ministère des Affaires municipales et de l'Habitation, 10, rue Pierre-Olivier-Chauveau, Aile Chauveau, 3^e étage, Québec (Québec) G1R 4J3; telephone: 418 691-2015, extension 83866; email: marc-andre.belanger@mamh.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Marc-André Bélanger at the contact information mentioned above.

ANDRÉE LAFOREST
Minister of Municipal Affairs and Housing

**Regulation to amend the Regulation
ordering the expenditure threshold
for a contract that may be awarded
only after a public call for tenders,
the minimum time for the receipt
of tenders and the expenditure ceiling
allowing the territory from which tenders
originate to be limited**

Cities and Towns Act
(chapter C-19, s. 573.3.3.1.1)

Municipal Code of Québec
(chapter C-27.1, art. 938.3.1.1)

Act respecting the Communauté métropolitaine
de Montréal
(chapter C-37.01, s. 118.1.0.1)

Act respecting the Communauté métropolitaine
de Québec
(chapter C-37.02, s. 111.1.0.1)

Act respecting public transport authorities
(chapter S-30.01, s. 108.1.0.1)

1. The Regulation ordering the expenditure threshold for a contract that may be awarded only after a public call for tenders, the minimum time for the receipt of tenders and the expenditure ceiling allowing the territory from which tenders originate to be limited (chapter C-19, r. 5) is amended in section 2

(1) by inserting “or, where such tender may be transmitted through the electronic tendering system approved by the Government, 25 days” after “30 days” in paragraph 4;

(2) by inserting “or, where such tender may be transmitted through the electronic tendering system approved by the Government, 25 days” after “30 days” in paragraph 6;

2. The following is added after section 4:

“**4.1.** The expenditure ceiling allowing discrimination based on territory under subparagraph 1 of the first paragraph of section 573.1.0.4.1 of the Cities and Towns Act (chapter C-19), subparagraph 1 of the first paragraph of article 936.0.4.1 of the Municipal Code of Québec (chapter C-27.1), subparagraph 1 of the first paragraph of section 112.0.0.0.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), subparagraph 1 of the first paragraph of section 105.0.0.0.1 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) and subparagraph 1 of the first paragraph of section 99.0.0.1 of the Act respecting public transport authorities (chapter S-30.01) is \$366,200 in the case of a supply contract or a services contract and \$9,100,000 in the case of a construction contract.

4.2. The expenditure threshold allowing discrimination based on territory under the fifth paragraph of section 573.1.0.4.1 of the Cities and Towns Act (chapter C-19), the fifth paragraph of article 936.0.4.1 of the Municipal Code of Québec (chapter C-27.1) and the fifth paragraph of section 99.0.0.1 of the Act respecting public transport authorities (chapter S-30.01) is \$366,200.”

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

105083

Draft Regulation

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

Occupational health and safety in mines — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting occupational health and safety in mines, appearing below, may be made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety (chapter S-2.1), on the expiry of 45 days following this publication.

The draft Regulation provides for amendments concerning, in particular, in an underground mine, the safe use of a tubular ladder emergency exit, the keeping of a ground control register, and the requirements for reducing the risk of fire at a shaft station. In addition, it specifies the

obligation for the supervision of explosives, as well as the requirements for their transportation and storage in an underground mine. Lastly, it revokes section 50, which requires the installation of a guard rail in an open pit mine, since other regulatory requirements cover the protection of workers against falls.

Study of the matter shows an economic impact of \$153,000 per year on all Québec enterprises for the keeping of a ground control register. Study of the matter has shown that the other regulatory amendments will have no financial impact on Québec enterprises.

Further information may be obtained by contacting Félix-Antoine Blanchard, engineer/expert advisor—mining sector, Direction du génie-conseil - Direction générale de la gouvernance et du conseil stratégique en prévention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 524, rue Bourdages, local 250, Québec (Québec) G1M 1A1; telephone: 418 266-4699, extension 2031; email: felix-antoine.blanchard@cnesst.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Luc Castonguay, Vice-President for Prevention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 524, rue Bourdages, local 220, Québec (Québec) G1K 7E2.

MANUELLE OUDAR

*Chair of the board of directors and Chief Executive
Officer of the Commission des normes, de l'équité,
de la santé et de la sécurité du travail*

Regulation to amend the Regulation respecting occupational health and safety in mines

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 7,
9 and 42, and 3rd par.)

1. The Regulation respecting occupational health and safety in mines (chapter S-2.1, r. 14) is amended in section 4 by adding the following paragraph at the end:

“The first paragraph does not apply when using a tubular ladder emergency exit.”

2. The following is inserted after section 7:

“**7.1.** Despite sections 5, 6 and 7, the full body harness, the fastening point of the lanyard and the vertical lifeline in a tubular ladder emergency exit are determined in accordance with sections 75.13 and 75.14.”

3. Section 27 is amended by inserting “28.03,” after “sections”.

4. The following is inserted after section 28.02:

“**28.03.** In an underground mine, a register shall be available to allow the employer or worker to enter any abnormal ground control situation. The worker or employer enters the place concerned, the date and the work shift in the register and signs it.

The technical services or ground control representative designated by the employer signs the register for each day of the week, within 5 days. He conducts follow-up and, when the situation requires it, enters comments or recommendations in the register.

The employer checks the register between each work shift and signs it.”.

5. Section 50 is revoked.

6. The following is inserted after section 75.1:

“**§5.1.** *Tubular ladder emergency exit in an underground mine*

75.2. A tubular ladder emergency exit shall be used exclusively for the evacuation of workers in an underground mine.

Subdivision 5 of Division III applies to a tubular ladder emergency exit, except paragraph 2 of section 72.

75.3. A tubular ladder emergency exit shall be designed, built, maintained and used so as not to endanger the safety of workers.

75.4. A tubular ladder emergency exit may not be installed in a shaft.

It shall comply with the plans and specifications of an engineer.

75.5. The excavation in which a tubular ladder emergency exit is installed shall be free from any cables, pipes or other services.

75.6. A tubular ladder emergency exit shall comply with the following standards:

(1) be built entirely of materials that, as of the date of manufacture, meet the requirements of the flame test for a vertical conduit of CAN/CSA Standard M427-M91, Fire-Performance and Antistatic Requirements for Ventilation Materials;

(2) be inclined at least 65° and not more than 80°;

(3) be free from any cables, pipes or other services, with the exception of those required for the installation of a fall-protection system pursuant to section 75.11 or a climb assist system;

(4) provide inside clearance of at least 70 cm (27.6 in) in diameter at all points;

(5) where the height of the exit is greater than 75 m (246.1 ft), have a climb assist system installed in accordance with the plans and specifications of an engineer and used and maintained in accordance with the manufacturer’s recommendations.

75.7. The ladder of a tubular ladder emergency exit shall comply with the following standards:

(1) have a minimum width of 450 mm (17.7 in) between the rails;

(2) have a distance of at least 185 mm (7.3 in) from the front of the rung to the wall of the tubular ladder emergency exit located behind the rung, measured perpendicularly from the centre of the rung;

(3) have a space between the top of the rungs of the ladder that complies with the dimensions provided for in section 67.

75.8. The rungs of the ladder of a tubular ladder emergency exit shall be covered with non-slip materials or be constructed so as to prevent slipping.

75.9. The ladder of the tubular ladder emergency exit shall extend at least 1 m (3.3 ft) beyond its upper rest landing or failing which, fixed handles shall be installed at an equivalent height.

75.10. Handrails or rails that provide three fulcrum points shall be installed in the tubular ladder emergency exit for the use of the ladder.

75.11. In places where the tubular ladder emergency exits are off-centre or where there is a difference of inclination of more than 10° between them, landings shall be installed.

75.12. The material required for mine rescue, such as a hoist and rope, shall be accessible on the site of a mine that has a tubular ladder emergency exit and be adapted to the height of the emergency exit.

75.13. Full body harnesses that comply with CAN/CSA Standard Z259.10-M90, Full Body Harnesses, shall be connected to a fall-protection system installed and designed in accordance with CSA Standard Z259.16, Design of Active Fall-Protection Systems, based on the number of persons who can use the tubular ladder emergency exit at the same time, as determined by an engineer.

Every worker who uses a tubular ladder emergency exit is required to wear a full body harness.

75.14. The full body harnesses used for a tubular ladder emergency exit shall have at least rings on the sternum, back and shoulders to allow for mine rescue.

75.15. The full body harnesses and the fall-protection system equipment determined in accordance with section 75.13 shall be accessible at the ends of a tubular ladder emergency exit in sufficient number for all users.

75.16. A worker may not enter a tubular ladder emergency exit unless the tools he is carrying are well secured to his waist by a belt or placed in a bag carried across his shoulder.

75.17. Bollards or other objects of the same kind shall be installed near the ends of a tubular ladder emergency exit to protect its integrity.

75.18. The ventilation in a tubular ladder emergency exit shall comply with the plans and specifications of an engineer.

The ventilation flow shall supply at least 5 changes of air per hour.

75.19. In addition to the safety measures provided for in section 117, a rescue procedure and an evacuation procedure specific to the use of the tubular ladder emergency exit shall be developed and tested.

The employer shall demonstrate, in particular by carrying out an evacuation drill, the effectiveness, reliability and safety of the tubular ladder emergency exit and its equipment before it is used for the first time and thereafter at least once a year.”

7. The following are inserted after section 151.1:

“**151.2.** The installation of an internal combustion engine, the parking of internal combustion motorized equipment or the storage of combustible materials or wastes between a shaft station and a fire door may not exceed 12 hours and shall be monitored by a worker.

Despite the first paragraph, internal combustion motorized equipment equipped with an extinguishing system that is activated when exposed to heat may be parked between a shaft station and a fire door until the completion of the work carried out at the shaft station.

151.3. Internal combustion motorized equipment equipped with an extinguishing system that is activated when exposed to heat may be parked at a shaft station or in the drift until the fire door is installed in the drift.”

8. Section 415 is amended by replacing “Subject to section 416.1, the second paragraph of section 418 and section 423, explosives located underground or on the surface shall be under the supervision of a worker designated for that purpose and stored in magazines that” in the portion before subparagraph 1 of the first paragraph by “Explosives located underground or on the surface shall be under the supervision of a worker designated for that purpose or stored, subject to section 416.1, the second paragraph of section 418 and section 423, in magazines that”.

9. Section 423 is amended

(1) by inserting “during a work shift or” after “interruption” in the portion before paragraph 1;

(2) by replacing “the quantity that can be loaded for the shifts planned on the workday schedule” in paragraph 1 by “the quantity required for the loading or the quantity that can be loaded for a 24-hours period”.

10. Section 497 is amended by replacing “armoured; the armour shall be of steel wire or the cable shall be covered with interlocked metal armour” in paragraph 1 by “armoured with steel wire, or the cable shall be covered with interlocked or fixed armour made of metal or another material providing at least equal electrical protection”.

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

105081

Treasury Board

Gouvernement du Québec

T.B. 224397, 1 June 2021

Act respecting the Government and
Public Employees Retirement Plan
(chapter R-10)

Amendments to Schedules I, II and II.1

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

Amendment to Schedule Schedule II

Amendments to Schedules I, II and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under paragraph 3 of section 2 of the Act, the plan also applies to an employee who is released without pay by his or her employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS, under section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.1.1 and II.2 and where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) and any such order may have effect 12 months or less before it is made;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 2) determines, in accordance with paragraph 25 of section 134 of the Act, the conditions that permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1 to that Act;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel, the Pension Plan of Management Personnel applies, to the extent provided for in Chapter I of that Act, to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the first paragraph of section 207 of that Act, the Government may, by order, amend Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan and any such order may have effect 12 months or less before it is made;

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

WHEREAS the consultation has taken place;

WHEREAS amendments are necessary to take into account the fact that certain bodies have changed names or have ceased their activities;

THAT the Amendments to Schedules I, II and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, are hereby made.

LOUIS TREMBLAY
Greffier du Conseil du trésor

Amendments to Schedules I, II and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

Act respecting the Government and Public Employees Retirement Plan (chapter R-10, s. 220)

Act respecting the Pension Plan of Management Personnel (chapter R-12.1, s. 207, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended in paragraph 1

(1) by striking out “Séminaire de St-Hyacinthe d’Yamaska, in respect of the employees who were participating in the plan on 30 June 1992”;

(2) by replacing “Syndicat des enseignants et des enseignantes du CEGEP Limoilou” by “Syndicat des professeurs et des professeuses du Cégep Limoilou”;

(3) by replacing “Syndicat des enseignantes et des enseignants du collège de l’Outaouais” by “Syndicat des Enseignantes et Enseignants du Cégep de l’Outaouais”;

(4) by striking out “Syndicat des infirmières, inhalothérapeutes, infirmières auxiliaires du Cœur-du-Québec (SIIIACQ) (CSQ)”;

(5) by striking out “Université du Québec, in respect of employees governed by the Teachers Pension Plan or the Civil Superannuation Plan, and who have made the election referred to in section 13 or 215.0.0.1.1 of this Act as it read on 31 December 2000”;

(6) by striking out “town of Vaudreuil, who were, on 31 May 1981, employees of the Station expérimentale de Vaudreuil”.

2. Schedule II is amended in paragraph 1 by replacing “Association des institutions d’enseignement secondaire” by “Fédération des établissements d’enseignement privés (FEPP)”.

3. Schedule II.1 is amended by striking out “Syndicat des infirmières, inhalothérapeutes, infirmières auxiliaires du Cœur-du-Québec (SIIIACQ) (CSQ)”.

4. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended in paragraph 1

(1) by replacing “Association des institutions d’enseignement secondaire” by “Fédération des établissements d’enseignement privés (FEPP)”;

(2) by striking out “Séminaire de St-Hyacinthe d’Yamaska, in respect of the employees who were members of the Government and Public Employees Retirement Plan on 30 June 1992”;

(3) by replacing “Syndicat des enseignants et des enseignantes du CEGEP Limoilou” by “Syndicat des professeurs et des professeuses du Cégep Limoilou”;

(4) by replacing “Syndicat des enseignantes et des enseignants du collège de l’Outaouais” by “Syndicat des Enseignantes et Enseignants du Cégep de l’Outaouais”;

(5) by striking out “Syndicat des infirmières, inhalothérapeutes, infirmières auxiliaires du Cœur-du-Québec (SIIIACQ) (CSQ)”;

(6) by striking out “Université du Québec, in respect of employees governed by the Teachers Pension Plan or the Civil Service Superannuation Plan, and who have made the election referred to in section 13 or 215.0.0.1.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) as it read on 31 December 2000”;

(7) by striking out “Ville de Vaudreuil, who were, on 31 May 1981, employees of the Station expérimentale de Vaudreuil”.

5. These amendments come into force on the date on which this Decision is made.

105080