



Part 2

LAWS AND REGULATIONS

30 March 2022 / Volume 154

Summary

Table of Contents
Regulations and other Acts
Draft Regulations

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2022

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

NOTICE TO USERS

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) and the Regulation respecting the *Gazette officielle du Québec* (chapter M-15.001, r. 0.1).

Partie 1, entitled "Avis juridiques", is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday.

Partie 2, entitled "Lois et règlements", and the English edition, Part 2 "Laws and Regulations", are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 is available to all free of charge and is published at 0:01 a.m. each Wednesday at the following address:

www.publicationsduquebec.gouv.qc.ca

Contents

Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

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

Rates*

1. Annual subscription to the printed version

Partie 1 «Avis juridiques»:	\$555
Partie 2 «Lois et règlements»:	\$761
Part 2 «Laws and Regulations»:	\$761

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$11.88 per copy.

3. Publication of a document in Partie 1:
\$1.91 per agate line.

4. Publication of a document in Part 2:
\$1.27 per agate line.

A minimum rate of \$278 is applied, however, in the case of a publication of fewer than 220 agate lines.

* **Taxes not included.**

General conditions

The electronic files of the document to be published — a Word version and a PDF with the signature of a person in authority — must be sent by email (gazette.officielle@servicesquebec.gouv.qc.ca) and received **no later than 11:00 a.m. on the Monday** preceding the week of publication. Documents received after the deadline are published in the following edition.

The editorial calendar listing publication deadlines is available on the website of the Publications du Québec.

In the email, please clearly identify the contact information of the person to whom the invoice must be sent (name, address, telephone and email).

For information, please contact us:

Gazette officielle du Québec

Email: gazette.officielle@servicesquebec.gouv.qc.ca
425, rue Jacques-Parizeau, 5^e étage
Québec (Québec) G1R 4Z1

Subscriptions

For a subscription to the printed version of the *Gazette officielle du Québec*, please contact:

Les Publications du Québec

Customer service – Subscriptions
425, rue Jacques-Parizeau, 5^e étage
Québec (Québec) G1R 4Z1
Telephone: 418 643-5150
Toll free: 1 800 463-2100

Fax: 418 643-6177

Toll free: 1 800 561-3479

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

Table of Contents

Page

Regulations and other Acts

308-2022	Supplemental pension plans (Amend.)	945
317-2022	Information that institutions must provide to the Minister of Health and Social Services (Amend.)	962
319-2022	Extension of the COVID-19 Self-test Distribution Program	969
Tricentris, la COOP de solidarité		970

Draft Regulations

Application of the Act respecting the sharing of certain health information		971
Conditions and procedures governing the review of a result		973
Lottery Scheme Regulation		974
Lottery Scheme Rules		977
Personnel in the traffic control industry in Québec		986
Québec immigration		993
Security guards		995
Tourist accommodation		996

Regulations and other Acts

Gouvernement du Québec

O.C. 308-2022, 16 March 2022

Supplemental Pension Plans Act
(chapter R-15.1)

Act mainly to allow the establishment of target-benefit pension plans
(chapter 30)

Supplemental pension plans

— Amendment

Regulation to amend the Regulation respecting supplemental pension plans

WHEREAS, under subparagraphs 1 to 2, 3.1, 7, 8.0.2, 8.0.5 to 8.0.7, 8.0.10, 8.5, 11, 12, 13 and 14 of the first paragraph of section 244 of the Supplemental Pension Plans Act (chapter R-15.1), Retraite Québec may, by regulation:

— determine the form and content of any document, certificate or attestation prescribed by the Act and the regulations;

— determine, for the purposes of section 22 of the Act, the rules to which the conversion of a target-benefit pension plan into another type of plan and the conversion of any type of plan into a target-benefit pension plan are subject;

— determine the documents and information that must accompany every application for registration of a pension plan or amendment;

— determine the rules applicable to the establishment of the benefits of the member to whom a benefit has been paid under section 69.1 of the Act;

— determine, for the purposes of section 108, 109 or 110 of the Act, the rules applicable to the determination of the benefits of the member and their value before and after partition of such benefits, a seizure for non-payment of support or payment of a compensatory allowance, and to the payment of benefits awarded to the spouse;

— determine the manner for setting the target level of the stabilization provision required under section 125 of the Act, and the criteria according to which any scale established is to be applied;

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

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

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

— set the time limit and procedure for sending the statement referred to in section 146.91 of the Act in the event of the withdrawal of an employer that is a party to a target-benefit pension plan;

— determine the subjects, other than those mentioned in the first paragraph of section 166 of the Act, that must be placed on the agenda of the annual meeting;

— determine the methods, assumptions, rules or factors which are applicable or prohibited for the purpose of calculating any contribution or benefit, refund, interest rate or rate of return and, where applicable, their actuarial value;

— determine the methods, assumptions, rules or factors which are applicable or prohibited for the purpose of calculating the assets and liabilities of a plan and distributing them among the groups of benefits in particular upon the withdrawal of an employer from or the termination of a multi-employer plan, for the purpose of determining the value of the benefits of members and beneficiaries in particular for the purposes of Chapter XIII of the Act, and for the purposes of a conversion of the plan into a plan of another type, the division of the assets and liabilities of a plan among several plans or the merger of the assets and liabilities of several plans;

— determine the procedure for any matter within Retraite Québec's competence, the applicable time limits and the required documents;

—prescribe the fees payable for the financing of expenses incurred by Retraite Québec for the administration of the Act and the regulations and for any formality prescribed by the Act or the regulations;

WHEREAS, under section 96 of the Act mainly to allow the establishment of target-benefit pension plans (2020, chapter 30), the first regulation made for the purposes of section 146.42.1 of the Supplemental Pension Plans Act (chapter R-15.1) may, if it so provides, apply as of any date not prior to 11 December 2020;

WHEREAS, on 18 June 2021, Retraite Québec made the Regulation to amend the Regulation respecting supplemental pension plans;

WHEREAS, under the fifth paragraph of section 244 of the Supplemental Pension Plans Act, the regulations made by Retraite Québec are submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting supplemental pension plans was published in Part 2 of the *Gazette officielle du Québec* of 22 September 2021, with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting supplemental pension plans, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting supplemental pension plans

Supplemental Pension Plans Act
(chapter R-15.1, s. 244, 1st par., subpars. 1, 1.1, 2, 3.1, 7, 8.0.2, 8.0.5, 8.0.6, 8.0.7, 8.0.10, 8.5, 11, 12, 13 and 14)

Act mainly to allow the establishment of target-benefit pension plans
(2020, chapter 30, s. 96)

1. The Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) is amended in the first paragraph of section 1 by replacing “required under the

second paragraph of section 24” in the part preceding subparagraph 1 of the first paragraph by “required under the second paragraph of section 24 and the second paragraph of section 146.56”.

2. Section 2 is amended:

(1) by replacing “required under the second paragraph of section 24” in the part preceding subparagraph 1 of the first paragraph by “required under the second paragraph of section 24 and the second paragraph of section 146.56”;

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

“(2.1) if the amendment concerns the contribution to be paid as defined-contribution provisions under a defined-benefit plan or a target-benefit plan and unless the contributions resulting therefrom are indicated in an actuarial valuation report sent to Retraite Québec, member and employer contributions to be paid for that reason as of the effective date of the amendment for all or part of each fiscal year covered by the most recent actuarial valuation of the plan for which the report was sent to Retraite Québec;”

3. Section 5 is amended:

(1) by replacing “, under sections 10 to 11.1 where applicable, and under section 11.3,” in the part preceding paragraph 1 by “and, where applicable, under sections 9.1 to 11.1 and 11.3;”;

(2) by replacing “under defined benefit provisions or money purchase provisions within the meaning of section 965.0.1 of the Taxation Act (chapter I-3), or under both types of provisions” in paragraph 1 by “under defined-contribution provisions, target-benefit provisions or defined-benefit provisions, or under a combination of those types of provisions”;

(3) by inserting the following after paragraph 2:

“(2.1) in the case of a target-benefit plan, a summary of the provisions of the plan that must be taken into account for the purposes of the valuation, regarding the recovery measures, their objective and the conditions and procedure for applying them, the conditions and procedure for restoring benefits that have been reduced and the conditions and procedure for appropriating surplus assets;”

4. Section 6 is amended

(1) by adding “and, in the case of a target-benefit plan, the contribution projected for each of the following two fiscal years” at the end of subparagraph 1 of the first paragraph;

(2) by inserting “for a plan other than a target-benefit plan,” at the beginning of subparagraph 3 of the first paragraph;

(3) in subparagraph 4 of the first paragraph:

(a) by inserting “or subparagraph 1, regarding a target-benefit plan,” after “referred to in subparagraph 3”;

(b) by replacing “defined benefit” wherever it appears by “defined-benefit or target-benefit”;

(4) by replacing “third” in subparagraph 7 of the first paragraph by “fourth”.

5. Section 8 is amended by replacing “to be made” in subparagraph 2 of the first paragraph by “required”.

6. Section 9 is amended by adding the following paragraph at the end:

“(7) where applicable, the method, referred to in section 67.6.2, allowing to establish the degree of solvency of the plan according to intervals shorter than a fiscal year and the terms of the calculation of the degree of solvency provided for in the plan.”.

7. The following is inserted after section 9:

“9.1. The actuarial valuation report of a target-benefit plan must include a review of the sufficiency of contributions, separately for service after the valuation date and for service credited at that date.

9.2. For the purposes of a review of the sufficiency of contributions for service after the valuation date, the report must indicate:

(1) the current service contribution required for each of the fiscal years immediately following the actuarial valuation and the portion of the current service contribution that constitutes the stabilization provision;

(2) the contributions which, according to the plan text, must be paid respectively by the employer and by the members for those three fiscal years;

(3) where applicable, the amount of the insufficiency of contributions relating to service.

If an insufficiency of contributions relating to service after the valuation date is shown, the report must also include:

(1) a description of the recovery measures relating to that insufficiency applied by the pension committee, in accordance with the plan text, and their effective date;

(2) taking into account these recovery measures:

(a) the current service contribution for each of the three fiscal years immediately following the actuarial valuation and the portion of the current service contribution that constitutes the stabilization provision;

(b) the employer contribution and the member contribution for those three fiscal years.

It must be certified that the contributions are sufficient for service after the valuation date.

9.3. For the purposes of the review of the sufficiency of contributions relating to service at the valuation date, after application of the provisions of the second paragraph of section 9.2, if applicable, the report must indicate:

(1) the information referred to in paragraphs 3 and 4 of section 5 and in the first paragraph of section 8;

(2) the technical amortization payment required for each of the three fiscal years immediately following the actuarial valuation;

(3) where applicable, the amount of the insufficiency of contributions relating to such service.

If an insufficiency of contributions relating to service credited at the valuation date is shown, the report must also include:

(1) a description of the recovery measures relating to that insufficiency applied by the pension committee, in accordance with the plan text, and their effective date;

(2) taking into account these recovery measures and, where applicable, those referred to in section 9.2:

(a) the information referred to in paragraphs 3 and 4 of section 5 and in the first paragraph of section 8;

(b) the technical amortization payment required for each of the three fiscal years immediately following the actuarial valuation;

(c) the employer contribution and member contribution for those three fiscal years;

(3) where applicable, the reduction in the value of the benefits for the group of active members and the reduction in the value of the benefits for the group of non-active members and beneficiaries resulting from the application of recovery measures;

(4) a certification that it meets the requirements of section 146.73 of the Act.

It must be certified that the contributions are sufficient regarding service credited at the valuation date.

9.4. If, pursuant to the plan, benefits that have been reduced must be restored, the actuarial valuation report must contain:

(1) a description of the recovery measures applied by the pension committee, in accordance with the plan text, and their effective date;

(2) the information referred to in paragraphs 3 to 5 of section 5, before and after the restoration of benefits;

(3) a certification that it meets the requirements of the second paragraph of section 146.83 of the Act.”

8. Section 10 is amended:

(1) by replacing “relatif” in subparagraph 1 of the second paragraph of the French text by “relative”;

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

“In the case of a target-benefit plan, the report must include a certification of the actuary that the amendment does not have the effect of creating an insufficiency of contributions.”

9. Section 11.1 is amended by adding the following paragraph at the end:

“In the case of a target-benefit plan, the additional information is as follows:

(1) the maximum amount of surplus assets that may be used, established in accordance with the second paragraph of section 146.9.1.2 of the Act, and the amount of surplus assets used and the procedure for appropriating surplus assets applied by the pension committee, in accordance with the plan text;

(2) the amount of surplus assets appropriated for the benefit of active members and the proportion represented by that amount in relation to the liabilities related to their benefits and the amount appropriated for the benefit of

non-active members and beneficiaries and the proportion it represents in relation to the liabilities related to their benefits;

(3) the certification that it meets the requirements of section 146.9.1.5 of the Act.”

10. The heading after Division II is replaced by “REQUIRED FEES”.

11. Section 13.1 is revoked.

12. The heading of Division II.1 is replaced by “BENEFITS”.

13. The following is inserted after the heading of Division II.1:

“§1. *Member benefits and payment of an early benefit*”.

14. Section 15.3 is amended:

(1) by replacing the second sentence of the first paragraph by the following: “The amount is said to be a negative pension; it is determined in accordance with the second paragraph. The pension committee must keep a record of the negative pension, as well as the adjustments made thereto in accordance with the fourth paragraph.”;

(2) in the second paragraph:

(a) by replacing “That amount, as well as the value of the benefits referred to in subparagraph 3 of the first paragraph of section 69.1 of the Act, shall be determined” by “The negative pension, and the value of the benefits referred to in subparagraph 3 of the first paragraph of section 69.1 of the Act, must be determined”;

(b) by replacing “of the other benefits to which section 60 of the Act applies and” by “of benefits under the plan”;

(3) in the third paragraph:

(a) by replacing “the amount determined in the second paragraph” in subparagraph 1 by “the negative pension” and by replacing “such amount” wherever it appears by “the negative pension”;

(b) by replacing “of that portion of the pension of which the valuated amount is referred to in the second paragraph” in subparagraph 2 by “of the negative pension”;

(4) by replacing the fourth and fifth paragraphs by the following:

“The negative pension must be adjusted to take into account:

(1) any change to the normal pension registered or taking effect after the date on which the early benefit is paid and which would have reduced or increased the value of the member’s benefits at that date; however, in the case of a defined-benefit plan, such a change whose effect would have increased the value of the member’s benefits is taken into consideration only if the plan so provides;

(2) in a target-benefit plan, any change to the normal pension resulting from the application of recovery measures or the restoration of benefits, provided for in an actuarial valuation whose report is sent to Retraite Québec after the date on which the early benefit is paid or taking effect after that date, which would have reduced or increased the value of the member’s benefits at that date.

If the change or adjustment concerns the amount of the normal pension, the negative pension must be adjusted in proportion equal to the one that applies to the amount of the normal pension determined as at the date of the payment. If the change or adjustment concerns a condition or a characteristic of the normal pension, the condition or characteristic that results therefrom must be applied to the portion of the pension that corresponds to the negative pension.”

15. The following is inserted after section 15.3:

“**15.3.1.** In the case of a target-benefit plan, where section 15.3 applies, the pension committee must also determine, as at the date of payment of the early benefit, a negative target pension.

The provisions of section 54.2 apply, with the necessary modifications, where the negative target pension is determined.

In addition, where payment of the retirement, disability or replacement pension begins, the target pension must be reduced by the negative target pension referred to in section 54.2 or, if payment of the pension begins on a date other than that of the normal retirement age, by a sum equal to the negative target pension.”

16. The heading entitled “**DIVISION II.2 TEMPORARY PENSION**” is replaced by “**§2. Temporary pension**”.

17. The heading entitled “**DIVISION II.3 VARIABLE BENEFITS**” is replaced by “**§3. Variable benefits**”.

18. Section 16.1 is amended by replacing “in a defined benefit plan or defined benefit-defined contribution plan” by “in a defined-benefit plan or target-benefit plan”.

19. Section 30 is amended by replacing “, as compiled by the Bank of Canada” in paragraph 3 by “, established based on the rate of the last Wednesday of each month, published in CANSIM Series V80691336”.

20. Section 37 is amended by replacing “other benefits to which section 60 of the Act applies and” in the second paragraph by “benefits under the plan”.

21. Section 39 is amended by replacing the third paragraph by the following:

“The average annual rates on the deposits referred to in the second paragraph are determined, for each year, by taking the average of the rates of return on those term deposits, as compiled monthly by Statistics Canada and published in the Bank of Canada Banking and Financial Statistics, in CANSIM Series V122515. For the period after 30 September 2019, the average is calculated using the rates of the last Wednesday of each month, published in CANSIM Series V80691336. Despite the foregoing, where the rates are available for a number of months in the current year fewer than 6, that average is calculated on the basis of the last 6 months available.”

22. The heading of subdivision 5 of Division V is replaced by the following:

“**§5. Application for partition or transfer of benefits**”.

23. Section 47 is amended by replacing “informing him of that application and of the amount claimed by his spouse” in the first paragraph by “informing him or her of the amount that would be granted to the member’s spouse based on the application”.

24. The following heading is inserted after section 48:

“**§5.1. — Execution of partition or of transfer of benefits**”.

25. Section 50 is amended by adding “, but only with regard to capital benefits in the case of a target-benefit plan” at the end of subparagraph *a* of subparagraph 2 of the first paragraph.

26. The following heading is inserted after section 53:

“§5.2. *Negative pension*”.

27. Section 54 is amended:

(1) by replacing the second sentence of the first paragraph by the following:

“The amount is said to be a negative pension. The pension committee must keep a record of the negative pension, as well as the adjustments made thereto in accordance with the second and third paragraphs of section 55”;

(2) by replacing “the amount provided for in first paragraph is determined” in the second paragraph by “the negative pension is determined”;

(3) in the third paragraph:

(a) by replacing “The amount provided for in the first paragraph is determined” by “The negative pension is determined”;

(b) by replacing “Il est établi” in the second sentence of the French text by “Elle est établie”.

28. Section 54.1 is amended by replacing “the amount referred to in section 54 is established” by “the negative pension is established”.

29. The following is inserted after section 54.1:

“54.2. In the case of a target-benefit plan, where section 54 applies, the pension committee must also establish, at the valuation date, a negative target pension. It must keep a record of the negative target pension and adjust it where subparagraph 1 of the first paragraph of section 55 applies.

The negative target pension is obtained by applying to the target pension, that would be payable to the member at normal retirement age as credited service at the valuation date, the proportion represented by the negative pension related to the normal pension that was used to establish the negative pension according to the first paragraph of section 54.”.

30. The heading of subdivision 6 of Division V is amended by replacing “Residual benefits of the member” by “Reduction of benefits”.

31. Section 55 is amended:

(1) by replacing, in subparagraph 2 of the first paragraph:

(a) “the amount referred to in section 54” wherever it appears by “the negative pension referred to in section 54”;

(b) “equal to that amount” by “equal to that negative pension”;

(2) by replacing the second and third paragraphs by the following:

“For the purposes of subparagraph 2 of the first paragraph, the negative pension must be adjusted to take into account:

(1) any change to the normal pension registered or taking effect after the valuation date which would have reduced or increased the value of the member’s benefits at that date; however, in the case of a defined-benefit plan, only such a change whose effect is to increase the value of the member’s benefits is taken into consideration if the plan so provides;

(2) in a target-benefit plan, any change to the normal pension resulting from the application of recovery measures or the restoration of benefits, provided for in an actuarial valuation whose report is sent to Retraite Québec after the valuation date or taking effect after that date, which would have reduced or increased the value of the member’s benefits at the valuation date.

If the change or adjustment concerns the amount of the normal pension, the adjustment of the negative pension must be made in proportion equal to the one that applies to the amount of the normal pension determined as at the valuation date. If the change or adjustment concerns a condition or a characteristic of the normal pension, the condition or characteristic that results therefrom must be applied to the portion of the pension that corresponds to the negative pension.”;

(3) by inserting “Except in the case of a target-benefit plan,” at the beginning of the fifth paragraph.

32. The following is inserted after section 55:

“55.1. In the case of a retirement, disability or replacement pension being paid at the valuation date for the purposes of the partition or transfer of benefits, the target pension must be reduced in a proportion equal to the one that applies under the first paragraph of section 55. It must also be reduced by the amount whose pension paid is reduced pursuant to the fourth paragraph of section 55.

In the case of a retirement, disability or replacement pension of which payment begins after that date, the target pension must be reduced by the negative target pension

referred to in section 54.2 or, if payment of that pension begins on a date other than the date of normal retirement age, by a sum equal to that negative target pension.”

33. Section 56.0.3 is amended:

(1) by replacing the second sentence of the first paragraph by the following:

“The amount is said to be a negative pension. The pension committee must keep a record of the negative pension, as well as the adjustments made thereto pursuant to section 56.0.6.”;

(2) by replacing “the amount provided for in the first paragraph is determined” in the second paragraph, “the amount provided for in the first paragraph shall be determined” in the third paragraph by “the negative pension is determined”;

(3) by replacing “the amount referred to in the first paragraph is determined” in the fourth and fifth paragraphs by “the negative pension is determined”.

34. The following is inserted after section 56.0.3:

“**56.0.3.1.** In the case of a target-benefit plan, where section 56.0.3 applies, the pension committee must also determine, at the date referred to in section 56.0.2, a negative target pension.

The provisions of section 54.2 apply, with the necessary modifications, where the negative pension is determined.”.

35. Section 56.0.6 is amended:

(1) by replacing, in subparagraph 2 of the first paragraph:

(a) “the amount referred to in section 56.0.3” wherever it appears by “the negative pension referred to in section 56.0.3”;

(b) “a sum equal to the amount” by “a sum equal to the negative pension”;

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

“For the purposes of subparagraph 2 of the first paragraph, the negative pension referred to in section 56.0.3 must be adjusted in accordance with the rules provided for in the second and third paragraphs of section 55, which apply according to the date referred to in section 56.0.2.”;

(3) by replacing “utilisation” in the third paragraph of the French text by “utilisant”;

(4) by inserting “Except in the case of a target-benefit plan,” at the beginning of the fourth paragraph.

36. The following is inserted after section 56.0.6:

“**56.0.7.** In the case of a retirement, disability or replacement pension being paid at the date referred to in section 56.0.2, the target pension must be reduced in a proportion equal to the one that applies under the first paragraph of section 56.0.6. It must also be reduced by the amount whose pension paid is reduced pursuant to the third paragraph of section 56.0.6.

In the case of a retirement, disability or replacement pension whose payment begins after that date, the target pension must be reduced by the negative target pension referred to in section 56.0.3.1 or, if payment of the pension begins on a date other than the date of normal retirement age, by a sum equal to that negative target pension.”.

37. The following is inserted after the heading of Division VI:

“**\$1.** *Summary of the plan*”.

38. Section 56.1 is amended:

(1) by replacing “in the case of a plan to which chapter X of the Act applies” in paragraph 6 by “in the case of a plan to which Chapter X of the Act applies, except for a target-benefit plan,”;

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

“The summary of a target-benefit plan must also contain the following information:

(1) a description of what is a target-benefit plan, including the fact that the benefits can be reduced in the event of insufficient contributions;

(2) a description of the risks incurred by the members and beneficiaries and the means taken to manage those risks.”.

39. The following is inserted after section 56.1:

“**\$2.** *Statements of benefits*”.

56.1.1. In the case of a target-benefit plan, each time the mention of the amount of the normal pension or of another benefit, the reduction of such a pension or benefit or the value of benefits is required by a provision of this subdivision, that amount or value determined according to the benefit target must be mentioned, except in the case of a value adjusted in proportion to the degree of solvency of the plan.

That amount or value determined by taking into account, regardless of their effective date, adjustments resulting, where applicable, from the application of recovery measures, the restoration of benefits or the appropriation of surplus assets provided for in any actuarial valuation report of the plan sent to Retraite Québec must also be mentioned.”.

40. Section 57 is amended:

(1) in subparagraph 10 of the first paragraph:

(a) by inserting “, or member contributions in the case of a target-benefit plan,” after “service contributions and amortization payments”;

(b) by replacing “a defined contribution pension plan” by “a defined-contribution plan or a target-benefit plan;”;

(c) by inserting “of a phased retirement benefit or” after “to payment”;

(2) in subparagraph 12 of the first paragraph:

(a) by replacing “a defined benefit plan” by “a defined-benefit plan or a target-benefit plan;”;

(b) by inserting “and” after “accrued interest”;

(c) by inserting “of a phased retirement benefit or” after “to payment”;

(3) by inserting the following after subparagraph 15 of the first paragraph:

“(15.1) in the case of a target-benefit plan, the amount of any adjustment to the benefits resulting from the application of recovery measures, the restoration of benefits or the appropriation of surplus assets which, as the case may be, is provided for in an actuarial valuation report as at the date of the end of the fiscal year covered by the statement;”;

(4) by adding “, except for a target-benefit plan, the rules concerning the cap on the degree of solvency” after “member’s benefits” at the end of subparagraph 1.2 of the second paragraph;

(5) by replacing subparagraph 1.3 of the second paragraph by the following:

“(1.3) if they apply to the member, the rules provided for in sections 144 to 145.1 of the Act;

(1.4) except for a target-benefit plan, the rules provided for in section 146 of the Act with regard to the payment of the balance of the value of the member’s benefits or, where applicable, a mention of the rules set out in the plan;”.

41. Section 58 is amended:

(1) by replacing paragraph 2 by the following:

“(2) in the event that the member is entitled to a refund, the conditions related to that entitlement and the amount of the refund or the method used to determine it;”;

(2) by replacing “in paragraphs 1 to 15 of the first paragraph of section 57” in paragraph 3 by “in the first paragraph of section 57”;

(3) in paragraph 4:

(a) by replacing “of an option provided for in section 93 of the Act” in subparagraph *c* by “of an option provided for in section 91.1, 92.1 or 93 of the Act”;

(b) by inserting the following after subparagraph *c*:

“(c.1) if the member is entitled to a bridging benefit, the amount of that benefit and the date on which it will cease to be paid;

(c.2) in the case of a joint and last survivor annuity, the amount of the annuity that will be paid when the member dies or the method used to calculate it;

(c.3) in the case of an indexed pension, the method used to calculate the indexation and the time when it will be applied;

(c.4) in the case of a guaranteed pension, the period of the guarantee;”;

(c) by replacing “temporary pension or pension fraction” in subparagraph *d* by “temporary pension”;

(4) in paragraph 5:

(a) by replacing “without exercising the choices” in the part preceding paragraph *a* by “but did not exercise the choices”;

(b) by replacing subparagraph *c* by the following:

“(c) a description of the choices that can be exercised and the adjustments that would result therefrom;”;

(5) in paragraph 6:

(a) by replacing “temporary pension or pension fraction” in subparagraph *d* by “temporary pension”;

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

“(e) if the plan provides that the disability pension is increased when the member reaches 65 years of age by reason of the termination of a disability pension under the Act respecting the Québec Pension Plan (chapter R-9), the amount of that increase;”;

(6) by replacing paragraphs 9 to 9.3 by the following:

“(9) if the member can exercise the right to a transfer provided for in section 98 of the Act,

(a) the rules applicable to the transfer of benefits to another pension plan;

(b) the most recent degree of solvency of the plan on the date on which the value of benefits is determined;

(c) the rules provided for in section 143 of the Act regarding the degree of solvency of the plan that is to be used for the purpose of paying the member’s benefits, except, for a target-benefit plan, for the rules regarding the cap on the degree of solvency;

(d) if they apply to the member, the rules provided for in sections 144 to 145.1 of the Act;

(e) except for a target-benefit plan, the rules provided for in section 146 of the Act with regard to the payment of the balance of the value of the member’s benefits or, where applicable, a mention of the rules determined by the plan;

(9.1) in the case of a target-benefit plan, a mention that if the member’s benefits are maintained in the plan, those benefits and their value are subject to variations based on the financial position of the plan;”;

(7) by inserting “where applicable,” at the beginning of paragraph 11.

42. Section 59 is amended:

(1) by replacing “paragraphs 1 to 6” in subparagraph 1 of the first paragraph by “paragraphs 1 to 6 and 15.1”;

(2) in subparagraph 2 of the first paragraph:

(a) by replacing subparagraph *b* by the following:

“(b) if a bridging benefit is paid to the non-active member, the amount and the date on which it will cease to be paid;”;

(b) by replacing subparagraph *c* by the following:

“(c) if the pension was replaced in whole or in part by a temporary pension, the amount of the pension and the date on which it will cease to be paid;”;

(3) by replacing subparagraph 3 of the first paragraph by the following:

“(3) where a member has begun receiving a disability benefit:

(a) in the case of a pension, the information referred to in subparagraphs *a* and *c* of subparagraph 2;

(b) in the case of a series of payments referred to in subparagraph 4 of the first paragraph of section 93 of the Act, the amount and the date of each expected payment;

(c) in the case of a benefit increased by reason of the termination of a disability pension payable under the Act respecting the Québec Pension Plan (chapter R-9) when the member reaches 65 years of age, the date on which the increase begins and its amount;”;

(4) in subparagraph 4 of the first paragraph:

(a) by replacing subparagraph *d* by the following:

“(d) the information referred to in subparagraphs 10 and 12 of the first paragraph of section 57, but only regarding the amounts accrued since the member joined the plan;”;

(b) by replacing “and the amount of the additional voluntary contributions, with, in each case, accrued interest” in subparagraph *e* by “, with accrued interest”;

(c) by inserting the following after subparagraph *h*:

“(i) the rules applicable to the transfer of the member’s benefits to another pension plan;”;

(5) by inserting the following after subparagraph 4 of the first paragraph:

“(4.1) in the case of an indexed pension, the index or rate used for the indexation;”;

(6) by replacing “a mention of the rules provided for under sections 143 to 146 of the Act or set out in the plan text with regard to the payment of the balance of the

benefits” in subparagraph 5 of the first paragraph by “a mention of the rules provided for in section 146 of the Act or in the plan with regard to the payment of the balance of the benefits, the amount of that balance”;

(7) by replacing subparagraphs 1 to 3 of the second paragraph by the following:

“(1) the information indicated in subparagraphs 1 to 1.4, 2.1 and 3 of the second paragraph of section 57;

(2) the latest date on which the member will be able to exercise his or her right of transfer;

(3) the most recent degree of solvency determined at the date on which the statement is prepared.”

43. Section 59.0.1 is amended:

(1) by replacing “paragraphs 2 to 5” in paragraph 2 by “subparagraphs 2 to 5 and 15.1”;

(2) by adding “and, in the case of a temporary pension benefit, the date on which the benefit will cease to be paid” after “paid” at the end of paragraph 3;

(3) by striking out paragraph 5.

44. Section 59.0.2 is amended:

(1) in the first paragraph:

(a) by replacing subparagraph 2 by the following:

“(2) the maximum amount of the surplus assets determined in accordance with section 146.7 of the Act, at the date of the most recent actuarial valuation of the plan, and a description of the procedure for appropriating the surplus assets prescribed by the plan;”;

(b) by inserting “, or member contributions in the case of a target-benefit plan,” after “service contributions and amortization payments” in paragraph 4;

(2) by inserting the following after the first paragraph of section 59.0.2:

“If the statement is sent to a member or beneficiary of a target-benefit plan, that part must contain, in addition to the information referred to in subparagraphs 1, 1.1, 3 and 4 of the first paragraph:

(1) a description of the benefit target;

(2) a description of the circumstances, set by the plan, giving rise to the application of recovery measures, the restoration of benefits and the appropriation of surplus assets;

(3) a description of any adjustment to the benefits and contributions that applied during the fiscal year covered by the statement:

(a) following the application of recovery measures;

(b) following the restoration of benefits;

(c) following the appropriation of surplus assets, by indicating, where applicable, the portion of surplus assets used in accordance with section 146.9.1.3 of the Act and how they were appropriated;

(4) a description of any adjustment to the benefits and contributions, provided for in an actuarial valuation on the date of the end of the fiscal year covered by the statement and whose report was sent to Retraite Québec, that results from:

(a) the application of recovery measures;

(b) a restoration of benefits;

(c) the appropriation of surplus assets, by indicating the maximum amount that may be used, determined in accordance with section 146.9.1.2 of the Act, as well as the amount used and the appropriating procedure applicable in accordance with section 146.9.1.3 of the Act.”

45. The following is inserted after section 59.1:

“§3. *Consultation of documents*”.

46. Section 60.8 is amended in the third paragraph by replacing the line in the table regarding the Dominion Bond Rating Service rating agency by the following line:

“Dominion Bond Rating Service BBB- R-2 (low)”.

47. Section 60.10 is amended by adding the following at the end:

“In the case of a target-benefit plan, the plan’s liabilities are determined before the application of recovery measures, the restoration of benefits or the appropriation of surplus assets provided for in the actuarial valuation. In addition, the value of the additional obligations resulting from any amendment considered for the first time at the date of the actuarial valuation of the plan must not be taken into account.”

48. Section 61.0.11 is amended:

(1) by replacing subparagraph *a* of paragraph 3 by the following:

“(a) the number of transactions for annuities purchased and the premium required by the insurer for each transaction;”;

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

“(4) in the case of a target-benefit plan:

(a) a description of what a target-benefit plan is, including the fact that the benefits may be reduced in the event of insufficient contributions;

(b) the adjustments to benefits and changes to the contributions or to benefit targets that have been applied since the last annual meeting and those the application of which is provided for in an actuarial valuation report sent to Retraite Québec after the date of that meeting.”.

49. The following is inserted after the heading of Division VIII:

“§1. *Withdrawal of an employer*”.

50. Section 62 is amended in the first paragraph:

(1) by replacing “provided for in the second paragraph” in the introductory part by “related to the withdrawal of an employer that is referred to in the second paragraph”;

(2) by adding “, determined, except for a target-benefit plan, considering only the value of the benefits of the members and beneficiaries not affected by the withdrawal and the assets allocated to them” at the end of subparagraph 9 of the first paragraph.

51. The following heading is inserted after section 62:

“§2. *Termination of the plan*”.

52. Section 63 is amended:

(1) by replacing “by the employer and” by “by the employer, in Schedule II.1 where the termination follows the notice of the person or body empowered to amend the plan or”;

(2) by replacing the second sentence by the following: “The notice of termination must be enclosed with the declaration referred to in Schedule II or II.1.”.

53. Section 64 is amended:

(1) by inserting “and, in the case of a target-benefit plan, in section 146.89 of the Act” after “212.1 of the Act” in subparagraph 8 of the first paragraph;

(2) by adding “, which applies, regarding a target-benefit plan, taking into account paragraph 1 of section 146.96 and section 146.98 of the Act” at the end of the second paragraph;

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

“The provisions of subparagraphs 5, 7, 8.1 to 8.4, 10 and 11 of the first paragraph do not apply to a target-benefit plan.”.

54. Section 65 is amended:

(1) by replacing “paragraphs 3 to 10” in paragraph 1 by “paragraphs 2 to 10”;

(2) by inserting “, the information, in the case of a plan other than a target-benefit plan, that must be indicated” after “in the termination report” in paragraph 2;

(3) by inserting “except for a target-benefit plan,” at the beginning of paragraphs 3, 4 and 5;

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

“The statement for a member or beneficiary under a target-benefit plan must also include:

(1) where applicable, the value of the member’s benefits that corresponds to the amount allocated to the member pursuant to the second paragraph of section 146.98 of the Act;

(2) if the member’s or beneficiary’s annuity is in payment at the termination date:

(a) an estimate of the annuity that could be purchased from an insurer and a mention that the purchased annuity could differ;

(b) the applicable payment method in accordance with the second paragraph of section 146.95 of the Act if the member or beneficiary does not provide his or her choices to the pension committee.

The estimate referred to in subparagraph *a* of subparagraph 2 of the second paragraph must be calculated based on the premium established using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply on

the date on which the statement was prepared, increased by a margin that allows for any possible variation in the cost of purchasing the annuity between that date and the probable date of payment.”.

55. The following subdivision is inserted after section 65:

“§3. Special provisions related to negotiated contribution multi-employer plans

66. The provisions of this subdivision apply in the event of the withdrawal of an employer that is a party to a negotiated contribution multi-employer plan or in the event of the termination of such a plan where, on the date of withdrawal of an employer or the plan’s termination date, the assets do not permit payment in full of the benefits of the members and beneficiaries affected by the withdrawal of the employer or the termination of the plan.

67. As of the date of withdrawal of an employer or termination of the plan, no pension of a member or beneficiary affected by the withdrawal or termination can be guaranteed by an insurer unless it is for the payment of the member’s or beneficiary’s pension in accordance with the provisions of this subdivision.

67.1. If, under the scenario used by the actuary in charge of preparing the withdrawal or termination report, guaranteed benefits of certain members or beneficiaries cannot be used as provided for in section 67.3.10 and section 240 of the Act to guarantee the non-guaranteed benefits of other members or beneficiaries, the plan’s assets must include the commuted value of the guaranteed benefits determined in the contract or, in the absence of such a value, their fair market value determined on the basis of reasonable assumptions and cancellation fees.

67.2. To determine the plan’s liabilities pursuant to section 212.1 of the Act, the value of the pension that must be insured under section 237 of the Act is determined by discounting, at the date referred to in the first paragraph of section 212.1 of the Act and according to a rate that is the estimated rate of return of the pension fund since that date until the date on which the report was prepared, the premium established on that latter date using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply on the date on which the report was prepared, increased by a margin that allows for any possible variation in the cost of purchasing the annuity between that date and the probable date of payment.

The liabilities must also comprise the value of the pension amounts paid out of the pension fund to a member or beneficiary between the date referred to in the

first paragraph of section 212.1 of the Act and the date on which the report was prepared, such value being determined according to the rate referred to in the first paragraph.

If the pension was insured before the date referred to in the first paragraph of section 212.1 of the Act, its value is determined by using the premium established on that date on the basis of the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply on the date on which the report was prepared.

67.3. The notice concerning the withdrawal of an employer, provided for in section 200 of the Act, must specify that the members and beneficiaries to whom paragraph 3 of that section applies may, in the event of insufficient assets referred to in section 66, request to have their benefits transferred to a pension plan referred to in section 98 of the Act and, failing such a request, their benefits will be paid in accordance with that paragraph.

67.3.1. The withdrawal report referred to in the second paragraph of section 202 of the Act must contain, in addition to the information required by section 62, a description of the method to be used at the time the benefits are paid to take into account any variations in the plan’s assets and liabilities between the date of the withdrawal and the date of payment.

67.3.2. The pension committee must send each member or beneficiary affected by the withdrawal of the employer a statement of benefits and their value, along with the necessary information so that their choices and options may be exercised.

The time allotted for the members or beneficiaries to inform the pension committee of their choices and options expires on the 90th day following Retraite Québec’s authorization of the amendment regarding the employer’s withdrawal.

The pension committee must send the statements in a timely manner so as to allow the members and beneficiaries at least 45 days to make choices, exercise options and present observations, if any, to the pension committee.

67.3.3. The statement of benefits referred to in section 67.3.2 must also contain the following information:

(1) the ratio between the value of the assets reduced by the amount of the administration expenses of the pension fund allocated to the group of members and beneficiaries affected by the withdrawal and the value of the liabilities related to that group established as at the date of the withdrawal;

(2) the portion of the assets that is allocated to the group of members and beneficiaries affected by the withdrawal along with the amount of the reduction in benefits that the member or beneficiary would sustain if the unpaid contributions were not collected;

(3) the choices provided for in paragraph 3 or 4 of section 200 of the Act that apply to the member or beneficiary and the information, for each member or beneficiary to whom a pension is being paid on the date of the withdrawal, that he or she may request that his or her benefits be transferred to a pension plan referred to in section 98 of the Act;

(4) the expiry date of the time period, set out in the second paragraph of section 67.3.2, within which the members or beneficiaries must indicate their choices, exercise their options and present observations, if any, to the pension committee;

(5) the mention that, where the member or beneficiary to whom a pension is being paid on the date of the withdrawal fails to request that his or her benefits be transferred to a pension plan referred to in section 98 of the Act within the time allotted, his or her benefits will be paid by means of a pension paid by an insurer chosen by the pension committee;

(6) the information referred to in paragraphs 3 to 8, subparagraphs *a* and *b* of paragraph 9 and paragraph 10 of section 58, prepared or updated to the withdrawal date;

(7) the information referred to in subparagraph 10 of the first paragraph of section 62, prepared with respect to the withdrawing employer.

The statement must also mention that the withdrawal report and the data used to determine the member's or beneficiary's benefits or their value may be consulted without charge at the office of the pension committee or at the employer's establishment designated by the committee, whichever location is closer to the applicant's residence.

If it is for a member or beneficiary to whom a pension is being paid, the statement must also indicate the estimated amount of the pension reduced to take into account insufficient assets.

67.3.4. The payment, provided for in section 209.1 of the Act, of the benefits of each member and beneficiary affected by the withdrawal of the employer must be made in accordance with the provisions of section 67.3.9.

67.3.5. The termination report referred to in the first paragraph of section 207.2 of the Act must contain, in addition to the information required by section 64, a description of the method to be used at the time the benefits are paid to take into account any variations in the plan's assets and liabilities between the termination date and the date of payment.

67.3.6. The statement of benefits in the event of termination, referred to in section 207.3 of the Act, must be sent after the expiry of the 30-day period following the date on which Retraite Québec has received the termination report or, where applicable, the revised report, or the date referred to in section 240.4 of the Act.

67.3.7. The statement of benefits must include the following adjustments:

(1) the payment methods that must be indicated in accordance with subparagraph 1 of the first paragraph of section 207.3 of the Act must include, for each member or beneficiary to whom a pension is being paid on the termination date, the possibility of having his or her benefits transferred to a pension plan referred to in section 98 of the Act;

(2) the expiry date of the time period set out in the third paragraph must be indicated instead of the expiry date of the time limit set out in subparagraph 4 of the first paragraph of section 207.3 of the Act;

(3) the mention that, where the member or beneficiary to whom a pension is being paid on the termination date fails to request that his or her benefits be transferred to a pension plan referred to in section 98 of the Act within the time allotted, his or her benefits will be paid by means of an annuity paid by an insurer chosen by the pension committee.

If it is for a member or beneficiary to whom a pension is being paid, the statement must also indicate the estimated amount of the pension reduced to take into account insufficient assets.

The time allotted to a member or beneficiary to provide his or her choices and options to the pension committee expires on the 90th day following the expiry of the 30-day period referred to in section 67.3.6.

In addition, the pension committee must send the statements in a timely manner so as to allow the members and beneficiaries at least 45 days to make choices, exercise options and present observations, if any, to the pension committee.

67.3.8. The payment, referred to in the first paragraph of section 210 of the Act, of benefits of members and beneficiaries affected by the termination must be made in accordance with the provisions of section 67.3.9.

67.3.9. For payment purposes, the premium that the pension committee must use to determine the value of the benefits of the members and beneficiaries to whom a pension was being paid on the date of the withdrawal or termination is the premium determined using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply at the date of the calculation.

Despite the foregoing, to determine the value of the non-guaranteed benefits of a member or beneficiary who has requested that his or her pension be guaranteed by an insurer, the premium to be used is the premium provided by the insurer to guarantee the benefits.

The value of the benefits of the members and beneficiaries must be calculated within 7 days of the first day of the month that follows the expiry of a time period that is not more than 40 days after the deadline given to the members and beneficiaries to indicate their choices and options.

The day after the value of the benefits of the members and beneficiaries is established, the pension committee must proceed to pay the benefits in accordance with the Act and with the withdrawal or termination report and, where applicable, taking into account any adjustments provided for in this subdivision.

67.3.10. Where a member or beneficiary whose pension has been guaranteed opts to have his or her benefits transferred to a pension plan referred to in section 98 of the Act, the insurer must, at the request of the pension committee, allocate the guarantee to non-guaranteed benefits of other members or beneficiaries or, if the insurer is unable to make such an allocation, pay into the pension fund the commuted value of the guaranteed pension at the date the benefits are transferred or, where the contract does not provide for a commuted value, the fair market value of the guaranteed pension determined on the basis of reasonable assumptions and cancellation fees.

The value of the guaranteed pension to be transferred by the pension committee to the pension plan specified by the member or beneficiary must be equal to the value of the pension to which the member or beneficiary is entitled, reduced to take into account insufficient assets. That value is determined in accordance with the provisions of section 67.3.9.

67.3.11. Within 15 days of the payment of benefits, the pension committee must provide *Retraite Québec* with a report, prepared by an actuary, on the payment of the benefits of the members and beneficiaries affected by the withdrawal or termination. The report must contain:

- (1) the plan's assets at the date of payment;
- (2) the benefits and refunds paid to each member or beneficiary at the date of payment and the payment percentage of the benefits of each member or beneficiary at that date;
- (3) a reconciliation of the assets and liabilities between the date of withdrawal or termination and the payment of benefits including asset yield, asset increase through recovery of amounts owing and any variation in liabilities;
- (4) certification by the author of the report that the report was prepared in accordance with the provisions of the Act and of this Regulation.

§4. Special provisions related to target-benefit plans

67.3.12. Every time a mention of the amount of the normal pension or of another benefit, of the reduction of such a pension or benefit or of the value of benefits is required by a provision of this subdivision, that amount or value determined according to the benefit target must be mentioned, except in the case of a value adjusted in proportion to the degree of solvency of the plan.

That amount or value determined by taking into account, regardless of their effective date, adjustments resulting, where applicable, from the application of recovery measures, the restoration of benefits or the appropriation of surplus assets provided for in any actuarial valuation report of the plan sent to *Retraite Québec* must also be mentioned.

67.3.13. In the event of the withdrawal of an employer that is a party to a target-benefit plan, the statement referred to in section 146.91 of the Act must be sent to each member or beneficiary affected by the withdrawal within 60 days of the date on which the statement referred to in section 200 of the Act is sent. The members and beneficiaries must have at least 30 days to indicate their choices and exercise their options.

The statement must contain, in addition to the information required under section 146.91 of the Act:

- (1) the information referred to in paragraphs 2 to 10 of section 58 and, except if the statement concerns a non-active member for whom a pension is being paid or a beneficiary, in paragraph 1 of that section, determined or updated at the date of withdrawal;

(2) a mention whether or not it is possible to maintain the member's or beneficiary's benefits in the plan;

(3) the period during which the member's or beneficiary's choices must be provided to the pension committee;

(4) in the case of a member or beneficiary to whom a pension is being paid at the date of withdrawal, the estimate of the annuity that can be purchased from an insurer and a mention that the purchased annuity could differ.

The pension estimate is made based on the premium determined using the assumptions for the hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply at the date on which the statement was prepared. The premium must be increased by a margin that allows for any possible variation in the cost of purchasing the annuity between that date and the probable date of payment.

67.3.14. If the plan does not allow the benefits of the members and beneficiaries to be maintained in the plan, the statement must also indicate:

(1) if it concerns a non-active member for whom a pension is being paid at the date of withdrawal or a beneficiary:

(a) the payment methods provided for in subparagraph *a* of paragraph 2 of section 146.90 of the Act;

(b) that the benefits of the non-active member or beneficiary will be paid by the purchase of an annuity from an insurer selected by the pension committee if he or she does not provide another choice within the time period referred to in subparagraph 3 of the second paragraph of section 67.3.13;

(2) if it concerns any other member or beneficiary, that his or her benefits will be paid by means of a transfer to a plan referred to in section 98 of the Act.

67.3.15. If the plan provides that the benefits of the members and beneficiaries may be maintained in the plan, the statement must also indicate:

(1) if it concerns a non-active member for whom a pension is being paid on the date of withdrawal or a beneficiary,

(a) the payment methods provided for in subparagraph *a* of paragraph 3 of section 146.90 of the Act;

(b) that the benefits of the non-active member or beneficiary will be maintained in the plan if he or she does not provide another choice within the time period referred to in subparagraph 3 of the second paragraph of section 67.3.13;

(2) if it concerns any other member or beneficiary:

(a) the payment methods provided for in subparagraph *b* of paragraph 2 of section 146.90 of the Act;

(b) that the benefits of the non-active member or beneficiary will be maintained in the plan if he or she does not provide another choice within the time period referred to in subparagraph 3 of the second paragraph of section 67.3.13;

(3) where applicable, a mention that the plan has an annuity purchasing policy.”

56. Section 67.5 is amended by replacing “pension benefits to which section 60 of the Act applies and” by “benefits under the plan”.

57. Section 67.6 is amended by replacing “benefits to which section 60 of the Act and” by “benefits under the plan”.

58. The following is inserted after section 67.6:

“**67.6.1.** In the case of a target-benefit plan, the additional pension referred to in section 84 of the Act and the pension referred to in section 105 of the Act that is purchased with amounts transferred, are determined on the basis of the assumptions and target level of the stabilization provision that, according to the most recent actuarial valuation of the plan whose report was sent to Retraite Québec, are used to determine the current service contribution.

DIVISION VIII.1.1 **DEGREE OF SOLVENCY**

67.6.2. The pension plan which provides for the establishment of a degree of solvency according to intervals shorter than a fiscal year must indicate:

(1) the interval according to which the degree of solvency must be calculated, which cannot be less than one month;

(2) if the calculation must be carried out systematically or only where the use of the degree of solvency is required under the Act.

Where applicable, an actuary must define the method which, taking into account the actual rate of return of the pension fund or, if the rate is unknown, the estimated rate of return of the pension fund and changes in interest rates determined on a solvency basis, allows to briefly determine the degree of solvency before the date of the next required actuarial valuation.

Any new interval covered by the plan applies as of the date on which the change occurs or on a later date.”

59. The following is inserted after section 67.8:

**“DIVISION VIII.4
PLAN CONVERSION**

§1. *Conversion of a defined-contribution plan into a target-benefit plan*

67.9. The conversion of a defined-contribution plan into a target-benefit plan is subject to the consents required under section 146.55 of the Act.

During the conversion, only the benefits of members and beneficiaries under a defined contribution plan having consented to their conversion can be converted into target benefits.

67.10. Target benefits obtained by converting sums held under defined contribution provisions must be determined on the basis of the assumptions and the target level of the stabilization provision used to determine the current service contribution for the purposes of the actuarial valuation which considers the amendment concerning the conversion of the plan into a target-benefit plan.

§2. *Conversion of a negotiated contribution multi-employer plan into a target-benefit plan*

67.11. The members and beneficiaries affected by the amendment related to the conversion of a plan to which Chapter X.2 of the Act applies into a target-benefit plan must be consulted with regard to the recovery measures applicable in the event of insufficient contributions and to the conditions and procedure for applying them as well as to the conditions and procedure for restoring benefits and appropriating surplus assets set out in the expected target-benefit plan.

The provisions of section 146.35 of the Act apply, with the necessary modifications, to that consultation.

67.12. During the plan conversion, the normal pension and other benefits provided for in the plan, including the pensions being paid on the date of conversion, amended,

where applicable, pursuant to section 146.44.2 of the Act, constitute the benefit target with regard to service accrued on the date of conversion.

67.13. The conversion may not become effective before the date on which the notice informing the members and beneficiaries is sent in accordance with section 26 of the Act.

§3. *Conversion of a target-benefit plan into a defined-benefit plan*

67.14. All benefits under defined-benefit provisions must be restored, at the date of the actuarial valuation regarding the conversion of the plan, according to the conditions provided for in the plan text, in accordance with the rules set out under Division V of Chapter X.3 of the Act.

67.15. Surplus assets at the valuation date, if any, must be appropriated in accordance with the plan provisions.

If a surplus remains, it must be recorded as though it was an amount referred to in the second paragraph of section 42.2 of the Act.

67.16. The normal pension and other benefits resulting from the application of sections 67.14 and 67.15, where applicable, become defined benefits under the plan resulting from the conversion.”

60. The following is added after section 77.3:

“**77.4.** The provisions of sections 66 to 67.3.11 do not apply to a pension plan for which the notice referred to in section 200 or 204 of the Act was sent before 22 September 2021.”

61. Form 3 is amended:

(1) by replacing “unless the undersigned notifies the originator, the administrator and Retraite Québec, by registered mail, not less than 90 days before the letter’s expiry that the letter will not be renewed” by “unless, at least 90 days before the expiry of the letter of credit, a notice of non-renewal is sent by registered mail to the undersigned, the originator, the administrator and Retraite Québec, by the person or body that decides not to renew the letter”;

(2) by striking out “prior to the expiry” in the text next to the first checkbox;

(3) by adding “or at the time the undersigned is notified of a notice of non-renewal” at the end of the text next to the second checkbox.

62. Schedule 0.2 is amended by replacing “defined benefit or defined benefit-defined contribution pension plans,” in subparagraph *b* of paragraph 1 of the declaration by “defined benefit or target-benefit pension plans”.

63. Schedule II is amended by striking out “as well as the members and beneficiaries affected” in paragraph 4 of the certificate.

64. The following is inserted after Schedule II:

“SCHEDULE II.1
(s. 63)

DECLARATION OF TERMINATION
OF A PENSION PLAN THAT CANNOT
BE TERMINATED UNILATERALLY
BY AN EMPLOYER (FOLLOWING NOTICE
GIVEN BY THE PERSON OR BODY
EMPOWERED TO AMEND THE PLAN)

Name of the plan: _____

Number: _____

I, _____, being duly authorized to act as administrator or mandatary of the administrator of the plan mentioned above, declare that the plan is being terminated and that the date of its termination is _____.

I certify that:

(1) the termination follows a decision made by the person or body empowered to terminate the plan in accordance with the plan provisions;

(2) the decision to terminate the plan was communicated by means of a written notice, a copy of which is attached hereto, that, to the best of my knowledge, was sent to all the affected members and beneficiaries (that is, all the plan’s members and beneficiaries whose benefits were not paid in full before the termination date and, if the termination resulted from a division, merger, disposal or closure of the enterprise or a part of the enterprise, all the members whose active membership ceased during the period between the date on which the members were informed of the event in question and the termination date), the accredited association representing the members, the pension committee and the insurer, if any;

(3) the notice referred to in paragraph 2 indicates the plan’s termination date;

(4) the termination date mentioned above is not subsequent to the day preceding the day on which the benefits of the plan’s last member or beneficiary were paid;

(5) to the best of my knowledge, the termination date (check, as appropriate, one of the following boxes):

is not prior to the date of the cessation of collection of member contributions nor the date preceding by 30 days the transmittal of the notice of termination to the active members;

is prior to the date of the cessation of collection of member contributions or the date preceding by 30 days the transmittal of the notice of termination to the active members, but each of the members whose active membership ended on the occasion of the termination or thereafter has consented in writing to the termination of the plan at the date mentioned above and the pension committee is able to produce those consents at the request of Retraite Québec;

(6) the pension committee received the written notice of termination on _____.

(signature)

(date)

Attachment: notice of termination.”.

TRANSITIONAL AND FINAL

65. The provisions of section 11 apply to any pension plan whose termination date is subsequent to 22 September 2021.

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

105603

Gouvernement du Québec

O.C. 317-2022, 16 March 2022

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

Minister of Health and Social Services
— **Information that institutions must provide**
— **Amendment**

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

WHEREAS, under subparagraph 26 of the first paragraph of section 505 of the Act respecting health services and social services (chapter S-4.2), the Government may, by regulation, prescribe the personal and non-personal information that an institution must provide to the Minister concerning the needs for and utilization of services;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the information that institutions must provide to the Minister of Health and Social Services was published in Part 2 of the *Gazette officielle du Québec* of 29 September 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the information that institutions must provide to the Minister of Health and Social Services with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the information that institutions must provide to the Minister of Health and Social Services, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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

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

1. The Regulation respecting the information that institutions must provide to the Minister of Health and Social Services (chapter S-4.2, r. 23) is amended by inserting the following section after section 5.1.2:

“**5.1.3.** An institution operating a hospital of the general and specialized class of hospitals in which a clinical department of laboratory medicine is established must provide the Minister with the information in Schedule V.3 in respect of the following users:

(1) every user for whom an examination of the immunochemical fecal occult blood test is carried out;

(2) every user for whom an examination of the human papillomavirus test is carried out.”

2. Section 5.2.1 is replaced by the following:

“**5.2.1.** A public institution or a private institution under agreement operating one of the following centres must provide the Minister with the information in Schedule VI.1 in respect of a user who receives rehabilitation services from such a centre:

(1) a rehabilitation centre of one of the following classes:

(a) a rehabilitation centre for mentally impaired persons or persons with a pervasive developmental disorder;

(b) a rehabilitation centre for physically impaired persons;

(2) a hospital of the general and specialized class of hospitals.”

5.2.2. A public institution operating a rehabilitation centre belonging to the class of rehabilitation centres for persons with an addiction must provide the Minister with the information in Schedule VI.2 in respect of an individual user or a group user that receives services from such a centre.”

3. Section 6 is amended by replacing “5.2.1 and 5.3” in the portion before subparagraph 1 of the first paragraph by “5.1.3 and 5.2.1 to 5.3”.

4. Schedule I is amended

(1) in section 1

(a) by inserting the following after subparagraph *h* of paragraph 3:

“(h.1) the intervention program to which it is related;”;

(b) by inserting the following after subparagraph *e* of paragraph 4:

“(e.1) the priority code assigned to the assignment;”;

(2) in section 2

(a) by replacing subparagraphs *b* and *c* of paragraph 1 by the following:

“(b) the province or territory responsible for the health care insurance plan insuring the user;

(c) the date on which the user’s file was opened;”;

(b) by inserting the following after subparagraph *f* of paragraph 2:

“(f.1) an indication of whether the user is socially isolated;”.

5. Schedule V.1 is amended

(1) by inserting “in respect of any user suffering from cancer” after “the following information” in the portion before paragraph 1 of section 1;

(2) by adding the following at the end:

2. An institution referred to in section 5.1.1 of the Regulation must provide the following information in respect of any user for whom a request for a radiation oncology consultation is made or to whom radiation oncology treatment is administered:

(1) the date of receipt of the request for consultation;

(2) the clinical priority code assigned to the user’s cancer;

(3) the date of the first consultation;

(4) an indication that the administration of radiotherapy treatment was deemed appropriate following the consultation;

(5) the date as of which the user is deemed ready to receive a first radiotherapy treatment;

(6) regarding the radiotherapy treatment administered or determined following the consultation:

(a) the date on which it is administered for the first time;

(b) its anatomic target;

(c) an indication of whether it is teletherapy treatment or brachytherapy treatment;

(d) in the case of teletherapy treatment, the planning technique used in accordance with the financial management manual published by the Minister under section 477 of the Act respecting health services and social services (chapter S4.2);

(e) the name of the treatment plan;

(f) an indication of whether the treatment is curative or palliative;

(g) the number of treatment fractions scheduled;

(7) for each period of the user’s unavailability:

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

(b) an indication of whether the unavailability is due to personal or medical reasons;

(8) the explanations of the institution regarding any delays incurred and any period of unavailability reported.

3. An institution referred to in section 5.1.1 of the Regulation must provide the following information in respect of any user for whom a request for an oncology consultation or a hematology consultation is made or to whom oncology or hematology treatment is administered:

(1) the date of receipt of the request for consultation;

(2) the priority code assigned to the request;

(3) the date of the first consultation;

(4) the tumour site of the cancer concerned by the treatment, where applicable;

(5) if the request for consultation concerns a user whose cancer diagnosis has not been confirmed, an indication that the user is awaiting a diagnosis;

(6) an indication that, following the consultation, it was determined that the user does not have neoplasia, where applicable;

(7) an indication that the administration of systemic treatment (chemotherapy, targeted therapy or immunotherapy) was deemed appropriate following the consultation or that the treatment plan has not yet been determined;

(8) regarding the systemic treatment administered or determined following the consultation:

(a) the date on which it is administered for the first time;

(b) an indication of whether it is administered orally or intravenously;

(c) in the case of intravenous systemic treatment:

i. an indication that the treatment is administered in an institution other than the institution where the consultation was carried out, where applicable;

ii. an indication that the treatment is administered simultaneously with radiotherapy, where applicable;

(9) if the administration of systemic treatment was not deemed appropriate following the consultation, an indication of whether another treatment will be administered or that only active follow-up will be maintained;

(10) for each period of the user's unavailability:

(a) the dates on which the user's unavailability begins and ends;

(b) an indication of whether the unavailability is due to personal or medical reasons;

(11) the explanations of the institution regarding any delays incurred and any period of unavailability reported;

4. Every transmission of the information required under sections 2 and 3 must be accompanied by the following:

(1) the year, financial period and week number concerned;

(2) the name and permit number of the institution concerned;

(3) the name and number, on the institution's permit, of the facility concerned.”.

6. Schedule V.2 is amended by striking out “provincial” in subparagraph d of paragraph 1 of section 4.

7. The following is inserted after Schedule V.2:

“SCHEDULE V.3

(s. 5.1.3)

1. An institution referred to in section 5.1.3 of the Regulation must provide the following information:

(1) the sequence number assigned to the test by the laboratory;

(2) the date on which the sample was taken;

(3) the date on which the sample was received at the laboratory;

(4) an indication that the test must be conducted again and the reason therefor, where applicable;

(5) concerning any immunochemical fecal occult blood test, the numerical result of the test and an indication of whether it was deemed positive, negative or invalid;

(6) concerning any human papillomavirus test:

(a) the anatomical region where the sample was taken;

(b) the result of the test and an indication of whether it was deemed positive, negative or invalid;

(7) the date of verification of the result of the test;

(8) the name and number, on the institution's permit, of the facility, or the name of the private health facility, where the person who prescribed the test was practising at the time of prescription;

(9) the name and permit number of the institution that provided services to the user;

(10) the name and number, on the institution's permit, of the facility that provided services to the user.”.

8. The following is inserted after Schedule VI.1:

“SCHEDULE VI.2
(s. 5.2.2)

1. An institution referred to in section 5.2.2 of the Regulation must provide the following information in respect of any type of user:

(1) concerning each request for services:

(a) sequence number;

(b) date of receipt;

(c) origin;

(d) object;

(e) the centre or sub-centre of activities concerned;

(f) the decision rendered after examination of the request and the date of the decision;

(g) an indication that it is a request from an individual or a group;

(h) the priority code assigned to the request;

(2) indication of the type of user;

(3) concerning each sporadic intervention or activity:

(a) sequence number;

(b) the centre or sub-centre of activities concerned;

(c) date;

(d) type;

(e) the reasons therefor;

(f) any act performed by the provider;

(g) follow-up;

(h) the master program to which it is related;

(i) the intervention program to which it is related;

(j) mode;

(k) the place of the intervention or activity;

(l) in the case of an intervention, the duration;

(m) the language used during the intervention or activity;

(n) the provider's class of employment and link with the institution;

(o) the number of providers participating in the intervention or activity;

(p) if the intervention or activity is performed in a school environment, the education level;

(q) if the intervention or activity is intended for a group user, the number of participants;

(4) the category and target population of the group user.

2. In addition to the information required under section 1, an institution referred to in section 5.2.2 of the Regulation must provide the following information in respect of any individual user:

(1) concerning the user:

(a) the reason for which the user's health insurance number cannot be provided, where applicable;

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

(c) the date on which the user's file was opened;

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

(e) the user's overall deprivation;

(f) the user's material deprivation;

(g) the user's social deprivation;

(2) concerning each episode of service rendered to the user:

(a) the sequence number;

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

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

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

- (e) the dates on which the assignment begins and ends;
 - (f) the priority code assigned to the assignment;
 - (g) the sequence number associated to each period of the user's unavailability, where applicable;
 - (h) the dates on which the user's unavailability begins and ends, where applicable;
 - (i) the date on which services will be required for the user at a later date;
 - (j) the reason for interrupting the service episode;
- (3) concerning each addiction profile drawn up for the user:
- (a) the sequence number;
 - (b) an indication that the assessment was conducted directly by the institution operating the rehabilitation centre for persons with an addiction or by an external resource;
 - (c) the date of the assessment and, if the assessment could not be conducted in a single session, the date on which the assessment was continued;
 - (d) the types of disorders related to psychoactive substance use, gambling or problematic Internet use observed in the user;
 - (e) the level of services required by the user, as determined in the assessment;
 - (f) the conditions observed in the user that require particular follow-up;
 - (g) an indication of whether the user lives with a partner with or without children, is a single parent, lives alone, lives with a relative, or lives with a non-relative;
 - (h) the type of the user's occupation;
- (4) concerning each stay of the user in a facility maintained by an institution operating a rehabilitation centre belonging to the class of rehabilitation centres for persons with an addiction:
- (a) the sequence number;
 - (b) the reason for the user's admission;
 - (c) the date and time of the user's admission;

- (d) the date and time on which the user's lodging ends;
- (e) the reason for ending the lodging;
- (f) the dates on which each occupied bed in the institution began and ceased to be occupied, and the duration of each occupation;
- (g) the total duration of the user's lodging in the institution.

3. Every transmission of the information required under sections 1 and 2 must be accompanied by the following:

- (1) the code of the health region from which the information originates;
- (2) the permit number of the institution providing the information;
- (3) the date of transmission;
- (4) the number assigned to the transmission;
- (5) the dates on which the period concerned begins and ends.”.

9. Schedule VII is amended in section 1

- (1) in paragraph 3
 - (a) by replacing subparagraphs *h* and *i* by the following:
 - “(h) the results of the computation of the SMAF and social SMAF;
 - (i) the results of the computation of incapacity and handicap for each element of the SMAF and social SMAF;”;
 - (b) by replacing subparagraphs *n* and *o* by the following:
 - “(n) the permit number of the institution that provides assessment services to the user;
 - (o) the number, on the institution's permit, of the facility that provides assessment services to the user;
 - (p) the type of resource or living environment where the assessment was conducted;
 - (q) the name and code of the local services network entered in the file of the user concerned by the assessment;

(r) the name and code of the local services network where the residence of the user concerned by the assessment is located;

(s) the type of living environment where the user concerned by the assessment is residing and, in the case of a facility maintained by an institution, a private seniors' residence or another lodging resource, the name of that facility, residence or resource;

(t) an indication that a case management worker participated in the assessment, where applicable;

(u) for each element of the SMAF that was assessed:

i. the items and technical aids used by the user to compensate for incapacity, where applicable;

ii. an indication of whether the human resources available to compensate for the user's incapacity meet the user's needs, do not meet them, or meet them in part and, in the latter case, of whether that shortcoming is due to the quantity of services obtained, the quality of those services, or both;";

(2) by inserting the following after paragraph 3:

“(3.1) concerning a user who underwent an assessment of his or her loss of autonomy using the OEMC or the SMAF:

(a) the weekly frequency at which the user takes care of his partial or complete hygiene or at which it is provided to the user, and an indication of the mode of hygiene used;

(b) an indication of whether the user is able to get around inside the living environment using a wheelchair;

(c) an indication of whether the user is able to get around using a wheelchair, a 3-wheel scooter or a 4-wheel scooter within 20 metres of the living environment;

(d) an indication of whether the user uses stairs;

(3.2) concerning a user who underwent an assessment of his or her loss of autonomy using the OEMC:

(a) if the user is 65 years of age or over, an indication of whether examination of the file revealed a nutritional risk, and the level of risk identified;

(b) an indication of whether static and dynamic synthesis of the file using the OEMC revealed signs of the following risks:

i. if the user is under 65 years of age, the user's nutritional risk;

ii. the user's risk of falling;

iii. the risk of exhaustion of the user's informal caregiver;

iv. the user's risk of wound;

v. the user's risk of suicide;

vi. the risk of maltreatment toward the user and, when specified, the types of risks of maltreatment (physical, sexual, material or financial and psychological);

vii. the risk of neglect toward the user;

viii. the risk of the user's rights being violated;

ix. the user's risk of fragility;

(c) regarding the user's state of health:

i. the user's body mass index;

ii. the weight fluctuations observed in the user during the year preceding the assessment;

iii. an indication of whether the user has a medical history;

iv. an indication of whether the user was hospitalized during the year preceding the assessment and the reason for that hospitalization, where applicable;

v. an indication of whether the user fell during the year preceding the assessment and the number of falls, where applicable;

vi. an indication of whether the user expresses a fear of falling, or an indication that the user is unable to answer that question;

vii. the symptoms experienced by the user with regard to the user's sensory, genitourinary, digestive and motor functions, the condition of the user's skin, and the user's mood or anxiety disorders, suicidal ideation, agitation or disruptive behaviours;

viii. an indication of whether the user has a mental health problem and, if so, of whether that problem is taken in charge;

ix. an indication of whether the user has experienced trauma and, if so, the type of trauma;

x. the reason why the user has difficulty taking medication, where applicable;

xi. the type of side effects experienced by the user after taking his or her medication, where applicable;

xii. the extent to which the user felt weak during the 4 weeks preceding the assessment, or an indication that the user is unable to answer that question;

xiii. an indication of whether the user is followed by a family physician;

xiv. an indication of whether the user is followed by a medical specialist;

xv. an indication of whether the user is followed by a health or social services professional who is not a physician;

(d) regarding the user's lifestyle:

i. the user's appetite level;

ii. an indication of whether the user feeds orally, enterally or parenterally, or through a combination of those methods;

iii. an indication of whether the user eats the following foods for breakfast:

(I) fruits or fruit juice;

(II) eggs, cheese or peanut butter;

(III) bread or cereal;

(IV) milk;

iv. the nature of the user's feeding problems, where applicable;

v. the user's type of dentition;

vi. the weekly frequency at which the user consumes alcohol;

vii. the weekly frequency at which the user walks for at least 10 minutes;

viii. the weekly frequency at which the user plays sports for at least 10 continuous minutes;

ix. the weekly frequency at which the user engages in moderate activity;

x. an indication of whether the user has ceased or significantly reduced a social activity he or she engaged in during the year preceding the assessment and the reasons therefor, where applicable;

(e) regarding the user's psychosocial state:

i. an indication of any previous event experienced by the user that is likely to significantly impact his or her lifestyle and the date of each event identified, where applicable;

ii. an indication of whether the user is surrounded by a family or social network;

iii. an indication of whether the user is assisted by an informal caregiver;

iv. regarding each informal caregiver of the user, where applicable:

(I) an indication of whether he or she is the main informal caregiver or another type of informal caregiver;

(II) an indication that he or she is 75 years of age or over, where applicable;

(III) the date on which he or she began providing services to the user;

(IV) an indication of whether he or she cohabits with the user;

(V) an indication of whether his or her income is sufficient to meet his or her needs;

(VI) his or her state of health;

(VII) the nature of his or her relationship with the user;

(VIII) his or her employment status;

(IX) the nature of the problems with regard to his or her role in the user's life, as stated by the user or observed by the provider, where applicable;

(X) the weekly frequency at which he or she is involved with the user;

(XI) an indication of whether he or she is satisfied with his or her situation;

(XII) an indication of whether the user has agreed to have the institution communicate with the informal caregiver concerned;

- v. the nature of the user's family dynamics;
- vi. the type of contact between the user and his or her social or family network, and the frequency of that contact;
- vii. the state of the relationship between the user and his or her social or family network;
- viii. the nature of the social support that the user receives from his or her social or family network;
- ix. the types of maltreatment of which the user seems to be a victim, where applicable;
- x. the emotional state expressed by the user;
- xi. the user's perception of his or her general situation;
- xii. the nature of the means used or not used by the user in order to get his or her situation under control, or an indication that the user is unable to answer that question;
- xiii. the nature of the user's problems with regard to his or her intimate and emotional life, where applicable;
- xiv. the nature of the user's problems with regard to the practices and obligations related to his or her religion, where applicable;
- xv. the type of the user's current occupation;
- xvi. the user's civil status;
- xvii. an indication of whether the user lives with a partner with or without children, is a single parent, lives alone, lives with a relative, or lives with a non-relative, or an indication that that information is not available;
- xviii. the user's number of years of education;
- (f) regarding the user's economic situation:
 - i. an indication of whether the user's income is sufficient to meet his or her needs, or an indication that the user is unable to answer that question;
 - ii. the nature of the user's problems with regard to finances or payments;
 - iii. the user's sources of income;
- (g) regarding the physical environment in which the user lives:

- i. the nature of the elements whose absence or presence in the user's living environment is likely to cause a risk of falling, where applicable;

- ii. the nature of the user's problems with regard to accessibility inside his or her living environment;

- iii. an indication of whether the user avoids going up stairs or carrying small loads;

(3.3) an indication of whether an assessment of the user's social functioning was conducted using the OEMC and, if so, the date of that assessment;"

(3) in paragraph 4

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

"(l.1) the date of any improvement of the plan;"

(b) by inserting the following after subparagraph *r*:

"(s) an indication that a case management worker participated in the development of the plan, where applicable;"

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

105605

Gouvernement du Québec

O.C. 319-2022, 16 March 2022

Extension of the COVID-19 Self-test Distribution Program

WHEREAS, under paragraph *h* of section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Minister of Health and Social Services is to promote the development and implementation of programs and services according to the needs of individuals, and families and other groups;

WHEREAS, under the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), the function of the Board (Régie) is to administer and implement the programs of the health insurance plan instituted by the Health Insurance Act (chapter A-29) and any other program entrusted to it by law or by the Government;

WHEREAS, under the fifteenth paragraph of section 3 of the Health Insurance Act, the Board assumes the cost of services and goods provided under the programs it administers by virtue of the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec according to the conditions and methods provided for under those programs;

WHEREAS, under the first paragraph of section 2.1 of the Act respecting the Régie de l'assurance maladie du Québec, the Board is to recover, from the Ministère de la Santé et des Services sociaux or body concerned, the cost of services and goods it assumes under a program entrusted to it by law or by the Government, to the extent provided for under that program;

WHEREAS, by Order in Council 1539-2021 dated 14 December 2021, the Régie de l'assurance maladie du Québec was entrusted by the Government with the COVID-19 Self-test Distribution Program attached to that Order in Council;

WHEREAS that Program is scheduled to end on 31 March 2022;

WHEREAS it is expedient to extend the term of the Program to 31 March 2023;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the COVID-19 Self-test Distribution Program entrusted to the Régie de l'assurance maladie du Québec by Order in Council 1539-2021 dated 14 December 2021, be extended to 31 March 2023;

THAT the Program attached to this Order in Council be amended accordingly.

YVES OUELLET
Clerk of the Conseil exécutif

105606

M.O., 2022

Tricentris, la COOP de solidarité

Cities and Towns Act
(chapter C-19)

Under subparagraph 5 of the first paragraph of section 573.3.5 of the Cities and Towns Act (chapter C-19), I designate Tricentris, la COOP de solidarité as a body subject to sections 573 to 573.3.4 of the Act.

Québec, 15 March 2022

The Minister of Municipal Affairs and Housing

per: FRÉDÉRIC GUAY
Deputy Minister

105598

Draft Regulations

Draft Regulation

Act respecting the sharing of certain health information
(chapter P-9.0001)

Application of the Act respecting the sharing of certain health information — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation adds new persons and partnerships that are subject to the specific information management rules defined by the health and social services network information officer and approved by the Conseil du trésor. It also adds new providers that may be assigned an access authorization for a health information bank in a clinical domain or an electronic prescription management system for medication.

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

Further information on the draft Regulation may be obtained by contacting Luc Larivée, legal research agent, Direction de la performance et de la gouvernance des ressources informationnelles, ministère de la Santé et des Services sociaux, 930, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1S 2L4; telephone: 581 814-9100, extension 6104; email: luc.larivee@msss.gouv.qc.ca.

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

LIONEL CARMANT
*Minister for Health and
Social Services*

CHRISTIAN DUBÉ
*Minister of Health and
Social Services*

Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information

Act respecting the sharing of certain health information
(chapter P-9.0001, s. 4, par. 20, s. 69,
par. 16, and s. 120, par. 4)

1. The Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1) is amended in section 1

(1) by replacing paragraph 1 by the following:

“(1) a person or a partnership that operates a private health facility;”;

(2) by adding the following at the end:

“(4) a person or a partnership that operates a private seniors’ residence referred to in section 346.0.1 of the Act respecting health services and social services (chapter S-4.2);

(5) a palliative care hospice within the meaning of the Act respecting end-of-life care (chapter S-32.0001);

(6) Corporation d’urgences-santé;

(7) a holder of an ambulance service permit issued in accordance with the Act respecting pre-hospital emergency services (chapter S-6.2).”.

2. Section 2 is replaced by the following:

“**2.** Within the meaning of this Regulation, a private office means a consulting room or office, situated elsewhere than in a facility maintained by an institution, in which one or more of the professionals listed below, individually or as a group, regularly practise their profession, privately and solely on their own account, without directly or indirectly providing their patients with lodging:

(1) a dentist;

(2) a dietitian or a nutritionist;

- (3) a physiotherapist;
- (4) a respiratory therapist;
- (5) an occupational therapist;
- (6) a social worker;
- (7) a nurse;
- (8) a podiatrist;
- (9) a psychologist;
- (10) a psychoeducator;
- (11) a chiropractor;
- (12) an optometrist;
- (13) an audiologist or a speech language pathologist.”.

3. Section 6 is amended

(1) by replacing “private dental office” in paragraph 1 by “private health facility”;

(2) by inserting the following after paragraph 1:

“(1.1) a dental medicine resident practising in a private health facility, in a centre operated by an institution, in a private physician’s office or a specialized medical centre;

(1.2) a dental hygienist practising in a private health facility, in a centre operated by an institution, in a private physician’s office or a specialized medical centre;”;

(3) by inserting “in a private health facility,” after “practising” in paragraph 2;

(4) by inserting “in a private health facility,” after “practising” in paragraph 3;

(5) by inserting “in a private health facility,” after “practising” in paragraph 4;

(6) by inserting “in a private health facility,” after “practising” in paragraph 5;

(7) by inserting “in a private health facility,” after “practising” in paragraph 6;

(8) by inserting “in a private health facility,” after “practising” in paragraph 9;

(9) by inserting “in a private health facility, in a private seniors’ residence, in a palliative care hospice,” after “practising” in paragraph 10;

(10) by inserting the following after paragraph 10:

“(10.1) a nursing assistant practising in a private health facility, in a private seniors’ residence or a palliative care hospice;”;

(11) by replacing “or a specialized medical centre” in paragraph 11 by “, in a specialized medical centre or a palliative care hospice”;

(12) by inserting the following after paragraph 12:

“(12.1) the holder of a registration certificate issued by the secretary of the Collège des médecins du Québec practising in a centre operated by an institution, in a private physician’s office or a specialized medical centre;

(12.2) the holder of a training card issued by the secretary of the Collège des médecins du Québec practising in a palliative care hospice;”;

(13) by adding the following at the end:

“(14) a podiatrist practising in a private health facility, in a centre operated by an institution, in a private physician’s office or a specialized medical centre;

(15) a professional technologist carrying on professional activities in the field of orthotics or prosthetics in a centre operated by an institution, in a private physician’s office or a specialized medical centre;

(16) a psychologist practising in a private health facility, in a centre operated by an institution, in a private physician’s office, in a specialized medical centre, in a private seniors’ residence or a palliative care hospice;

(17) a psychoeducator practising in a private health facility, in a centre operated by an institution, in a private physician’s office, in a specialized medical centre or a private seniors’ residence;

(18) an ambulance technician practising at Corporation d’urgences-santé or on behalf of a holder of an ambulance service permit;

(19) a chiropractor practising in a private health facility, in a centre operated by an institution, in a private physician’s office or a specialized medical centre;

(20) an optometrist practising in a private health facility, in a centre operated by an institution, in a private physician’s office or a specialized medical centre;

(21) an audiologist or a speech language pathologist practising in a private health facility, in a centre operated by an institution, in a private physician's office or a specialized medical centre.”.

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

105602

Draft Regulation

Education Act
(chapter I-13.3)

Conditions and procedures governing the review of a result

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the conditions and procedures governing the review of a result, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

The draft Regulation follows up on the Act to amend mainly the Education Act with regard to school organization and governance (2020, chapter 1), which was assented to on 8 February 2020, and determines the conditions and procedures governing the review of a student's result pursuant to section 96.15 or 110.12 of the Education Act (chapter I-13.3).

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

Further information on the draft Regulation may be obtained by contacting Christine Di Loreto, Direction des encadrements pédagogiques et scolaires, Ministère de l'Éducation, 600, rue Fullum, 10^e étage, Montréal (Québec) H2K 3L6; email: Christine.DiLoreto@education.gouv.qc.ca.

Any interested person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Marie-Ève Chamberland, Secretary General, Ministère de l'Éducation, 1035, rue De La Chevrotière, 15^e étage, Québec (Québec) G1R 5A5; email: marie-eve.chamberland@education.gouv.qc.ca

JEAN-FRANÇOIS ROBERGE
Minister of Education

Regulation respecting the conditions and procedures governing the review of a result

Education Act
(chapter I-13.3, s. 457.1, 4th par.)

1. This Regulation determines the conditions and procedures governing the review of a student's result pursuant to section 96.15 or 110.12 of the Education Act.

The review of a student's result consists in examining the result again. The student does not retake the examination. The review may lead to the initial result being maintained, increased or reduced.

For the purposes of this Regulation, the review of a result includes the review of the result of an evaluation or part of an evaluation. It also includes the review of a result consisting of several evaluations, in particular the result for a course, a term, a subject, a skill or a component.

2. A student, or the student's parents, may request the review of a result.

3. A request for review must be submitted within 10 working days after taking cognizance of the result. A request for review concerning a result consisting of several evaluations may cover only evaluations for the most recent term completed and only evaluations or parts of evaluations that have not been the subject of a request. A request for the review of a result obtained further to an evaluation held not later than the last day of the school calendar may not be submitted after the following 15 July.

Despite the previous paragraph, in the case of a result obtained as part of vocational training or adult education services, a request for review must be submitted within 30 days after taking cognizance of the result. A request for review concerning a result consisting of several evaluations may cover only evaluations or parts of evaluations that have not been the subject of a request.

4. A request for review must be made in writing and addressed to the principal of the institution. It must contain

- (1) the name of the student;
- (2) the name of the teacher;
- (3) the code or title of the course or subject concerned;
- (4) the identification of the evaluation, part of evaluation or result concerned;

- (5) the reasons for the request; and
- (6) the documents in support of the request, including the evaluation concerned if it was given to the student.
- 5.** On ascertaining that the request for review is compliant, the principal sends it without delay to the teacher to whose care the student is entrusted, so that the teacher is able to review the result.

6. Within 5 working days after the request is sent by the principal of the institution, the teacher must give the principal, in writing, the result obtained by the student further to the review with the reasons, and send any documents in support of the result. The principal communicates the result, the reasons and the documents, if applicable, to the student or the student's parents without delay.

Despite the previous paragraph, in the case of an evaluation made as part of vocational training or adult education services, the teacher has 10 working days to give the result with the reasons and send any documents.

7. If the teacher to whose care the student is entrusted is scheduled to be absent for a period of at least 10 working days, the principal communicates with the teacher to inquire about whether the teacher is able to review the result within the prescribed time limit.

If the teacher does not reply within 5 working days, or confirms that he or she is unable to review the result within the prescribed time limit, the principal entrusts the request for review to another teacher. The teacher to whom the request for review is entrusted is selected on the basis of his or her expertise in the subject or field of teaching concerned by the request for review.

8. If, within the time limit prescribed in the previous section, the principal of the institution becomes aware that the teacher is unable to review the result, the principal must, without delay, entrust the request to another teacher selected in accordance with the second paragraph of section 7.

9. The result obtained further to a request for review is final.

10. The teacher to whose care the student is entrusted must make all documents relevant to the request for review available at all times so that they may be consulted by the student or the student's parents or by a teacher to whom the request for review is entrusted in accordance with the second paragraph of section 7.

11. The institution must make a request for review form available in paper form and on its website.

12. This Regulation comes into force on 1 July 2022. It does not apply to results obtained as of that date for the purposes of the preceding school year.

105601

Draft Regulation

Act respecting lotteries, publicity contests and amusement machines (chapter L-6)

Lottery schemes

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Lottery Scheme Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation replaces the Lottery Schemes Regulation (chapter L-6, r. 11) in order to modernize the legislative framework applicable to lottery scheme licences, allow new types of drawings and create a new electronic schemes supplier licence used to conduct and manage drawings.

Study of the matter has shown no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2^e étage, Québec (Québec) G1K 3J3; telephone: 418 528-7225, extension 23251; fax: 418 646-5204; email: andree-anne.garceau@racj.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2^e étage, Québec (Québec) G1K 3J3.

GENEVIÈVE GUILBAULT
Minister of Public Security

Lottery Scheme Regulation

Act respecting lotteries, publicity contests and amusement machines (chapter L-6, s. 119)

DIVISION I DEFINITIONS

1. In this Regulation,

“card” means a printed card used in the context of an instant lottery or a manufactured object accompanied by a medium that contains the same information as a card; (*carte*)

“charitable purposes” means purposes intended to relieve suffering or poverty and those intended to promote education or achieve any other objective favourable to the population in the fields of culture, the arts, sports or community interests; (*fins charitables*)

“drawing” means a drawing with a fixed prize, a drawing whose prize is determined based on the percentage of gross revenues such as a 50/50, a progressive drawing such as chase the ace, as well as a mixed drawing that combines more than one type of drawing; (*tirage*)

“electronic drawing” means a drawing that uses an electronic scheme to sell tickets, choose a winner or award a prize; (*tirage électronique*)

“electronic scheme” means a computer, device, machine or computer platform used to establish or operate an electronic drawing that does not constitute a video lottery machine within the meaning of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6); (*système électronique*)

“fair or exhibition” means a fair or exhibition within the meaning of subsection 3.1 of section 206 of the Criminal Code (R.S.C. 1985, c. C-46); (*foire ou exposition*)

“instant lottery” means a lottery scheme in which a card contains sufficient information, in itself, to determine if the holder is entitled to a prize; (*loterie instantanée*)

“organization” means a partnership, association or non-profit legal person engaged in charitable or religious purposes; (*organisme*)

“religious purposes” means purposes intended to promote a religious doctrine; (*fins religieuses*)

“ticket” means a regular ticket or a simplified ticket used in the context of a drawing, or a manufactured object accompanied by a medium that contains the same information as a ticket. (*billet*)

DIVISION II LICENCES

§1. Lottery schemes licence

2. A licence is prescribed to conduct and manage the following lottery schemes:

- (1) drawings;
- (2) instant lotteries;
- (3) charity casinos;
- (4) wheels of fortune.

3. An organization may apply for a licence to conduct and manage all the lottery schemes set out in section 2, except wheels of fortune, where the profits from the lottery scheme are used for charitable or religious purposes compatible with the purposes pursued by the organization.

The board of a fair or exhibition may apply for a licence to conduct and manage, at a fair or exhibition it organizes, a drawing, an instant lottery or a wheel of fortune.

The operator of a concession leased from the board of a fair or exhibition may apply for a licence to conduct and manage a wheel of fortune that is operated when the fair or exhibition is held.

4. An application for a lottery schemes licence or any application to add a new lottery scheme must be filed with the board at least 30 days before the sale of tickets or instant lottery cards, or the date that the charity casino or the wheel of fortune is held.

§2. Electronic schemes supplier licence

5. An electronic schemes supplier licence is prescribed to provide an organization with an electronic scheme used in the context of a drawing.

DIVISION III PAYABLE DUTIES AND FEES

6. An applicant for a lottery schemes licence must pay, upon applying, examination fees of \$30.75, as well as

(1) for a drawing, subject to section 7, a payable duty representing 0.9% of the total selling price of the tickets estimated by the applicant;

(2) for an instant lottery, a payable duty representing 0.9% of the total selling price of the instant lottery cards;

(3) for a wheel of fortune, a payable duty of \$60.00 per day for each wheel of fortune where the stake is from \$0.25 to \$2.00, and \$119.00 per day for other wheels of fortune; and

(4) for a charity casino, a payable duty of \$30.75 per day for each blackjack table or wheel of fortune.

Despite subparagraph 1 of the first paragraph, for a progressive drawing, a payable duty representing 0.9% of the total selling price of the tickets must be sent to the Régie des alcools, des courses et des jeux every quarter as of the first drawing.

7. In the case of a licence to conduct and manage a drawing, where the revenues from the sale of all tickets exceed 10% of the total selling price of the tickets estimated at the time of the application, the holder is required to pay a duty representing 0.9% of the excess amount. The payment of duties must accompany the copy of the statement of profit sent to the board pursuant to section 75 of the draft Lottery Schemes Rules published in Part 2 of the *Gazette Officielle du Québec* of 30 March 2022, or be sent not later than 60 days after the date of expiry of the licence.

8. An applicant for an electronic schemes supplier licence must pay, upon applying, examination fees of \$30.75 and a payable duty of \$225.00.

9. The board will reimburse only the duty paid by an applicant upon applying for a licence where the application is refused, except examination fees.

10. Where a lottery scheme for which a licence was issued is not held during the period of validity of the licence, the holder may ask the board to reimburse the duty paid, except examination fees, not later than on the thirtieth day after the date of expiry of the licence.

11. The duties and fees payable under this Regulation, except the duties determined using the percentages provided for in subparagraphs 1 and 2 of the first paragraph of section 6 and in section 7, are adjusted on 1 January of each year, based on the percentage change in the

All-Items Consumer Price Index for Canada, for the 12-month period ending on 30 September of the preceding year, as determined by Statistics Canada. The adjustment rate may not be less than zero.

The adjusted duties and fees are rounded off as follows:

(1) where the annual increase resulting from the adjustment is between \$0.01 and \$0.25, they are increased by \$0.25;

(2) where the annual increase resulting from the adjustment is between \$0.25 and \$0.50, they are increased by \$0.50;

(3) where the annual increase resulting from the adjustment is between \$0.50 and \$1.00, they are increased by \$1.00; and

(4) where the annual increase resulting from the adjustment is greater than \$1.00,

(a) they are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; or

(b) they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

The board informs the public of the results of the adjustments under this section by publishing them in Part 1 of the *Gazette officielle du Québec* and, if the board considers it appropriate, by any other means.

DIVISION IV FINAL AND TRANSITIONAL

12. The licences issued pursuant to the Lottery Schemes Regulation (chapter L-6, r. 11) remain in force until the date on which they would have expired in accordance with that Regulation and the holders may, until that date, carry on the operations authorized by those licences.

13. This Regulation replaces the Lottery Schemes Regulation (chapter L-6, r. 11).

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

105607

Draft Rules

Act respecting lotteries, publicity contests and amusement machines (chapter L-6)

Lottery Scheme

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Lottery Scheme Rules, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Rules replace the Lottery Scheme Rules (chapter L-6, r. 12) to enable the holding of electronic drawings by charitable or religious organizations and modernize the lottery scheme licence system.

Study of the matter has shown no negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Rules may be obtained by contacting Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2^e étage, Québec (Québec) G1K 3J3; telephone: 418 528-7225, extension 23251; fax: 418 646-5204; email: andree-anne.garceau@racj.gouv.qc.ca.

Any person wishing to comment on the draft Rules is requested to submit written comments within the 45-day period to Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2^e étage, Québec (Québec) G1K 3J3.

GENEVIÈVE GUILBAULT
Minister of Public Security

Lottery Scheme Rules

Act respecting lotteries, publicity contests and amusement machines (chapter L-6, ss. 20 and 47)

TITLE I INTERPRETATION

1. In these Rules, the expressions “ticket”, “card”, “charitable purposes”, “religious purposes”, “fair or exhibition”, “instant lottery”, “organization”, “electronic scheme”, “drawing” and “electronic drawing” have the meaning assigned by the draft Lottery Scheme Regulation published in Part 2 of the *Gazette officielle du Québec* of 30 March 2022.

TITLE II LICENCE APPLICATIONS

CHAPTER I LOTTERY SCHEME LICENCE

2. An organization, a board of a fair or exhibition or an operator of a concession leased from the board of a fair or exhibition that applies for a lottery scheme licence to the Régie des alcools, des courses et des jeux must have an establishment in Québec.

If a natural person, the operator of a concession leased from the board of a fair or exhibition must be a Canadian citizen or permanent resident of full age.

3. Where the applicant is an organization, the licence application must include

(1) the organization’s name, address, telephone number and email address;

(2) a copy of the resolution that designates the natural person acting as representative for the licence application;

(3) the representative’s name, address, telephone number, email address and date of birth;

(4) the organization’s Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1) or, failing that, a copy of its letters patent, of its certificate of constitution, of its registration or of a document attesting to its existence;

(5) a detailed description of the charitable or religious purposes for which the application is made; and

(6) a document proving the charitable or religious purposes pursued by the organization.

4. Where the applicant is a board of a fair or exhibition or the operator of a concession leased from the board of a fair or exhibition, the application must include

(1) the board or operator’s name, address, telephone number and email address;

(2) a copy of the resolution that designates the natural person acting as representative for the licence application;

(3) the representative’s name, address, telephone number, email address and date of birth;

(4) the board or operator's Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1) or, failing that, a copy of its letters patent, of its certificate of constitution, of its registration or of a document attesting to its existence;

(5) the name of the fair or exhibition; and

(6) a declaration that the lottery scheme will be operated during and on the premises of the fair or exhibition.

The operator of a concession must also provide the leasing contract that the operator signed with the board of a fair or exhibition.

Despite the first paragraph, an operator who is a natural person must provide

(1) the operator's name, address, telephone number, email address and date of birth;

(2) the name of the fair or exhibition; and

(3) a declaration that the lottery scheme will be operated during and on the premises of the fair or exhibition.

5. An applicant for a licence to conduct and manage a drawing must provide the board, for each drawing, with

(1) the date and place of the drawing;

(2) the dates when tickets will be on sale;

(3) the number or estimated number of tickets that will be on sale;

(4) the ticket selling price;

(5) the total value of the prizes to be awarded or the total percentage of gross profit for each prize as well as the corresponding value of the total percentage that would come from the sale of all the estimated tickets;

(6) a brief description and the retail value of each prize, or the total percentage of gross profit of each prize;

(7) the anticipated profit and costs;

(8) the rules of participation and operation; and

(9) the type of drawing.

If the applicant uses an electronic scheme from a supplier in order to conduct and manage the applicant's drawing, the applicant must also provide the name of the supplier, the name and description of the scheme that will be used and a copy of the contract entered into with the supplier.

If the applicant has established an electronic scheme to conduct and manage an electronic drawing, the applicant must provide

(1) the name and description of the scheme;

(2) the digital signatures of the electronic scheme's critical components and the digital signature specific to the random number generator at the time of the application; and

(3) the certification or expert report referred to in section 53 and an attestation from the laboratory confirming that the scheme has the characteristics listed in section 54.

6. An applicant for a licence to conduct and manage an instant lottery must provide the board, for each instant lottery, with

(1) the dates when cards will be on sale;

(2) the date and place of any drawing of lots;

(3) the number of cards;

(4) the card selling price;

(5) the total value of prizes to be awarded and a brief description and the retail value of each prize;

(6) the rules of participation and operation; and

(7) the anticipated profit and costs.

7. An applicant for a licence to conduct and manage a charity casino must provide the board, for each charity casino, with

(1) the date and place of the charity casino;

(2) the number of admission tickets on sale;

(3) the admission ticket selling price;

(4) the estimated revenues from the sale of additional phoney money;

(5) the total value of prizes to be awarded and a brief description and the retail value of each prize;

(6) a description of the blackjack tables and the types of wheels of fortune and the rules of participation and operation;

(7) the number of blackjack tables or wheels of fortune;

(8) a copy of all contracts entered into by the applicant pertaining to the holding of the charity casino; and

(9) the anticipated profit and costs.

8. An applicant for a licence to conduct and manage a wheel of fortune must provide the board with

(1) the date and place of the wheel of fortune;

(2) a description of the types of wheel of fortune and the rules of participation and operation; and

(3) the number of wheels of fortune and the minimum and maximum bets per wheel of fortune.

9. The board may issue a single licence for more than one lottery scheme.

10. A licence application made by a number of persons must be signed by each person.

11. The board may refuse to issue a licence if an applicant or one of the applicant's officers, directors or employees working on the lottery scheme has been found guilty of or has pleaded guilty to

(1) an offence against the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) or a lottery scheme regulation or rules made under the Act with respect to a lottery scheme, within the last 3 years, and for which he or she has not been granted a pardon;

(2) an offence punishable on summary conviction pertaining to gaming or betting, within the last 3 years, and for which he or she has not been granted a pardon; or

(3) an indictable offence involving gaming or betting or under Part IX or X of the Criminal Code (R.S.C. 1985, c. C-46), within the last 5 years.

12. The board may refuse to issue a licence to applicants who failed to comply with the requirements for a previous lottery scheme licence.

13. The board may require that the applicant provide a security

(1) by filing a letter of guarantee from a financial institution that indicates the guaranteed amount and identifies the lottery scheme associated with it;

(2) by depositing a sum of money with the board or in a trust account belonging to a financial institution, advocate or notary.

14. An applicant must immediately notify the board of any change in the information and documents required in this Chapter.

No change may be made to a lottery scheme without the prior authorization of the board.

When granting such an authorization, the board may modify the licence already issued. In case of a refusal, it may cancel or revoke the licence.

CHAPTER II ELECTRONIC SCHEMES SUPPLIER LICENCES

15. An applicant for an electronic schemes supplier licence must be registered with the enterprise registrar or, if a natural person, a Canadian citizen or permanent resident of full age.

16. An application made to the board must include

(1) the applicant's name, address, telephone number, email address and, if the applicant is a natural person, the applicant's date of birth;

(2) a copy of the resolution that designates the natural person authorized to act as representative for the licence application;

(3) the representative's name, address, telephone number, email address and date of birth;

(4) the applicant's Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(5) the name and address of each director or officer, and of every shareholder holding 10% or more of the shares carrying full voting rights;

(6) proof of solvency;

(7) proof of at least 2 years' experience developing and creating electronic or related schemes; and

(8) for each electronic scheme that the applicant intends to offer,

(a) the name and description of the scheme;

(b) the digital signatures of the electronic scheme's critical components and the digital signature specific to the random number generator at the time of the application; and

(c) the certification or expert report referred to in section 53 and an attestation from the laboratory confirming that the scheme has the characteristics listed in section 54.

Subparagraphs 2, 3, 4 and 5 of the first paragraph do not apply to a natural person.

17. The board may refuse to issue a licence if an applicant or one of the applicant's officers, directors or employees who has access to the electronic schemes has been found guilty of or has pleaded guilty to

(1) an offence against the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) or a lottery scheme regulation or rules made under the Act, within the last 3 years, and for which he or she has not been granted a pardon;

(2) an offence punishable on summary conviction directly related to the activities authorized by the licence, within the last 3 years, and for which he or she has not been granted a pardon; or

(3) an indictable offence directly related to the activities authorized by the licence, within the last 5 years.

A licence application may also be refused if an applicant or one of the applicant's officers or directors resorted to the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3) or the Companies' Creditors Arrangement Act (R.S.C. 1985, c. C-36) within less than 5 years.

18. The board may refuse to issue a licence to applicants who failed to comply with the requirements for a previous electronic schemes supplier licence.

19. An applicant must immediately notify the board of any change in the information and documents required in this Chapter.

TITLE III

STANDARDS FOR THE USE OF LOTTERY SCHEME LICENCES

CHAPTER I

GENERAL

20. A person designated to act as the representative of the licence holder must be a member, director or employee or volunteer for the holder and have the necessary knowledge on the conduct and management of the lottery scheme to answer the board.

21. A lottery scheme licence holder must conduct and manage a lottery scheme themselves.

The lottery scheme licence holder is also responsible for the integrity and safety of the lottery scheme.

22. A holder must allow the public to consult the holder's lottery scheme licence and the rules of participation and operation, and to learn the charitable or religious purposes for which the licence was issued.

23. A holder must not allow a minor to take part in the lottery scheme.

24. All advertising related to the lottery scheme must bear the holder's name and licence number and specify that it is forbidden for a minor person to take part in the lottery scheme.

All advertising must also comply with the lottery scheme's rules of participation and operation.

25. Within 30 days of a licence's date of issue, the holder must send to the board

(1) in the case of a drawing that uses regular tickets, a specimen ticket; or

(2) in the case of an instant lottery, a specimen card.

26. A lottery scheme licence may not be used during a bingo event or a bingo day governed by the Regulation respecting bingo (chapter L-6, r. 4) and the Bingo Rules (chapter L-6, r. 5).

CHAPTER II

EXPENSES AND PROFIT

27. The funds collected by an organization during the conduct and management of a lottery scheme, other than prize payout funds, must be the object of separate book-keeping.

28. The percentage of the net profit from a lottery scheme may not be less than

- (1) 35% for a drawing;
- (2) 50% for an instant lottery; and
- (3) 30% for a charity casino.

29. Except in the case of a wheel of fortune, a lottery scheme's administration expenses must be less than the scheme's net profit.

30. The cost for the rental, upkeep or use of the premises where the lottery scheme is to be conducted, the cost of advertising, the cost of the electronic scheme and the cost of the equipment used for a charity casino must be a fixed price; it must not be based on a percentage of the profit, an admission charge, a per capita contribution or any kind of interest in the profit.

31. The transportation expenses of the participants in a lottery scheme may not be paid by or for the lottery scheme licence holder.

32. The remuneration of any member, director, employee or volunteer for the holder who works in the conduct and management of a lottery scheme must be fixed and may not be determined on the basis of a percentage of the lottery scheme's profits.

The remuneration of any other person is prohibited.

CHAPTER III PRIZES

33. The total value of prizes awarded must correspond to the value of prizes or percentage of gross profit specified on the licence application and in the rules of participation and operation.

34. Where a prize is awarded in the form of merchandise, a licence holder must ensure that the value of the prize to be awarded is equal to the total amount that a person would have to pay to purchase an identical or similar item or service in Québec, even if the prize was awarded free of charge or sold at a discount.

CHAPTER IV DRAWINGS

DIVISION I GENERAL

35. In the case of a drawing held at a benefit activity, the price of a ticket must be distinct from the amount asked for in order to take part in the benefit activity.

36. When a drawing is held during an event, the licence holder must have been authorized by the event organizer to establish and operate the drawing.

37. A holder of a licence to conduct and manage a drawing may not

(1) offer tickets for sale before the licence is issued by the board;

(2) sell a ticket for a value other than the selling price indicated on it and in the licence application; or

(3) sell a ticket to a person who is not situated in Québec.

38. A licence to conduct and manage a drawing authorizes the holder to sell regular or simplified tickets that entitle purchasers to take part in a drawing of lots for various prizes.

Simplified tickets may be used only when tickets are sold and a winner is chosen at the same place on the same day in the presence of the participants.

39. Regular tickets must contain

(1) the holder's name;

(2) the licence number;

(3) the ticket's sequential number;

(4) the selling price of each ticket;

(5) the place, date and time of the drawing; and

(6) the place where the rules of participation and operation may be consulted.

The licence holder must also retain, for the purpose of choosing the winners, the purchaser's name, address and telephone number for the sequential number corresponding to the ticket given to the purchaser.

40. Simplified tickets must contain a sequential number, which must be retained by the holder for the purpose of choosing the winners.

41. The rules of participation and operation of a drawing must contain

(1) the holder's name;

(2) the licence number;

- (3) the type of drawing;
- (4) the number of tickets on sale and the numbers of the first and last tickets or an indication that the number of tickets is undetermined;
- (5) the selling price of each ticket;
- (6) the place and date of the sale of tickets;
- (7) the place, date and time of the drawing;
- (8) the order in which the prizes are to be drawn and whether winning tickets will be removed from subsequent drawing of lots;
- (9) the total value of prizes to be awarded or the total percentage of gross profit for each prize as well as the corresponding value of the total percentage that would come from the sale of all the estimated tickets;
- (10) a brief description and the retail value of each prize, or the total percentage of gross profit of each prize;
- (11) the manner in which and place where prizes must be claimed;
- (12) the time within which the prize must be claimed as of the drawing; and
- (13) the procedure for choosing the winner if the drawing of progressive lots must take place on the last day of the licence's period of validity.

42. A winner must be chosen by the drawing of lots.

A winner must be chosen publicly before at least 3 witnesses or recorded and broadcast as a video, unless the winner is chosen by an electronic scheme.

43. Each drawing prize whose amount is determined by a percentage of the revenue generated from ticket sales must be announced to the participants before a winner is chosen.

44. To receive a prize, a participant must show the licence holder that he or she is at least 18 years of age.

The participant must also prove his or her identity to the licence holder if the participant holds a regular ticket or, if the participant holds a simplified ticket, present that ticket.

To be valid, a simplified ticket must be intact and must not have been modified, altered, reconstituted or counterfeited in any manner whatsoever.

45. The participant who holds the simplified ticket that bears the sequential number drawn must claim the prize not later than 30 minutes after the winning sequential number has been called. Otherwise the licence holder must choose another winner until the prize is awarded.

46. When a winner is not chosen within 30 minutes after the time at which a winner was supposed to be chosen, the licence holder must inform the participants of the time to which choosing a winner is postponed.

If, due to exceptional circumstances, a winner cannot be chosen on the scheduled day, choosing a winner must be postponed to a time, and in a manner, agreed with the board.

47. During a progressive drawing, the progressive jackpot must be drawn not later than the last day of the licence's period of validity and the rules of participation and operation must set out the procedure for choosing the winner.

DIVISION II ELECTRONIC SCHEMES

§1. *General*

48. Only an organization holding a licence to conduct and manage a drawing may use an electronic scheme.

An electronic scheme may only be used for selling electronic tickets, choosing a winner or awarding a prize as part of a drawing.

49. For an electronic drawing, an organization must establish its own electronic scheme or use an electronic scheme from a supplier holding an electronic schemes supplier licence issued by the board.

50. An electronic scheme must

(1) be up to date, in good working order and not be compromised or altered in a way that would affect the integrity of the drawing;

(2) be safe, in particular by controlling access and network security and by having safety monitoring tools;

(3) ensure availability, in particular by having processes to save and restore applications and data, a disaster recovery plan, data redundancy and incident management procedures;

(4) protect processing integrity, in particular by collecting and storing the entirety of the data, recording all valid tickets in the drawings, using audit journals to document and track the activity, and precisely recording and noting the results of the drawings;

(5) be the subject of a lifetime software development process; and

(6) use a server situated in Canada.

51. An electronic scheme used for the sale of tickets must

(1) limit the period during which the tickets are on sale;

(2) have a means of ensuring that a purchaser is situated in Québec and is at least 18 years of age;

(3) allow secure payments;

(4) have a means of ensuring that participants agree to the privacy policies and rules of participation and operation;

(5) protect participants' personal information in accordance with the statutes that apply; and

(6) enable a ticket to be cancelled after it is sold.

52. A random number generator used to choose a winner must use a proven and reliable algorithm and generate unpredictable random numbers that are statistically independent and have the same odds of being generated within the same series.

The results produced by a random number generator must at the very least pass the relevant statistical tests to show, with a high degree of confidence, that the results meet the conditions of randomness.

§2. Reports and certifications

53. An electronic scheme, including a random number generator, must be certified or expertly assessed using the recognized standards in the field, such as GLI-27, GLI-31 or ISO /IEC27000-series standards.

The certification or expert report must be issued by a laboratory that meets the requirements of section 54.

The laboratory must also certify that the electronic scheme meets the requirements of this Division.

54. Only an independent and competent laboratory that has the following characteristics may certify or expertly assess an electronic scheme:

(1) have at least 2 years' experience inspecting or certifying electronic schemes, including any random number generators;

(2) have sufficient staff specialized in the required disciplines;

(3) have the capacity to independently evaluate and document each standard;

(4) have the capacity to understand and test interactions between the components of an electronic scheme while establishing how the components might impact integrity and their proper operation;

(5) have sufficient material, schemes and tools to independently perform the required tests;

(6) be able to ensure the safety of the laboratories, material and schemes used;

(7) have servers situated in Canada.

§3. Supplier obligations

55. A supplier must

(1) provide adequate training to organizations to use the electronic scheme;

(2) store the scheme securely and protect access to them at all times;

(3) resolve any technical difficulties that occur during the drawing and affect its integrity;

(4) monitor the scheme and intervene during any unusual or suspicious activity;

(5) monitor and detect errors in the scheme and related components; and

(6) inform the board of any incident that might affect the safety or integrity of the scheme or drawing, and of the measures taken to correct it.

56. When changes are made to a random number generator or critical component of an electronic scheme, a supplier must provide the board with a new certification or expert report and up to date digital signatures.

The supplier must also keep the digital signatures for the electronic scheme, including the random number generator, and make them available to the board for inspection upon request.

57. A supplier may not conduct and manage a lottery scheme for an organization.

58. A supplier and a supplier's officers, directors and employees may not take part in a drawing for which the supplier's electronic scheme is used.

59. The cost charged to an organization to use an electronic scheme must be fixed and predetermined. It may not be set as a percentage of profit.

§4. Organization obligations

60. During the conduct and management of an electronic drawing, an organization must

(1) ensure that the organization's staff assigned to the drawing have the skills and knowledge required to use the electronic schemes;

(2) store the schemes securely and protect access to them at all times;

(3) inform the board of any incident that might affect the safety or integrity of the scheme or drawing, and of the measures taken to correct it; and

(4) keep all data related to the drawing for 2 years after the date of expiry of the licence.

61. If an organization has established its own electronic scheme, the organization must also meet the requirements set out in sections 50 to 56.

CHAPTER V INSTANT LOTTERIES

62. A holder of a licence to conduct and manage an instant lottery must give purchasers a card containing

- (1) the licence holder's name;
- (2) the licence number;
- (3) the number of cards on sale;
- (4) the selling price of each card;
- (5) the period during which the cards are on sale;
- (6) the place where purchasers can purchase a card;

(7) the combination of symbols or hidden symbol that allows the purchaser to win;

(8) the list of prizes, retail value of each prize and any combination of symbols or hidden symbol for each prize;

(9) the place where prizes must be claimed; and

(10) the deadline and procedure for claiming a prize.

When cards may also entitle a purchaser, in addition to the chance to win an instant prize, to take part in a drawing of lots, the cards must also contain

(1) the sequential number of the card;

(2) the place, date and time of the drawing of lots; and

(3) the order in which the prizes will be drawn and if the winning tickets are removed from subsequent drawings of lots.

When that is the case, the licence holder must keep the sequential number corresponding to the sequential number of the card given to the purchaser to perform the drawing of lots.

63. A drawing of lots that is part of an instant lottery must be made publicly before at least 3 witnesses or recorded and broadcast as a video.

64. The rules of participation and operation must contain the same information as the cards, except the combination of symbols or hidden symbol and the sequential number used if there is a drawing of lots.

65. Each instant lottery card must be opaque and designed to make it impossible to read the contents without showing that the card has been altered.

A winning card must not be identifiable by colour, size or the presence of a mark, except the sealed content.

66. To be declared a valid winning card, an instant lottery card must be intact, except the part used to seal the contents, and must not have been modified, altered, reconstituted or counterfeited in any manner whatsoever.

67. Each winning instant lottery card must be marked when the prize is awarded.

CHAPTER VI CHARITY CASINOS

68. A holder of a licence to conduct and manage a charity casino must give each subscriber, for each amount, a fixed sum of money to be accepted only at

blackjack tables or wheels of fortune and exchanged for the right to take part in a drawing of lots or for the right to purchase merchandise in an auction or sale.

The admission ticket and phoney money must show

- (1) the licence number; and
- (2) the licence holder's name.

69. In the case of a blackjack table, a holder must not allow a player to place more than one bet at a time, except when the rules of the scheme allow a player to make 2 separate hands with the first 2 cards if such cards are a pair.

70. A holder who conducts and manages a charity casino on leased commercial premises may in no manner whatsoever hire the lessor of the premises, the lessor's representative or any of the lessor's employees to conduct and manage the charity casino.

71. No one working in the conduct and management of a charity casino may take part in the charity casino unless the work ends before the charity casino begins.

CHAPTER VII WHEELS OF FORTUNE

72. A licence to conduct and manage a wheel of fortune authorizes the holder to operate a lottery scheme in the form of a wheel divided into sections, each containing a number or symbol, where players can place bets corresponding to those numbers or symbols for the chance to win prizes.

73. A holder must ensure that wheel of fortune tables are identified with the value of their minimum and maximum bets and that the values are not changed for the duration of the lottery scheme.

74. A wheel of fortune may only be held during and on the premises of the fair or exhibition referred to in the licence.

TITLE IV STATEMENT OF PROFIT

75. A holder of a licence to conduct and manage a drawing must prepare and keep a statement of gross and net profit on the form prescribed by the board.

The holder must send a copy of the statement to the board not later than 60 days following the date of expiry of the licence.

The statement must contain the following information for each drawing:

- (1) the number of tickets on sale;
- (2) the number of tickets sold;
- (3) the selling price of each ticket;
- (4) the total proceeds from the sale of tickets;
- (5) the total value of prizes awarded;
- (6) the actual cost of each prize awarded, as well as supporting vouchers;
- (7) the total value of the prizes claimed;
- (8) the administration expenses;
- (9) the profit or loss;
- (10) the name and address of each winner of a prize valued at \$100 or more;
- (11) an attestation that all prizes offered were awarded or the reasons why they were not awarded.

76. A holder of a licence to conduct and manage an instant lottery must prepare and keep a statement of gross and net profit on the form prescribed by the board.

The holder must send a copy of the statement to the board not later than 60 days following the date of expiry of the licence.

The statement must contain the following information for each instant lottery:

- (1) the number of cards on sale;
- (2) the number of cards sold;
- (3) the selling price of each card;
- (4) the total proceeds from the sale of cards;
- (5) the total value of prizes awarded;
- (6) the actual cost of each prize awarded, as well as supporting vouchers;
- (7) the total value of the prizes claimed;
- (8) the administration expenses;

- (9) the profit or loss;
- (10) the name and address of each winner of a prize valued at \$100 or more;
- (11) an attestation that all prizes offered were awarded or the reasons why they were not awarded.

77. A holder of a licence to conduct and manage a charity casino must prepare and keep a statement of gross and net profit on the form prescribed by the board.

The holder must send a copy of the statement to the board not later than 60 days following the date of expiry of the licence.

The statement must contain the following information for each charity casino:

- (1) the number of admission tickets on sale;
- (2) the number of admission tickets sold;
- (3) the selling price of an admission ticket;
- (4) the total proceeds from the sale of admission tickets;
- (5) the total proceeds from the sale of additional phoney money;
- (6) the total value of prizes awarded;
- (7) the actual cost of each prize awarded, as well as supporting vouchers;
- (8) the total value of the prizes claimed;
- (9) the administration expenses;
- (10) the profit or loss;
- (11) the name and address of each winner of a prize valued at \$100 or more;
- (12) an attestation that all prizes offered were awarded or the reasons why they were not awarded.

TITLE V USE OF PROFITS

78. The profit from the conduct and management of a lottery scheme by an organization must be used in Québec for the charitable or religious purposes for which the licence was issued and may not be used to repay expenses already incurred.

The profit must be used within a reasonable time following the date of expiry of the licence.

79. An organization must, at the board's request, show that profit from the conduct and management of the lottery scheme was used for the purposes for which the licence was issued.

The organization must keep the data required to show that for 2 years after the date of expiry of the licence.

TITLE VI FINAL

80. These Rules replace the Lottery Scheme Rules (chapter L-6, r. 12).

81. These Rules come into force on the fifteenth day following the date of publication in the *Gazette officielle du Québec*.

105608

Draft Regulation

Act respecting collective agreement decrees
(chapter D-2)

Personnel in the traffic control industry in Québec — Extension of a collective agreement

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour, Employment and Social Solidarity has received an application to make a collective agreement decree for the personnel in the traffic control industry in Québec and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Decree respecting personnel in the traffic control industry in Québec, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The minimum employment conditions for the personnel in the traffic control industry in Québec are currently those contained in the Decree respecting security guards (chapter D-2, r. 1); that Decree, however, is not adapted to the reality and specific needs of the traffic control industry.

The draft Decree consequently proposes to extend the employment conditions in the collective agreement entered into between the Syndicat des Métallos, local 8922 and Groupe de sécurité Garda S.E.N.C. to apply to traffic control work performed in Québec, with the appropriate amendments.

More specifically, the draft Decree establishes the minimum wage rate of employees and sets rules relating to the work period, statutory general holidays, leaves and absences including annual leave, sick leave and family and parental absences. It also provides for various indemnities or allocations payable to employees.

The draft Decree also establishes a group registered retirement savings plan and determines among other things the amount of the employer's mandatory contribution.

Lastly, the draft Decree identifies the contracting parties that will make up the parity committee entrusted with overseeing and ensuring compliance with the Decree.

Regulatory impact analysis has shown that the draft Decree potentially entails only minor additional costs for the enterprises concerned and does not affect the level of employment in Québec.

Further information on the draft Decree may be obtained by contacting Jonathan Vaillancourt, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 425, rue Jacques-Parizeau, 5^e étage, Québec (Québec) G1R 4Z1; telephone: 581 628-8934, extension 80172, or 1-888-628-8934, extension 80172 (toll free); email: jonathan.vaillancourt@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1; email: ministre@mtess.gouv.qc.ca.

JEAN BOULET

Minister of Labour, Employment and Social Solidarity

Decree respecting personnel in the traffic control industry in Québec

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

CHAPTER I GENERAL

DIVISION I CONTRACTING PARTIES

1. The contracting parties to this Decree are the following:

(1) for the employer party:

(a) Association Québécoise des Entrepreneurs en Infrastructure (AQEI);

(2) for the union party:

(a) Syndicat des Métallos, section locale 8922 (FTQ).

DIVISION II INTERPRETATION

2. For the purposes of this Decree, unless the context indicates otherwise,

(1) “office of the employer” means the establishment where the employer carries on its main activities. In the case of several establishments, it means the office of the establishment closest to the address of the employee at the time of the employee's hiring, unless the employee's contract of employment specifies another office;

(2) “roadway” means that part of a public highway ordinarily used for vehicular traffic;

(3) “public highway” means the surface of land or of a structure, the maintenance of which is entrusted to a municipality, a government or one of its bodies, over part of which one or more roadways open to public vehicular traffic and, where such is the case, one or more cycle lanes are laid out, except

(a) highways under the administration of or maintained by the Ministère des Ressources naturelles et de la Faune or the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation;

(b) highways under construction or repair, but only with respect to vehicles assigned to the construction or repair; and

(c) highways which the Government determines, under section 5.2 of the Highway Safety Code (chapter C-24.2), as being exempt from the application of that Code;

(4) “parity committee” means the Comité paritaire de l'industrie de la signalisation routière du Québec;

(5) “spouse” means either of two persons who

(a) are married or in a civil union and cohabiting;

(b) being of opposite sex or the same sex are living together in a *de facto* union and are the father and mother of the same child; or

(c) are of opposite sex or the same sex and have been living together in a *de facto* union for one year or more;

(6) “retaining device” means a frontal or side retaining device used on road construction sites and intended to protect employees in work areas exposed to traffic and road users from new obstacles attributable to the nature of the work or traffic patterns;

(7) “employee” means a natural person who, for an employer, performs traffic control work as defined in paragraph 11;

(8) “regular employee” means an employee who has completed 300 hours of uninterrupted service. A maximum of eight hours of work per day since the employee’s last hiring date is considered in the calculation of the number of hours worked;

(9) “week” means a period of seven consecutive days extending from midnight at the beginning of a given day to midnight at the end of the seventh day. The employer must inform the parity committee in writing, within 15 days, of the day on which the week begins. That choice remains in force for the term set out in section 49, but may be modified on not later than 60 days’ written notice by the employer to the parity committee;

(10) “uninterrupted service” means the uninterrupted period during which an employee is bound to the employer by a contract of employment, even if the performance of the work has been interrupted without cancellation of the contract, and the period during which fixed-term contracts succeed one another without an interruption that would, in the circumstances, give cause to conclude that the contract has not been renewed;

(11) “traffic control work” means the work and temporary events described in the standards in Division 4.3 of Chapter 4 of Volume V of the manual entitled “Traffic Control Devices”, determined and set out by the Minister of Transport under the second paragraph of section 289 of the Highway Safety Code, except pavement marking on a public highway. The work consists of any of the following tasks when carried out on a public highway:

(a) installing, operating, moving, dismantling, servicing and maintaining traffic control and traffic management equipment;

(b) installing, operating, moving, dismantling, servicing and maintaining retaining devices and other equipment used to protect road users or employees;

(c) driving a protection vehicle on which an impact attenuator is mounted;

(d) driving an accompanying work vehicle;

(e) maintenance and surveillance patrol;

(f) slowdown patrol;

(g) driving an escort vehicle; and

(h) the work of a traffic control person consisting in directing traffic on a public highway so as to stop, slow and control traffic, protecting road users and workers at work by regulating the flow of traffic, giving directives and traffic control signals to road users and ensuring traffic fluidity.

DIVISION III

SCOPE

3. This Decree applies to traffic control work performed in Québec.

4. This Decree does not apply to

(1) employees of the government of Canada or of Québec, a municipality, an intermunicipal board or a metropolitan community;

(2) members of a police force and special constables appointed under the Police Act (chapter P-13.1);

(3) employees employed exclusively by a professional employer within the meaning of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20); or

(4) employees who perform traffic control work exclusively for the specific service or needs of their employer.

CHAPTER II

WAGES AND WORK PERIOD

DIVISION I

WAGES

5. An employee is entitled to the following minimum hourly wage rate:

As of
<i>(indicate the date of coming into force of this Decree)</i>
\$18.99

A premium of \$0.50 per hour is granted to every employee who performs the work of a traffic control person.

A premium of \$0.25 per hour is granted to every employee for whom the employer or client of the employer requires a certificate from the Association paritaire pour la santé et la sécurité du travail du secteur de la construction.

6. No benefit having a monetary value is to be used in calculating the wage rate in force.

7. The employer may make a deduction from wages only if required by an Act, a regulation, a court order or a collective agreement, or under the Decree or a mandatory supplemental pension plan or is authorized to do so in a writing by the employee for a specific purpose mentioned in the writing.

The employee may at any time revoke that authorization, except if it pertains to membership in a group insurance plan or a supplemental pension plan. The employer is to remit the sums so withheld to their intended receiver.

8. The employer must send to the employee, together with the employee's wages, a pay sheet containing sufficient information to enable the employee to verify the wage calculation. The pay sheet must include, in particular, the following information, as applicable:

(1) the name of the employer and the name of the employee;

(2) identification of the employee's occupation;

(3) the date of payment and the corresponding work period;

(4) the wage rate and the number of hours paid at the prevailing rate and the number of hours of overtime paid or replaced by a leave with the applicable premium;

(5) the nature and amount of any premiums, indemnities or allowances that are being paid;

(6) the amount of gross wages, the nature and amount of deductions made and the amount of the net wages paid to the employee;

(7) annual leave accumulated and percentage of sick leave accumulated;

(8) the amount of the employer's contribution to the group registered retirement savings plan during the period and the contribution accumulated during the calendar year; and

(9) the amount of the employee's voluntary contribution to the group registered retirement savings plan withheld by the employer during the period and the contribution accumulated during the calendar year.

DIVISION II **WORK PERIOD**

9. An employee is deemed to be at work

(1) while available to the employer at the place of work and required to wait for work to be assigned; and

(2) while travelling required by the employer, including the time spent travelling from one traffic control work site to another. Despite the foregoing, the time needed for an employee to travel to work before the workday begins and to return from work after is not part of the workday, except when the employee

(a) must travel from his or her usual place of residence to the meeting place designated by the employer or to a traffic control work site and that site is situated outside a 40-kilometre radius from the office of the employer; or

(b) travels from the meeting place designated by the employer to the traffic control work site.

For the purposes of subparagraph 2 of the first paragraph, the time spent travelling is paid at the wage rate applicable to the employee on the basis of the nature of the work to be performed at the traffic control work site, excluding premiums.

10. An employee who reports to the place of work at the express request of the employer or in the regular course of employment and works fewer than four consecutive hours is entitled, on each occasion, to an indemnity equal to four hours of the employee's prevailing hourly wage, except if the premium for overtime hours gives the employee a higher amount.

11. For the purpose of calculating overtime, the workweek is 40 hours. Any work performed in addition to workweek hours entails a 50% increase in the employee's prevailing hourly wage, excluding premiums.

12. Hours worked in addition to regular workday hours entail a 50% increase in the employee's prevailing hourly wage, excluding premiums, if the overtime is required by the employer and exceeds the employee's regular workday hours by at least two hours.

13. For the purpose of calculating overtime, annual leave and statutory general holidays are counted as workdays.

CHAPTER III STATUTORY GENERAL HOLIDAYS, LEAVES AND ABSENCES

DIVISION I STATUTORY GENERAL HOLIDAYS

14. For the purposes of this Decree, the following are statutory general holidays: 1 January, Good Friday, the Monday preceding 25 May, 1 July, the first Monday in September, the second Monday in October, 11 November and 25 December.

If applicable, the statutory general holidays of 1 July and 11 November are moved to the dates provided for in the collective agreement that applies to the civil engineering and roads sector.

15. For each statutory general holiday, the employer must pay to the employee a statutory general holiday indemnity equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of the holiday, but without calculating overtime hours.

16. An employee does not lose his or her weekly leave if it coincides with a statutory general holiday.

17. To benefit from a statutory general holiday, an employee must not have been absent from work, without the employer's authorization or without valid cause, on the working day preceding or following the holiday.

Despite the preceding paragraph, an employee who does not report to work on the day before or after a statutory general holiday because of sickness must produce a medical certificate to be entitled to the statutory general holiday indemnity.

18. The 24th of June is a statutory public holiday pursuant to the National Holiday Act (chapter F-1.1).

DIVISION II ANNUAL LEAVE

19. An employee is entitled to an annual leave of the duration determined in the Act respecting labour standards (chapter N-1.1).

20. The annual leave indemnity is equal to 6% of the employee's gross wages earned during the reference year. The calculation of gross wages earned during the reference year includes the annual leave indemnity paid.

21. The reference year is a period of 12 consecutive months during which an employee progressively acquires entitlement to the annual leave.

For the purposes of this Division, the reference year to determine annual leave extends from 1 May of the preceding year to 30 April of the current year unless a collective agreement sets a different starting date for the period, which cannot be changed during the term of the Decree.

The employer must provide the parity committee with written notice of its choice within 60 days after the date of coming into force of this Decree.

22. The annual leave must be taken within 12 months following the end of the reference year. It cannot be deferred to the following year.

DIVISION III SICK LEAVE

23. A regular employee accumulates as sick leave an amount equal to 2% of gross wages earned during the employee's reference year, including the statutory general holiday indemnity, but excluding premiums.

For the purposes of this Division, the reference period is from 1 June to 31 May.

Accumulation of the amount begins on the Sunday following acquisition by the employee of status as a regular employee.

24. A regular employee who is absent because of sickness receives a sick leave indemnity equivalent to the employee's wages for the number of hours scheduled for each day of absence, up to the employee's reserve accumulated in the preceding year. Two days of absence for a reason referred to in section 79.7 or section 79.1 of the Act respecting labour standards are taken out of the accumulated leave amount.

Despite the first paragraph, for the day to be paid, a regular employee must have accumulated the equivalent of a full day of wages. If that is not the case, the provisions of the Act respecting labour standards apply to the employee. The same applies to an employee who has not acquired status as a regular employee.

25. The sick leave indemnity is paid as of the first day of a regular employee's absence.

Before paying the indemnity, the employer may require a regular employee to provide proof of the reason for the absence or a medical certificate. A regular employee may, however, be absent for two sick days per year, at the employee's discretion, but not on the day before or after a statutory general holiday, without being required to provide the employer with a medical certificate.

An employee who is absent because of sickness on the day before or after a statutory general holiday must submit a medical certificate to be entitled to the sick leave indemnity.

26. The sick leave indemnity is not payable if it coincides with another day of leave provided for in the Decree.

27. On 1 June of each year, the employer is to establish the balance of the amount accumulated as sick leave in the preceding year for each regular employee and inform the employee of that amount not later than the following 1 July.

To be entitled to payment of the amount accumulated as sick leave, a regular employee must be in the employ of the employer on 1 June, except if there is a change in employer and the regular employee is hired on the same place of work by the new employer. The employer must pay the balance accumulated not later than the following 10 July.

DIVISION IV FAMILY OR PARENTAL ABSENCES

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

For the purposes of the first paragraph, "relative" has the meaning assigned by section 79.6.1 of the Act respecting labour standards.

The leave may be divided into days. A day may also be divided subject to the employer's consent.

If warranted in particular owing to the duration of the absence, the employer may request that the employee provide a document attesting to the reasons for the absence.

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

Subject to section 24, the first two days taken annually are remunerated according to the calculation described in section 62 of the Act respecting labour standards, with the necessary adjustments in the case of division. The employee becomes entitled to such remuneration on being credited with three months of uninterrupted service, even

if the employee was absent previously. The right applies in the same manner to absences authorized for a reason referred to in section 79.1 of the Act respecting labour standards. Despite the foregoing, the employer is not required to remunerate more than two days of absence in the same year if the employee is absent from work for any of the reasons referred to in section 79.1 of the Act respecting labour standards.

29. An employee may be absent from work for five days without reduction of wages by reason of the death or the funeral of the employee's spouse or child or spouse's child. The employee may also be absent, without pay, for two more days on such occasion.

30. An employee may be absent from work for three days without reduction of wages by reason of the death or the funeral of the employee's father, mother, brother or sister, the father or mother of the employee's spouse or one of the employee's grandchildren. The employee may also be absent, without pay, for two more days on such occasion.

31. An employee may be absent from work for two days without reduction of wages by reason of the death or the funeral of one of the employee's grandparents or the brother or sister of the employee's spouse.

32. An employee may be absent from work for one day, without pay, by reason of the death or the funeral of a son-in-law or daughter-in-law.

33. The days of absence provided for in sections 29 to 32 must be taken during the period between the death and the funeral, except that if the number of days comprised between the two events is less than the number of days of absence to which the employee is entitled, the days of absence that could not be used may be taken immediately after the funeral.

The employee must advise the employer of the absence as soon as possible.

34. An employee may be absent from work for one day without reduction of wages on the day of his or her wedding or civil union. An employee may also be absent from work, without pay, on the day of the wedding or civil union of the employee's child, father, mother, brother or sister or of a child of the employee's spouse. The employee must advise the employer of the absence at least one week in advance.

35. An employee may be absent from work for five days by reason of the birth of the employee's child, the adoption of a child or if there is a termination of pregnancy in or after the twentieth week of pregnancy.

The first two days of absence are remunerated. The employee must advise the employer of the absence as soon as possible.

The leave may be divided into days at the request of the employee. It may not be taken more than 30 days after the child arrives at the residence of its father or mother or after the termination of pregnancy.

36. The provisions relating to maternity, paternity, parental or adoption leave provided for in the Act respecting labour standards apply to the employee.

37. The days of absence provided for in this Division are remunerated provided the employee usually works on those days, but they are not remunerated if they coincide with a statutory general holiday, annual leave or another day of leave provided for in the Decree.

CHAPTER IV MISCELLANEOUS INDEMNITIES AND ALLOWANCES

38. An employee is entitled to a 30-minute meal period with pay for each work period of five consecutive hours per day. If the employee is unable to take advantage of the meal period, the employer pays an indemnity corresponding to 30 minutes of wages. Remuneration for meal periods does not operate to create overtime.

39. The employer pays an employee an amount of \$0.10 per regular hour worked, for the purchase of safety footwear.

40. The employer must provide an employee, free of charge, with all personal protection equipment, other than safety footwear, required by the Act respecting occupational health and safety (chapter S-2.1) or the Highway Safety Code, or by the Ministère des Transports pursuant to the standards in Volume V of the manual entitled “Traffic Control Devices” determined and set out by the Minister of Transport under the second paragraph of section 289 of that Code.

41. An employee who uses his or her personal vehicle at the request of the employer is entitled to an indemnity of \$0.50 per kilometre travelled if the employee satisfies the criteria in subparagraph 2 of the first paragraph of section 9.

An employee is also entitled to that indemnity if the employer requests that the employee travel with his or her personal vehicle to a site situated outside a 40-kilometre radius from the office of the employer. In that case, the indemnity is calculated from the employee’s usual place of residence.

42. The employer advances, to an employee who must travel in the performance of duties, a reasonable amount to cover overnight costs and, as applicable, the following amounts for meals, including tips and taxes:

	Breakfast	Lunch	Supper
2022	\$9.11	\$13.64	\$17.05

43. After 15 hours of continuous work, including travel time remunerated by the employer, an employee receives the amount of the meal indemnity for supper provided for in section 42, unless the employer provides the meal.

44. An employee who is summoned to act as a juror or to appear as a witness before a court in a case where the employee is not one of the parties must inform the employer as soon as the summons is received.

In such circumstances, the employer pays to the employee, for each day of absence, an amount equal to the difference between 1/20 of the wages earned during the four weeks of pay preceding the trial, but excluding overtime and the indemnities or allowances that were paid to the employee as a juror or witness.

To benefit from that amount, the employee must apply for the indemnities and allowances to which the employee is entitled under the law and provide proof.

CHAPTER V GROUP REGISTERED RETIREMENT SAVINGS PLAN

45. The employer contributes to the group registered retirement savings plan (group RRSP) administered by the parity committee.

46. The employer’s mandatory contribution to the group RRSP is \$0.10 per hour paid to a regular employee.

47. The employer must remit to the parity committee, not later than the fifteen day of each month, its contribution to the group RRSP for the preceding month, as well as any voluntary employee contributions.

48. Sections 45 to 47 do not apply to employees who have reached 71 years of age or to employees who do not meet the Fonds de solidarité FTQ membership criteria. However, the mandatory contribution payable under section 46 must be paid to those employees as a benefit.

CHAPTER VI FINAL

49. The Decree remains in force until (*insert the date that is two years after the date of coming into force of this Decree*). It is then renewed automatically from year to year, unless one of the contracting parties opposes the renewal by sending written notice to the Minister of Labour and to the other contracting parties during the month of (*insert the month that is four months after the month in which this Decree comes into force and the year concerned*) or during the month of (*insert the month that is four months after the month in which this Decree comes into force*) of any subsequent year.

50. This Decree comes into force on (*insert the date that is six months after the date of publication of the Decree in the Gazette officielle du Québec*).

105613

Draft Regulation

Québec Immigration Act
(chapter I-0.2.1)

Québec immigration — 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 Québec Immigration Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the conditions and requirements respecting sponsors who file an undertaking application under the program for refugees abroad (Collective sponsorship).

The draft Regulation has no impact on Québec enterprises. It does not entail costs or savings for Québec enterprises. An impact is foreseeable for legal persons who carry on their activities in the noncommercial sector, such as non-profit organizations. The amendments better protect sponsored persons, preserve the humanitarian objective of the program for refugees abroad and ensure its integrity. They also promote better reception and taking in charge of persons sponsored by their sponsor.

Further information on the draft Regulation may be obtained by contacting Guillaume Vaillancourt, Director General, Direction générale des politiques et programmes d'immigration et de la reconnaissance des compétences; email: guillaume.vaillancourt@mifi.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Guillaume Vaillancourt, at the above contact information.

JEAN BOULET

Minister of Immigration, Francization and Integration

Regulation to amend the Québec Immigration Regulation

Québec Immigration Act
(chapter I-0.2.1, ss. 9, 22, 23, 24 and 106)

1. The Québec Immigration Regulation (chapter I-0.2.1, r. 3) is amended in section 12 by replacing “subscribed to” in the second paragraph by “entered into”.

2. Section 21 is amended by replacing “made” in subparagraph 1 of the second paragraph by “entered into”.

3. Section 60 is amended by replacing “subscribed to” in paragraph 1 by “entered into”.

4. Section 66 is amended

(1) in paragraph 3

(a) by replacing “monetary requirements of the” by “financial requirements contracted under a” in the French text;

(b) by striking out “souscrit” in the French text;

(2) by replacing “cancellation” in paragraph 10 by “revocation”.

5. Section 67 is amended by replacing the first paragraph by the following:

“The undertaking made by a sponsor is entered into as soon as it is signed by the Minister.”.

6. Section 68 is amended

(1) in the first paragraph

(a) by replacing “subscribed to” in the portion before subparagraph 1 by “entered into”;

(b) by inserting the following after subparagraph 4:

“(5) reimburse to the Gouvernement du Québec any amount paid as financial assistance by the Minister under one of its program.”;

- (2) in the second paragraph
- (a) by replacing “subscribed to” by “entered into”;
- (b) by striking out “jointly and”.
- 7.** Section 79 is amended by replacing “subscribed to” by “entered into”.
- 8.** Section 80 is amended in the French text by replacing “rencontrées” in the portion before paragraph 1 by “satisfaites”.
- 9.** Section 82 is amended
- (1) in paragraph 4
- (a) by replacing “monetary requirements given” by “financial requirements contracted”;
- (b) by striking out “souscrit” in the French text;
- (2) by adding the following paragraph at the end:
- “(5) have registered charity status in accordance with the Income Tax Act (R.S.C. 1985, c. 1 (5th Supp)).”
- 10.** Section 83 is amended
- (1) by replacing subparagraphs 1 to 3 of the first paragraph by the following:
- “(1) has 10 years or more of experience in sponsorship in Québec acquired over a period of 15 years before the date of taking effect of the Minister’s preceding decision providing, under section 50 of the Act, for a period for receiving sponsorship undertaking applications under the program for refugees abroad;
- (2) has filed the minimum number of sponsorship undertaking applications set in the Minister’s preceding decision providing, under section 50 of the Act, for a period during which the legal person could file an undertaking application under the program; and
- (3) has entered into sponsorship undertakings on behalf of foreign nationals of at least 3 different nationalities in the 36 months before the date of taking effect of the Minister’s preceding decision providing, under section 50 of the Act, for a period during which the legal person could file an undertaking application under the program.”;
- (2) by replacing “if the person files only sponsorship undertaking applications of” in the second paragraph by “if the sponsorship undertaking applications filed by the person concern only”.

11. Section 84 is amended by replacing “if the person files only sponsorship undertaking applications of” in the second paragraph by “if the sponsorship undertaking applications filed by the person concern only”.

12. Section 85 is amended by replacing “persons referred to in paragraph 3 of section 81” in the second paragraph by “natural persons”.

13. Section 86 is amended

(1) by replacing “persons referred to in paragraph 3 of section 81” by “2 to 5 natural persons”;

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

“Where a sponsorship undertaking application is filed by a legal person, its administrators, its representatives and the members of its board of directors must meet the conditions set out in paragraphs 4 to 7 and 10 of section 66.”.

14. Section 87 is amended by replacing “persons referred to in paragraph 3 of section 81” by “2 to 5 natural persons”.

15. Section 88 is amended

(1) by replacing “persons referred to in paragraph 3 of section 81” by “2 to 5 natural persons”;

(2) by replacing “income from a Canadian source or property held” by “sufficient financial resources available”.

16. Section 89 is amended

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

“For the purposes of section 88, each person who is part of a group of 2 to 5 natural persons must, in particular, demonstrate that he or she has and will continue to have, for the duration of the undertaking, income to provide for his or her basic needs and those of the family members, at least equal to the minimum income required as determined in Schedule B.

Where a group includes a married or de facto couple, the minimum income required is reached for each of them when the sum of the income of the spouses or de facto spouses is at least equal to the minimum income required as determined in Schedule B.

Where a group includes a person who has a dependent child and whose income is at least equal to the minimum income required as determined in Schedule B, the dependent child is not taken into account when counting the number of family members for the purpose of assessing the person’s income.”;

(2) in the second paragraph

(a) by striking out “from a Canadian source”;

(b) by striking out “the presumption provided for in”;

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

“In addition, the group must have the minimum amount required to provide for the sponsored person’s basic needs, as determined in Schedule D.”

17. Section 90 is replaced by the following:

“**90.** For the purposes of section 88, a legal person must in particular have and will continue to have, for the duration of the undertaking, an annual amount at least equal to the amount required for the sponsored person’s basic needs, as determined in Schedule C.”

18. Section 91 is amended

(1) by replacing “subscribed to” by “entered into”;

(2) by replacing “persons referred to in paragraph 3 of section 81” by “2 to 5 natural persons”.

19. Section 93 is amended by adding the following paragraph at the end:

“The report must, in particular, demonstrate that the legal person or the group of 2 to 5 natural persons has in fact used the means presented in the reception and integration plan.”

20. Section 94 is amended by replacing “persons referred to in paragraph 3 of section 81 if, in the 2” by “2 to 5 natural persons if, in the 3”.

21. Section 95 is amended

(1) by replacing “from an undertaking subscribed to” in the first paragraph by “from an undertaking application or an undertaking entered into”;

(2) by replacing “on behalf of whom the undertaking has been subscribed to” in the second paragraph by “covered by the undertaking”.

22. Section 96 is amended by replacing “subscribed to” by “entered into”.

23. Section 97 is amended by replacing “subscribed to” in the portion before paragraph 1 by “entered into”.

24. Section 110 is amended

(1) by replacing “taken” in the portion before paragraph 1 by “entered into”;

(2) by replacing “24 months” in paragraph 3 by “36 months”.

25. The following is inserted after section 118.6:

“**118.7.** The following sponsorship undertaking applications under the program for refugees abroad are processed and decided under sections 88 to 90 and 93 as they read on (*insert the date preceding the date of coming into force of this Regulation*):

(1) those filed before (*insert the date of coming into force of this Regulation*);

(2) those filed on behalf of a foreign national on behalf of whom a sponsorship undertaking that lapsed was entered into further to an application filed before (*insert the date of coming into force of this Regulation*).

Subparagraph 5 of the first paragraph of section 68 and paragraph 5 of section 82 do not apply to such applications.”

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

105604

Notice

Act respecting collective agreement decrees
(chapter D-2)

Security guards —Amendment

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour, Employment and Social Solidarity has received an application from the contracting parties to amend the Decree respecting security guards (chapter D-2, r. 1) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Decree to amend the Decree respecting security guards, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree excludes from the scope of the Decree respecting security guards those employees who perform traffic control work within the meaning of the Decree respecting personnel in the traffic control industry in Québec.

The regulatory impact analysis shows that the amendments have no impact on employees and professional employers.

Further information on the draft Decree may be obtained by contacting Jonathan Vaillancourt, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 425, rue Jacques-Parizeau, 5^e étage, Québec (Québec) G1R 4Z1; telephone: 581 628-8934, extension 80172, or 1-888-628-8934, extension 80172 (toll free); email: jonathan.vaillancourt@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1; email: ministre@mtess.gouv.qc.ca.

JEAN BOULET
Minister of Labour,
Employment and Social Solidarity

Decree to amend the Decree respecting security guards

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

1. The Decree respecting security guards (chapter D-2, r. 1) is amended in section 1.01 by striking out paragraph 8.

2. Section 2.03 is amended by adding the following at the end:

“(9) employees who perform traffic control work within the meaning of paragraph 11 of section 2 of the Decree respecting personnel in the traffic control industry in Québec (D-2, r. (insert the number of the Regulation)).”.

3. Section 4.07 is amended by striking out the line “P-5 premium*” in the table in the first paragraph.

4. This Decree comes into force on (insert the date of coming into force of this Decree).

105612

Draft Regulation

Tourist Accommodation Act
(2021, chapter 30)

Tourist accommodation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Tourist Accommodation Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the classes of tourist accommodation establishments.

It also determines the information that must be included in the application for the registration of a tourist accommodation establishment and in the declaration of the establishment's accommodation offering and of the related activities and other related services, as well as the documents that must accompany the application.

The draft Regulation specifies the period for the renewal of the registration of a tourist accommodation establishment and for the annual update of the documents and information sent at the time of the registration.

The draft Regulation sets the fees for the registration of a tourist accommodation establishment and for the renewal of that registration, which vary according to the class of the establishment.

The draft Regulation determines other conditions that operators of tourist accommodation establishments must comply with, such as requirements to hold civil liability insurance and to post the registration number and the name of the establishment on advertising and at the place of operation.

The draft Regulation determines the cases in which a municipality may apply to the Minister of Tourism to have the registration of a tourist accommodation establishment suspended or cancelled.

It also determines the information relating to tourist accommodation establishments that may be communicated to a municipality for the purposes provided for by the Act respecting tourist accommodation establishments (2021, chapter 30) and specifies the conditions that the municipality must meet in order to obtain that information.

The draft Regulation exempts from the application of the Tourist Accommodation Act tourist accommodation establishments operated in an

outfitting operation to which the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13) applies.

Lastly, the draft Regulation determines the regulatory provisions with regard to which non-compliance may lead to a penal sanction.

The draft Regulation simplifies the administrative formalities with which persons operating a tourist accommodation establishment must currently comply and, for most of those persons, provides for fees payable lower than those currently in force.

Further information on the draft Regulation may be obtained by contacting Jérôme Laflamme, policy advisor, Direction de l'innovation et des politiques, Ministère du Tourisme; email: etablissements.touristiques@tourisme.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Tourism, 900, boulevard René-Lévesque Est, bureau 400, Québec (Québec) G1R 2B5; email: etablissements.touristiques@tourisme.gouv.qc.ca.

CAROLINE PROULX
Minister of Tourism

Tourist Accommodation Regulation

Tourist Accommodation Act
(2021, chapter 30, ss. 3, 5, 12, 19, 20, 21, 22 and 27)

DIVISION I CLASSES OF TOURIST ACCOMMODATION ESTABLISHMENTS

1. The classes of tourist accommodation establishments are the following:

(1) principal residence establishments: establishments that offer, following a single reservation, accommodation in the principal residence of the natural person who operates the establishment for one person or one group of related persons at a time and not including any meals served on the premises;

(2) youth tourist accommodation establishments: establishments in which at least 30% of accommodation units consist of beds in one or more dormitories or where accommodation is mainly offered as part of activities intended primarily for underprivileged individuals or individuals who have a disability;

(3) general tourist accommodation establishments: establishments, other than principal residence establishments and youth tourist accommodation establishments, that offer accommodation in one or more types of accommodation units; those establishments include hotels, motels, camping grounds and trailer parks, outfitting operations to which the Act respecting the conservation and development of wildlife (chapter C-61.1) applies, and bed and breakfast establishments referred to in section 20 of the Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec (chapter P-41.1, r. 1.1).

For the purposes of subparagraph 2 of the first paragraph, a dormitory is a room that contains at least 2 beds offered for rent individually.

DIVISION II REGISTRATION AND ACCOMMODATION OFFERING

2. An application for the registration of a tourist accommodation establishment must be submitted in writing. It must be signed and contain

(1) the name, civic address, email address and telephone number of the person who intends to operate the establishment and, if applicable, those of the signatory if it is a different person;

(2) if applicable, the business number in the enterprise register referred to in Chapter II of the Act respecting the legal publicity of enterprises (chapter P-44.1) of the person who intends to operate the establishment;

(3) if applicable, the name of the establishment;

(4) the address of the establishment and, if it is operated in part of an immovable, its location inside the immovable;

(5) the class of the establishment and, in the case of a general tourist accommodation establishment, the type of establishment (hotel, motel, camping ground and trailer park, outfitting operation, bed and breakfast establishment, etc.); and

(6) if the person who intends to operate the establishment has, in the last 3 years, been found guilty of an offence under the Tourist Accommodation Act (2021, chapter 30), the Building Act (chapter B-1.1), the Act respecting the conservation and development of wildlife (chapter C-61.1), the Consumer Protection Act (chapter P-40.1), the Environment Quality Act (chapter Q-2) or a Regulation made under any of those Acts, a description of the offence.

If the application for registration is filed by a mandatory of the person who intends to operate the establishment, the following information must also be provided:

(1) the name, civic address, email address and telephone number of the mandatory and, if applicable, those of the mandatory's representative;

(2) if applicable, the business number in the enterprise register referred to in Chapter II of the Act respecting the legal publicity of enterprises (chapter P-44.1) of the mandatory.

3. An application for the registration of a tourist accommodation establishment must be accompanied by

(1) the declaration of the establishment's accommodation offering and of the related activities and other related services referred to in section 4;

(2) if the signatory of the application is not the person who intends to operate the establishment for which the application is made, the document authorizing the signatory to file the application;

(3) if the person who intends to operate the establishment is the owner of the establishment, a copy of the title of ownership or of the municipal or school tax account for the establishment;

(4) if the establishment is situated in an immovable held in divided co-ownership, a copy of the provisions of the declaration of co-ownership allowing the establishment to be operated for tourist accommodation purposes or, in the absence of such provisions, the authorization of the syndicate of co-owners to that effect;

(5) if the person who intends to operate the establishment is the lessee of the establishment, a copy of the leasing contract for the establishment allowing the operation of the establishment as a tourist accommodation establishment or, if the leasing contract has no such provisions, the authorization of the owner to that effect;

(6) if the establishment is situated on lands in the domain of the State, a copy of the lease issued by the responsible public body;

(7) proof that the person who intends to operate the establishment holds a valid civil liability insurance policy which meets the requirements prescribed by section 8 and for which the premium has been paid; and

(8) outdoor and indoor photographs of the establishment corresponding, if applicable, to the photographs intended to be broadcast on a digital accommodation platform.

The documents referred to in subparagraphs 3 to 5 of the first paragraph need not be provided if the establishment is situated on lands in the domain of the State or in an Indian reserve.

4. The declaration of the tourist accommodation establishment's accommodation offering and of the related activities and other related services must be submitted in writing and contain

(1) a physical description of the establishment;

(2) the types of accommodation units offered, the number of units for each type and, unless the application concerns a general tourist accommodation establishment corresponding to a camping ground and trailer park, the total accommodation capacity;

(3) the facilities offered in the accommodation units;

(4) the accessibility to individuals who have a disability;

(5) the possibility of bringing a companion animal;

(6) the period of operation of the establishment over a 12-month period;

(7) the various activities offered to tourists by the establishment;

(8) the other services offered;

(9) the tariffs for accommodation and the modes of payment accepted; and

(10) if applicable, the address of the establishment's website.

DIVISION III RENEWAL OF THE REGISTRATION AND UPDATE OF THE ACCOMMODATION OFFERING

5. Subject to the second paragraph, the operator of a tourist accommodation establishment must, within the 60 days preceding the date on which the operator's registration ends, send the application for the renewal of the registration of the establishment, as well as a declaration of the updating of the information concerning the accommodation offering and the related activities and other related services.

The operator of a general tourist accommodation establishment must send the application and the declaration referred to in the first paragraph between 1 February and 31 March if the establishment is an outfitting operation to

which the Act respecting the conservation and development of wildlife (chapter C-61.1) applies, and between 1 September and 31 October if the establishment consists of a camping ground and trailer park.

DIVISION IV FEES PAYABLE

6. The fees payable for the registration of a tourist accommodation establishment are the following:

- (1) in the case of a principal residence establishment, \$50;
- (2) in the case of a youth tourist accommodation establishment, \$120;
- (3) in the case of a general tourist accommodation establishment, \$145.

7. The fees payable for the annual renewal of the registration of a tourist accommodation establishment are the following:

- (1) in the case of a principal residence establishment, \$50;
- (2) in the case of a youth tourist accommodation establishment, \$120;
- (3) in the case of a general tourist accommodation establishment, \$145.

DIVISION V OTHER CONDITIONS

8. The operator of a tourist accommodation establishment must take out and maintain civil liability insurance for at least \$2,000,000 per claim that covers bodily injury and property damage caused in the course of operation of the establishment.

The first paragraph does not apply if the establishment is operated by the Government or by one of its departments or bodies.

9. The operator of a tourist accommodation establishment must clearly indicate the registration number and, if applicable, the name of the establishment in any advertising used to promote the establishment, and on any website, whether transactional or non-transactional, used in connection with the operation of the establishment. In the case of verbal advertising, the indication of the registration number is replaced by a mention that the establishment is registered in accordance with the Tourist Accommodation Act (2021, chapter 30).

The operator must also post, in full view of tourists at the main entrance to the establishment, a written notice indicating the registration number, the civic address and, if applicable, the name of the establishment, as well as its class.

DIVISION VI CASES GIVING RISE TO AN APPLICATION FOR SUSPENSION OR CANCELLATION BY A MUNICIPALITY

10. The following cases may lead to the suspension or cancellation of the registration of a tourist accommodation establishment under section 12 of the Tourist Accommodation Act (2021, chapter 30):

(1) the fact that the operator of the establishment has, within a 12-month period, committed and been found guilty of at least 2 offences under any municipal by-law as regards uses, nuisances, sanitation or safety in connection with the operation of the establishment;

(2) the fact that the clients of a principal residence establishment have, within a 12-month period, committed and been found guilty of at least 2 offences under any municipal by-law as regards nuisances, sanitation or safety when using the establishment.

DIVISION VII INFORMATION TO MUNICIPALITIES

11. The information relating to tourist accommodation establishments that may be communicated to a municipality under section 22 of the Tourist Accommodation Act (2021, chapter 30) includes

(1) the name, civic address and email address of the establishment;

(2) the class of the establishment and, in the case of a general tourist accommodation establishment, the type of establishment;

(3) the name of the operator of the establishment;

(4) the date of registration of the establishment; and

(5) the types of accommodation units offered and the number of units for each type.

12. For the purposes of section 11, a municipality must first send to the Minister

(1) the type of information requested;

(2) the class of the tourist accommodation establishments concerned;

(3) unless the request concerns all of the tourist accommodation establishments situated in the municipality's territory, the postal code of the establishments concerned; and

(4) the intended use of the information requested.

DIVISION VIII

EXEMPTION FROM CERTAIN PROVISIONS OF THE ACT AND THE REGULATION

13. A general tourist accommodation establishment operated in an outfitting operation to which the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) applies is not subject to the Tourist Accommodation Act (2021, chapter 30).

DIVISION IX

OFFENCES

14. The regulatory provision to which section 27 of the Tourist Accommodation Act (2021, chapter 30) refers is sections 8 and 9.

DIVISION X

TRANSITIONAL AND FINAL

15. Until (*insert the date that occurs 3 years after the date of coming into force of this Regulation*), subparagraph 6 of the first paragraph of section 2 is to be read as follows:

“(6) if the person who intends to operate the establishment has, in the last 3 years, been found guilty of an offence under the Act respecting tourist accommodation establishments (chapter E-14.2), the Tourist Accommodation Act (2021, chapter 30), the Building Act (chapter B-1.1), the Act respecting the conservation and development of wildlife (chapter C-61.1), the Consumer Protection Act (chapter P-40.1), the Environment Quality Act (chapter Q-2) or a Regulation made under any of those Acts, a description of the offence.”.

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

105609