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LAWS AND REGULATIONS

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Summary

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Part 2 – LAWS AND REGULATIONS

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Contents

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Table of Contents

Page

Acts 2022

Regulations and other Acts

Draft Regulations

PROVINCE OF QUÉBEC

2ND SESSION

42ND LEGISLATURE

QUÉBEC, 6 APRIL 2022

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 6 April 2022

This day, at twenty to nine o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to assent to the following bills:

101 An Act to strengthen the fight against maltreatment of seniors and other persons of full age in vulnerable situations as well as the monitoring of the quality of health services and social services

498 An Act to proclaim the National Day for the Promotion of Positive Mental Health

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

Québec Official Publisher

NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION FORTY-SECOND LEGISLATURE

Bill 101
(2022, chapter 6)

An Act to strengthen the fight against maltreatment of seniors and other persons of full age in vulnerable situations as well as the monitoring of the quality of health services and social services

Introduced 9 June 2021
Passed in principle 6 October 2021
Passed 5 April 2022
Assented to 6 April 2022

Québec Official Publisher
2022

EXPLANATORY NOTES

The purpose of this Act is to strengthen the fight against maltreatment of seniors and other persons of full age in vulnerable situations as well as the monitoring of the quality of health services and social services.

To that end, the Act clarifies the definition of "person in a vulnerable situation". It also introduces a definition of "health services and social services provider".

The Act provides that the president and executive director or the executive director of a health and social services institution, as applicable, or the person he or she designates must promote a culture of well-treatment within the institution and take the necessary means to prevent maltreatment and to put an end to any case of maltreatment brought to his or her attention. It obliges the health and social services institutions to submit their anti-maltreatment policy as well as their reviewed policy to the Minister of Health and Social Services, who approves it on the recommendation of the Minister Responsible for Seniors and Informal Caregivers. It also states the various information the local service quality and complaints commissioner must set out in his or her annual activities summary concerning cases of maltreatment submitted to him or her in the exercise of his or her functions.

The Act establishes the elements that must be included in the Québec-wide framework agreement to combat maltreatment of seniors and of persons in vulnerable situations that the Minister Responsible for Seniors and Informal Caregivers must enter into with other actors from the sectors concerned, including with respect to the concerted intervention process that must be put in place in each of the health regions. It describes the objectives of and establishes the application framework for the process, and obliges certain bodies to designate resource persons to implement it. Furthermore, it provides that a concerted intervention process must enable any senior or any person in a vulnerable situation who is not already covered by the application of an institution's anti-maltreatment policy, as well as any person who has reasonable cause to believe a senior or a person in a vulnerable situation who is not covered by such a policy is a victim of maltreatment, to file a complaint or make a report to a designated resource person.

The Act proposes to broaden the obligation of health services and social services providers and of professionals within the meaning of the Professional Code to report maltreatment by extending that obligation to any situation in which they have reasonable cause to believe that a person is a victim of maltreatment and by adding categories of persons of full age for which maltreatment must be reported. It gives the Minister of Health and Social Services inspection and investigation powers to verify compliance with the Act.

The Act also provides that the Minister Responsible for Seniors and Informal Caregivers must establish a maltreatment assistance, assessment and reference centre, whose functions are to include providing information on the resources available and the possible recourses to put an end to a case of maltreatment.

Furthermore, the Act gives the Minister of Health and Social Services the power to designate a person to assume, in certain situations, the provisional administration of private institutions not under agreement. It gives the same power to the integrated health and social services centres, in particular with regard to private seniors' residences, as well as to the public institutions with regard to certain intermediate resources with which they have entered into an agreement. In addition, it gives the Minister of Health and Social Services and the integrated health and social services centres the power to investigate with regard to private seniors' residences, and it allows the integrated health and social services centres to provide assistance and support to the operators of such residences when those operators experience difficulties.

The Act establishes that the permit of a health and social services institution and the temporary certificate of compliance or the certificate of compliance of a private seniors' residence may be revoked where the permit holder or the operator of the residence fails to take the necessary means to put an end to any case of maltreatment that is brought to their attention. It also provides that a local service quality and complaints commissioner who has reasonable cause to believe that there exists a situation that could pose a threat to the health and well-being of a user or a group of users must send to the president and executive director or the executive director of the institution concerned, as well as to the Minister of Health and Social Services, a copy of his or her conclusions, with reasons, together with any recommendations made.

The Act introduces an obligation for the operator of a private seniors' residence who wishes to cease activities to establish, and have approved by the integrated health and social services centre

concerned, a cessation-of-activities plan that sets out the steps and actions that will be taken over a period of at least six months before the cessation, including in order to assist in the relocation of persons who require it.

The Act also introduces penal sanctions, applicable in, among others, cases of maltreatment of persons taken in charge by a residential and long-term care centre, intermediate or family-type resource or private seniors' residence, in cases of failure to report maltreatment where there is an obligation to do so, or in cases of failure to transmit a cessation-of-activities plan for approval or to comply with the approved plan.

Lastly, the Act includes certain transitional and consequential provisions.

LEGISLATION AMENDED BY THIS ACT:

– Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (chapter L-6.3);

– Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2);

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

– Act respecting pre-hospital emergency services (chapter S-6.2).

Bill 101

AN ACT TO STRENGTHEN THE FIGHT AGAINST MALTREATMENT OF SENIORS AND OTHER PERSONS OF FULL AGE IN VULNERABLE SITUATIONS AS WELL AS THE MONITORING OF THE QUALITY OF HEALTH SERVICES AND SOCIAL SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT TO COMBAT MALTREATMENT OF SENIORS AND OTHER PERSONS OF FULL AGE IN VULNERABLE SITUATIONS

1. Section 2 of the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (chapter L-6.3) is amended

(1) by inserting ", such as a physical or intellectual disability or an autism spectrum disorder" after "psychological in nature" in paragraph 4;

(2) by inserting the following paragraph after paragraph 5:

"(5.1) "health services and social services provider": means any person who, in the exercise of his or her functions, directly provides health services or social services to a person, on behalf of an institution, private seniors' residence, intermediate resource or family-type resource, including a person who carries on activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26) as well as the operator of, or the person responsible for, the residence or the resource, if applicable;";

(3) by striking out the paragraph number of each of its paragraphs, and by placing all the definitions in the English text in alphabetical order.

2. Section 3 of the Act is amended

(1) by inserting "seniors and of" after "maltreatment of" in the first paragraph;

(2) by replacing "of the policy" in the third paragraph by "and application of the policy, to promoting a culture of well-treatment within the institution and to taking the necessary means to prevent maltreatment and to put an end to any case of maltreatment that is brought to their attention";

(3) in the fourth paragraph,

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

"(1.1) the undertaking by the president and executive director or the executive director of the institution, as applicable, or by the person designated by the president and executive director or the executive director to promote a culture of well-treatment within the institution, in particular in the application of practices or procedures, and to take the necessary means to prevent maltreatment and to put an end to any case of maltreatment that is brought to their attention;";

(*b*) by replacing "maltreatment of" in subparagraph 2 by "maltreatment of seniors and of";

(*c*) by replacing "such persons" in subparagraph 3 by "seniors or persons in vulnerable situations";

(*d*) by replacing subparagraph 4 by the following subparagraph:

"(4) the procedure allowing any other person, including a person who does not work for the institution, including a caregiver, to report to the local service quality and complaints commissioner any alleged case of maltreatment of a senior or of a person in a vulnerable situation who receives health services and social services;";

(4) by replacing "required follow-up in response to any complaint or report of maltreatment" in subparagraph 8 of the fourth paragraph by "follow-up that must be given to any complaint or report of maltreatment, fostering the involvement of the person who is a victim of maltreatment at each stage,".

3. The Act is amended by inserting the following sections after section 4:

"**4.1.** In addition to the elements set out in the fourth paragraph of section 3, the policy must include

(1) the fact that any senior or any person in a vulnerable situation who believes he or she is a victim of maltreatment and who is not covered by the application of an institution's policy may file a complaint with a resource person designated in accordance with section 17; and

(2) the fact that any other person may report to such a designated resource person any alleged case of maltreatment of a senior or a person in a vulnerable situation who is not covered by the application of an institution's policy.

"**4.2.** The institution must submit its policy, within 30 days of its adoption, to the Minister of Health and Social Services, who, on the recommendation of the Minister responsible for Seniors, approves it within 45 days after receiving it, with or without amendment."

4. Section 5 of the Act is amended by replacing "and their" by "to their caregivers and to their".

5. Section 7 of the Act is replaced by the following section:

"**7.** The institution must review its policy and submit it to the Minister of Health and Social Services at least every five years, before the date set by the Minister. On the recommendation of the Minister responsible for Seniors, the Minister approves the reviewed policy within 90 days after receiving it, with or without amendment."

6. Section 8 of the Act is amended by replacing "make its policy" in the second paragraph by "post the policy in public view and make it".

7. Section 9 of the Act is amended by replacing "make the policy" in the second paragraph by "post the policy in public view and make it".

8. Division V of Chapter II of the Act, comprising sections 10 to 12, is repealed.

9. Section 13 of the Act is amended by inserting "seniors and of" after "maltreatment of".

10. Section 14 of the Act is amended

(1) by inserting "seniors and of" after "maltreatment of" in the first paragraph;

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

"The annual summary of the local commissioner's activities must set out, among other elements,

(1) the number of complaints and reports concerning cases of maltreatment under examination or being processed at the beginning and at the end of the fiscal year as well as the number of complaints and reports received concerning such cases during the fiscal year, by living environment and by type of maltreatment;

(2) the number of interventions on the commissioner's own initiative concerning cases of maltreatment being carried out at the beginning and at the end of the fiscal year as well as the number of interventions carried out on the commissioner's own initiative concerning such cases during the fiscal year, by living environment and by type of maltreatment;

(3) the number of complaints and reports concerning cases of maltreatment received, examined or processed, dismissed on summary examination, refused or abandoned, by type of maltreatment;

(4) the nature of the main recommendations concerning cases of maltreatment made by the local commissioner to the board of directors of the institution concerned and to the department or service manager concerned within such an institution as well as, if applicable, to the highest authority of the resource, body or partnership or the person holding the position of highest authority responsible for the services that are the subject of complaints or reports concerning cases of maltreatment, by type of maltreatment; and

(5) any other element determined by the Minister of Health and Social Services."

11. Chapter III of the Act, comprising sections 16 to 20, is replaced by the following chapters:

"**CHAPTER III**

"CONCERTED INTERVENTION PROCESS CONCERNING MALTREATMENT

"**DIVISION I**

"GENERAL PROVISION

"**16.** The Minister responsible for Seniors is responsible for combatting maltreatment of seniors and of persons in vulnerable situations by fostering the complementarity and effectiveness of the measures that are taken by the actors from the sectors concerned and that are intended to prevent, detect and combat maltreatment.

For that purpose, the Minister coordinates the establishment, in each health region, of a concerted intervention process concerning maltreatment that takes into account each region's specific realities, in particular by entering into the Québec-wide framework agreement referred to in section 20.4.

"**DIVISION II**

"DESIGNATED RESOURCE PERSONS

"**17.** The application of the concerted intervention process must enable any senior or any person in a vulnerable situation who believes he or she is a victim of maltreatment and who is not covered by an institution's anti-maltreatment policy as well as any person who has reasonable cause to believe that a senior or a person in a vulnerable situation who is not covered by such a policy is a victim of maltreatment to file a complaint or make a report of maltreatment with the resource persons designated by the following bodies:

(1) an integrated health and social services centre, a local authority and the Cree Board of Health and Social Services of James Bay;

(2) a police force, where the facts in support of the complaint or report could constitute a criminal or penal offence;

(3) the Public Curator, where the person is under tutorship or curatorship or a protection mandate has been homologated for the person, or where the person's incapacity to care for himself or herself or administer his or her property has been ascertained by medical assessment but the person is not under a protective measure;

(4) the Commission des droits de la personne et des droits de la jeunesse, where the facts in support of the complaint or report could constitute a case of discrimination, exploitation or harassment within the meaning of the Charter of human rights and freedoms (chapter C-12); and

(5) the Autorité des marchés financiers, in a case of financial abuse committed by a person subject to its regulation.

The Minister may designate any other person or body to receive a complaint or report in accordance with this section.

"**18.** The Director of Criminal and Penal Prosecutions designates a resource person for the purposes of Division III of this chapter.

"**DIVISION III**

"APPLICATION FRAMEWORK FOR A CONCERTED INTERVENTION PROCESS

"**19.** The purpose of a concerted intervention process is to implement any of the following measures:

(1) concerted action by at least two designated resource persons to quickly and accurately assess a case of maltreatment in order to put an end to it, in particular by combining their expertise and communicating information they may have in relation to the case;

(2) coordination of the actions, investigations or other procedures of at least two designated resource persons in order to ensure the effectiveness of an intervention aimed at putting an end to a case of maltreatment and to minimize the negative impact of the intervention on the senior or the person in a vulnerable situation who is a victim of maltreatment; and

(3) intervention on the part of the judicial system to adequately protect the senior or the person in a vulnerable situation who is a victim of maltreatment, in particular by means of a protection order referred to in article 509 of the Code of Civil Procedure (chapter C-25.01).

The initiation of a concerted intervention process may arise from the reception of a complaint or report of maltreatment by a designated resource person or from the referral of a case of maltreatment to such a resource person

by a person working for the same body as the resource person. It may also arise from the reception of a complaint or report by the local service quality and complaints commissioner, where the commissioner has referred the case to a designated resource person, with the consent of the senior or the person in a vulnerable situation. Such consent is not necessary, however, where it must be given by the tutor, curator or mandatary of the senior or the person in a vulnerable situation and that tutor, curator or mandatary is, according to the complaint or report, the maltreating person.

"**20.** Where a designated resource person considers that initiating a concerted intervention process would facilitate putting an end to a case of maltreatment, the designated resource person must provide the senior or the person in a vulnerable situation with information related to the scope of the actions that could be undertaken, the support the senior or the person could receive and the possible outcomes. The designated resource person may also, if he or she considers it advisable, provide the senior or the person with information on the health services or social services the maltreating person could receive.

"**20.1.** A designated resource person must obtain the consent of the senior or the person in a vulnerable situation for the initiation of a concerted intervention process and for the communication, to other designated resource persons, of personal information that concerns the senior or the person and that is necessary for conducting a concerted intervention aimed at putting an end to the case of maltreatment of which the senior or the person is a victim.

Despite the first paragraph, a designated resource person may initiate a concerted intervention process and communicate, to other designated resource persons, personal information that concerns a senior or a person in a vulnerable situation, without the senior's or person's consent,

(1) where such consent must be given by the tutor, curator or mandatary of the senior or the person in a vulnerable situation and that tutor, curator or mandatary is, according to the complaint or report, the maltreating person; or

(2) in order to prevent an act of violence, including a suicide, where the resource person has reasonable cause to believe that there is a serious risk of death or of serious bodily injury threatening the senior or the person in a vulnerable situation and where the nature of the threat generates a sense of urgency.

For the purposes of subparagraph 2 of the second paragraph, "serious bodily injury" means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.

"**20.2.** A designated resource person who initiated a concerted intervention process must, where the process has ended, inform any other designated resource person who was involved in the process of the nature of the management of the maltreatment situation.

"**20.3.** Where the complaint or report received by the designated resource person does not give rise to the initiation of a concerted intervention process, the designated resource person may obtain support or advice from another designated resource person with regard to the directions and actions to take to put an end to the case of maltreatment. The designated resource person remains responsible for following up on the complaint or report.

"**DIVISION IV**

"QUÉBEC-WIDE FRAMEWORK AGREEMENT TO COMBAT MALTREATMENT

"**20.4.** The Minister responsible for Seniors must enter into a Quebec-wide framework agreement to combat maltreatment of seniors and persons in vulnerable situations with the Minister of Public Security, the Minister of Justice, the Minister of Health and Social Services, the Director of Criminal and Penal Prosecutions, the Autorité des marchés financiers, the Commission des droits de la personne et des droits de la jeunesse, the Public Curator and any other government department or other body considered useful.

The framework agreement must set out, among other things,

(1) the guiding principles that support its application and the terms relating to the involvement of the resource persons designated for the purposes of the concerted intervention process;

(2) the establishment of the following committees:

(*a*) a Québec-wide steering committee responsible for developing an overall vision for the application of and follow-up on the framework agreement as well as the concerted intervention process;

(*b*) a Québec-wide advisory committee responsible for coordinating the application of and follow-up on the framework agreement as well as the concerted intervention process throughout all health regions; and

(*c*) for each health region, a regional implementation committee responsible for coordinating the application of and follow-up on the framework agreement and the implementation of the concerted intervention process;

(3) the joint obligation of the parties to the framework agreement to develop intervention support tools and see that they are updated; and

(4) the obligation of the parties referred to in section 17 and the Director of Criminal and Penal Prosecutions to exercise the following functions:

(*a*) develop an internal procedure concerning the terms related to initiating a concerted intervention process and, if applicable, see that it is updated;

(*b*) designate a representative whose role is, among other things, to offer support for the purposes of any decision relating to the initiation of a concerted intervention process; and

(*c*) disseminate, according to the mode established in the framework agreement, the name and contact information of the designated resource persons referred to in section 17.

"**20.5.** An integrated health and social services centre and a police force that are referred to in section 17 must collaborate in implementing the Québec-wide framework agreement by exercising the functions set out in subparagraph 4 of the second paragraph of section 20.4.

"**DIVISION V**

"ACCOUNTABILITY

"**20.6.** The Minister responsible for Seniors must report on the application of the provisions of this chapter every year in a report the Minister tables in the National Assembly within four months after the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption. The report is also published on the Minister's website.

"**CHAPTER III.1**

"MALTREATMENT ASSISTANCE, ASSESSMENT AND REFERENCE CENTRE

"**20.7.** The Minister responsible for Seniors must establish a maltreatment assistance, assessment and reference centre.

The functions of the centre include

(1) receiving a call from a person seeking information or support concerning maltreatment, and actively listening to the person;

(2) assessing the situation described by the person as well as its risk level, in particular to determine whether it is a case of maltreatment;

(3) providing information on the resources available and the possible recourses to put an end to a case of maltreatment;

(4) referring the person to the resource persons most able to help the person, including the competent local service quality and complaints commissioner or any other designated resource person referred to in section 17; and

(5) conducting, with the person's consent, follow-up to accompany the person in the process or in the steps he or she has taken or is taking.

"**20.8.** The Minister may, by agreement, entrust the organization and administration of the maltreatment assistance, assessment and reference centre to an institution or any other body."

12. The heading of Chapter IV of the Act is replaced by the following heading:

"PROTECTION MEASURES SPECIFIC TO CERTAIN CASES OF MALTREATMENT".

13. Section 21 of the Act is replaced by the following section:

"**21.** Any health services and social service provider or any professional within the meaning of the Professional Code (chapter C-26) who, in the exercise of his or her functions or the practice of his or her profession, has reasonable grounds to believe that a person is a victim of maltreatment must report the case without delay where the person is

(1) a user of full age who is lodged in a facility maintained by an institution operating a residential and long-term care centre;

(2) a user of full age who is taken in charge by an intermediate resource or by a family-type resource;

(3) a person of full age who is under tutorship or curatorship or for whom a protection mandate has been homologated;

(4) any person of full age whose incapacity to care for himself or herself or to administer his or her property has been ascertained by medical assessment, but who is not under a protective measure; or

(5) any other person in a vulnerable situation who is a resident of a private senior's residence.

The report is filed with the competent local service quality and complaints commissioner where the person of full age concerned is covered by an institution's anti-maltreatment policy or, in any other case, with a designated resource person referred to in section 17, to be handled in accordance with Chapter II or Chapter III, as applicable.

This section applies even to persons bound by professional secrecy, except lawyers and notaries who receive information about such a case in the practice of their profession.

Anyone who contravenes the provisions of the first paragraph commits an offence and is liable to a fine of $2,500 to $25,000. Those amounts are doubled for a subsequent offence."

14. The Act is amended by inserting the following section after section 21:

"**21.1.** The following commit an offence and are liable to a fine of $5,000 to $125,000 in the case of a natural person, or to a fine of $10,000 to $250,000 in any other case:

(1) anyone who commits an act of maltreatment against a user of full age who is lodged in a facility maintained by an institution operating a residential and long-term care centre, a user of full age who is taken in charge by an intermediate resource or family-type resource or a resident of a private seniors' residence, on the premises of such a facility, resource or residence;

(2) an institution, the person responsible for or operator of a resource or residence or a member of their staff that commits an act of maltreatment against a user or resident referred to in subparagraph 1 while the user or resident, who is under the responsibility of the institution, person or operator, as applicable, is outside the premises referred to in that subparagraph; or

(3) a person who, in the exercise of his or her functions, commits an act of maltreatment against a user of full age to whom the person directly provides in-home health services or social services on behalf of an institution.

The amounts of the fines are doubled for a subsequent offence.

For the purposes of this section, residents of a private seniors' residence and persons receiving in-home health services and social services are covered provided they are persons in vulnerable situations within the meaning of section 2."

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

"**CHAPTER IV.1**

"CONFIDENTIALITY, PROTECTION AGAINST REPRISAL AND IMMUNITY FROM PROCEEDINGS

"**22.1.** A local service quality and complaints commissioner or a designated resource person referred to in section 17 must take all necessary measures to preserve the confidentiality of any information that would allow a person who files a complaint or makes a report of maltreatment to be identified, unless the person consents to being identified. The commissioner or the resource person may, however, communicate the identity of the person to a police force.

"**22.2.** Reprisals are prohibited against a person who, in good faith, files a complaint or makes a report of maltreatment or cooperates in the examination of a complaint or processing of a report.

Threats of reprisal against a person to dissuade them from filing a complaint, making a report or cooperating in the examination of a complaint or processing of a report are also prohibited.

The demotion, suspension, termination of employment or transfer of a person or any disciplinary or other measure that adversely affects the employment or working conditions of a person is presumed to be a reprisal. Transferring a user or a resident, breaking his or her lease, or prohibiting or restricting visits to a user or a resident is also presumed to be a reprisal.

Anyone who threatens or intimidates a person or takes reprisals or attempts to take reprisals against a person because the person complies with this Act, exercises a right provided for by this Act or reports conduct that contravenes this Act commits an offence and is liable to a fine of $2,000 to $20,000 in the case of a natural person and $10,000 to $250,000 in any other case. Those amounts are doubled for a subsequent offence.

"**22.3.** No proceedings may be brought against a person who, in good faith, has filed a complaint or made a report of maltreatment or cooperated in the examination of a complaint or in the processing of a report, whatever the conclusions issued.

"**CHAPTER IV.2**

"INSPECTION AND INVESTIGATION

"**22.4.** The Minister may authorize any person to act as an inspector for the purpose of verifying compliance with this Act.

An inspector may, in the exercise of his or her functions,

(1) at any reasonable time, enter any premises where an anti-maltreatment policy applies;

(2) take photographs or make recordings of the premises and the property located there; and

(3) require the communication of any document or file for examination or reproduction, if the inspector has reasonable grounds to believe that they contain information relating to the application of this Act or the regulations.

If the premises referred to in subparagraph 1 of the first paragraph are in the nature of a dwelling for the occupant, the inspector must obtain the occupant's consent before inspecting the premises.

"**22.5.** An inspector may, by a request sent by registered mail or personal service, require any person to communicate by registered mail or personal service, within a reasonable time specified by the inspector, any information or document relating to the application of this Act or the regulations.

"**22.6.** The Minister may designate any person to investigate any matter relating to the application of this Act or the regulations.

"**22.7.** Inspectors and investigators must, on request, identify themselves and produce a certificate of authority.

"**22.8.** Anyone who in any way hinders or attempts to hinder an inspector or investigator in the performance of inspection or investigation functions, in particular by deceiving the inspector or investigator by concealment or misrepresentation or, in the case of an inspector, by refusing to provide a document or a file that the inspector is entitled to require under this Act, commits an offence and is liable to a fine of $5,000 to $50,000 in the case of a natural person and $15,000 to $150,000 in any other case. Those amounts are doubled for a subsequent offence.

"**22.9.** No proceedings may be brought against an inspector or an investigator for an act or omission in good faith in the performance of inspection or investigation functions."

16. Section 39 of the Act is repealed.

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

"**40.** The Minister responsible for Seniors is responsible for the administration of this Act, except Chapters II, IV.1 and IV.2, which are under the responsibility of the Minister of Health and Social Services."

ACT TO MODIFY THE ORGANIZATION AND GOVERNANCE OF THE HEALTH AND SOCIAL SERVICES NETWORK, IN PARTICULAR BY ABOLISHING THE REGIONAL AGENCIES

18. Section 50.2 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) is amended by replacing "sections 34" in the second paragraph by "sections 33.1, 34".

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

19. Section 19 of the Act respecting health services and social services (chapter S-4.2) is amended

(1) by striking out paragraph 3;

(2) by inserting "or to a person authorized to conduct an investigation under the first paragraph of section 489.4" at the end of paragraph 5.

20. The Act is amended by inserting the following section after section 33:

"**33.1.** A local service quality and complaints commissioner who, in the exercise of his or her functions, has reasonable grounds to believe there exists a situation that could pose a threat to the health or well-being of a user or a group of users, including such a situation arising from the application of

practices or procedures, must send a copy of his or her conclusions, including reasons, to the executive director of the institution concerned and to the Minister, together with any recommendations made to the board of directors concerned."

21. Section 240.1 of the Act is amended by replacing "in accordance with section 414" by "in accordance with this Act".

22. The Act is amended by inserting the following sections after section 309:

"**309.1.** A public institution having entered into an agreement with an intermediate resource, other than a resource governed by the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2), may designate a person to assume, for a period not exceeding 120 days, the provisional administration of the intermediate resource

(1) where the agreement has been cancelled;

(2) where the intermediate resource engages in practices or tolerates a situation that could pose a threat to the health or safety of the persons to whom it provides services; or

(3) where the intermediate resource is experiencing difficulties that seriously compromise either the quality of the services it offers or its administration, organization or operation.

The period provided for in the first paragraph may be extended by the institution, provided that the extension period does not exceed 90 days.

"**309.2.** The provisional administrator of an intermediate resource shall, as soon as possible, make a preliminary report of his findings to the public institution, together with his recommendations.

"**309.3.** Before submitting the preliminary report to the public institution, the provisional administrator shall give the operator of the intermediate resource the opportunity to present observations. The provisional administrator shall attach to the report a summary of the observations made to him.

"**309.4.** Where the public institution designates a provisional administrator in accordance with section 309.1, it shall indicate whether all or certain powers of the operator of the intermediate resource are suspended and are therefore exercised by the provisional administrator.

If deprived of certain powers, the resource's operator shall continue to exercise those powers that were not suspended.

At all times, the resource's operator shall continue to exercise all powers with regard to activities other than activities related to the operation of the resource, where applicable.

"**309.5.** No legal proceedings may be brought against the provisional administrator of an intermediate resource for an act done in good faith in the exercise of his functions.

"**309.6.** The public institution may, where the preliminary report made by the provisional administrator under section 309.2 confirms the existence of a situation described in section 309.1,

(1) order the resource to take the necessary corrective measures within the period the public institution determines; and

(2) order the provisional administrator to continue his administration or to relinquish it and not resume it unless the intermediate resource takes the corrective measures ordered by the public institution in accordance with subparagraph 1.

In addition, the public institution shall order the provisional administrator to make a final report to it on ascertaining that the situation described in section 309.1 has been corrected or that it will not be possible to correct it.

"**309.7.** After receiving the final report of the provisional administrator under the second paragraph of section 309.6, the public institution may take either of the following measures:

(1) terminate the provisional administration on the date it determines; or

(2) exercise any power conferred on it by section 309.6."

23. The Act is amended by inserting the following section after section 346.0.4.2:

"**346.0.4.2.1.** Subject to the third paragraph of section 346.0.4.2, a temporary certificate of compliance is valid for up to one year. It may not be renewed.

A certificate of compliance is valid for four years. It may be renewed for the same period.

Six months before the expiry date of a certificate of compliance, an agency must initiate the renewal process for the certificate with the certificate holder."

24. Section 346.0.6 of the Act is amended by inserting the following paragraph after paragraph 3.2:

"(3.3) the obligation of an operator of a private seniors' residence and of the agency for the region where the residence is situated to enter into an agreement concerning the provision of certain services to residents and setting out the obligations of the parties in that respect, as well as the minimum content of such an agreement;".

25. The Act is amended by inserting the following sections after section 346.0.9:

"**346.0.9.1.** The agency may designate any person to investigate any matter relating to the application of this subdivision and the regulations.

"**346.0.9.2.** An investigator must, on request, identify himself and produce a certificate of authority.

"**346.0.9.3.** No legal proceedings may be brought against an inspector or an investigator for an omission or act done in good faith in the exercise of his functions."

26. Section 346.0.10 of the Act is replaced by the following sections:

"**346.0.10.** If the operator of a private seniors' residence is experiencing difficulties with respect to the quality of the services the operator offers or with respect to the administration, organization or operation of the residence, the agency may provide assistance and support to the operator.

Such assistance and support must be the subject of an agreement between the agency and the operator, which must stipulate, among other things, the nature, duration and expected results of the assistance and support.

An operator that has received assistance and support must report to the agency on any developments in the situation.

"**346.0.10.1.** The agency may designate a person to assume, for a period not exceeding 120 days, the provisional administration of a private seniors' residence

(1) where the operator of the residence no longer holds a temporary certificate of compliance or a certificate of compliance, no longer complies with a provision of this subdivision or of the regulations, or where the operator's temporary certificate or certificate of compliance has been cancelled in accordance with this Act;

(2) where the operator fails to take the corrective measures ordered by the agency within the period determined by the agency;

(3) where the operator engages in practices or tolerates a situation that could pose a threat to the health or safety of the persons to whom the operator provides services; or

(4) where the operator is experiencing difficulties that seriously compromise either the quality of the services it offers or the administration, organization or operation of the residence.

The period provided for in the first paragraph may be extended by the agency, provided that the extension period does not exceed 90 days.

"**346.0.10.2.** The provisional administrator of a private seniors' residence shall, as soon as possible, make a preliminary report of his findings to the agency, together with his recommendations.

"**346.0.10.3.** Before submitting the preliminary report to the agency, the provisional administrator shall give the operator of the private seniors' residence the opportunity to submit observations. The provisional administrator shall attach to the report a summary of the observations made to him.

"**346.0.10.4.** Where the agency designates a provisional administrator in accordance with section 346.0.10.1, it shall indicate whether all or certain powers of the operator of the private seniors' residence are suspended and are therefore exercised by the provisional administrator.

If deprived of certain powers, the residence's operator shall continue to exercise those powers that were not suspended.

At all times, the residence's operator shall continue to exercise all powers with regard to activities other than activities related to the operation of the residence, if applicable.

"**346.0.10.5.** No proceedings may be brought against a provisional administrator of a private seniors' residence for an act done in good faith in the exercise of his functions.

"**346.0.10.6.** The agency may, where the preliminary report made by the provisional administrator under section 346.0.10.2 confirms the existence of a situation described in section 346.0.10.1,

(1) attach such restrictions and conditions to the temporary certificate of compliance or the certificate of compliance as it considers appropriate;

(2) prescribe the time by which any situation described in section 346.0.10.1 must be remedied; and

(3) order the provisional administrator to continue his administration or to relinquish it and not resume it unless the operator of the private seniors' residence complies with the conditions imposed by the agency under subparagraph 1 or 2.

In addition, the agency shall order the provisional administrator to make a final report to it on ascertaining that the situation described in section 346.0.10.1 has been corrected or that it will not be possible to correct it.

"**346.0.10.7.** After receiving the final report of the provisional administrator under the second paragraph of section 346.0.10.6, the agency may take either of the following measures:

(1) terminate the provisional administration on the date it determines; or

(2) exercise any power conferred on it by section 346.0.10.6."

27. Section 346.0.11 of the Act is amended by adding the following paragraph at the end:

"(6) fails to take the necessary means to put an end to any case of maltreatment within the meaning of the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (chapter L-6.3) that is brought to its attention."

28. Section 346.0.17.1 of the Act is replaced by the following section:

"**346.0.17.1.** The operator of a private seniors' residence who wishes to cease activities, even with respect to only a part of the residence, must transmit a cessation-of-activities plan to the agency concerned at least nine months before the projected date of cessation.

The main purpose of the plan is to ensure that the cessation of activities does not compromise the health and safety of the residents. The plan must set out the steps and actions that will be taken by the operator of the residence over a period of at least six months preceding the cessation. The plan must set out, among other elements,

(1) the projected date of the cessation of activities;

(2) the contact information of the persons concerned by the cessation of activities and of any persons acting on their behalf;

(3) the measures that will be taken by the operator

(*a*) to assist in the relocation of the persons concerned who require it; and

(*b*) to properly inform the persons concerned and any persons acting on their behalf of the relocation assistance available to them and of any developments in the situation until the cessation of activities; and

(4) any other element determined by government regulation.

The agency concerned must notify the operator as well as the Minister of Health and Social Services and the Minister responsible for Seniors in writing of the receipt of the cessation-of-activities plan. In addition, if the agency considers that the plan does not meet the requirements of the second paragraph,

it must, in writing and within 30 days after receipt of the plan, notify the operator and provide the latter with the reasons in support of its conclusion in order for the operator to revise the plan as soon as possible.

The agency concerned must approve the operator's cessation-of-activities plan, with or without amendment, within three months after its receipt and transmit a copy of it to the Minister of Health and Social Services and to the Minister responsible for Seniors. Before approving a plan with amendment, the agency must grant the operator a period of at least 10 days to submit observations. The operator must comply with the plan approved by the agency concerned.

All notices that, under the rules set out in the Civil Code respecting the lease of a dwelling, must be given to the lessees prior to the cessation of activities are without effect if they are transmitted before the cessation-of-activities plan is approved by the agency concerned.

This section does not apply where the rights conferred on the operator by a certificate of compliance or a temporary certificate of compliance have been validly transferred to another person in accordance with section 346.0.20."

29. Section 346.0.17.2 of the Act is amended by replacing "did not give the agency concerned a prior notice of intention in accordance with that section" by "did not transmit the required cessation-of-activities plan to the agency concerned for approval in accordance with that section".

30. Section 346.0.18 of the Act is amended by adding the following sentence at the end: "The same applies when the agency approves the cessation-of-activities plan of the operator of a private seniors' residence."

31. Sections 413.2 to 415 of the Act are repealed.

32. Section 446 of the Act is amended by inserting the following paragraphs after paragraph 2:

"(2.1) engages in practices or tolerates a situation that could pose a threat to the health or well-being of persons whom the institution receives or could receive or that are inconsistent with the pursuit of the mission of a centre it operates;

"(2.2) fails to take the necessary means to put an end to any case of maltreatment within the meaning of the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (chapter L-6.3) that is brought to its attention;".

33. Section 447 of the Act is amended by replacing "in paragraph 2 of section 446" in the first paragraph by "in paragraph 2, 2.1 or 2.2 of section 446".

34. The heading of Division I of Chapter VIII of Title II of Part III of the Act is replaced by the following heading:

"INSPECTION AND INVESTIGATION".

35. The Act is amended by inserting the following sections after section 489.2:

"**489.3.** A person authorized in writing by the Minister may conduct an investigation into any matter relating to the application of subdivision 2.1 of Division II of Chapter I of Title I of Part III and the regulations in respect of a private seniors' residence or any other resource or category of resource offering lodging determined by government regulation under the first paragraph of section 346.0.21.

"**489.4.** The Minister may authorize any person in writing to conduct an investigation in the following cases:

(1) where an institution is not complying with the law;

(2) where an institution engages in practices or tolerates a situation that could pose a threat to the health or well-being of the persons served by the institution;

(3) where the Minister becomes aware, at any time in a fiscal year, that the expenditures of a public institution exceed its revenues and that its budgetary balance is at risk; and

(4) where the Minister considers that there has been a serious fault, such as embezzlement, in the management of the public institution.

A person authorized to conduct an investigation is vested, for the purposes of the investigation, with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

"**489.5.** Once the investigation has been completed, the Minister may require the institution concerned to submit an action plan to follow up on the recommendations made by the Minister."

36. Section 490 of the Act is amended by striking out "under agreement" in the second paragraph.

37. Section 495 of the Act is amended by striking out "under agreement".

38. Section 531.1.3 of the Act is replaced by the following section:

"**531.1.3.** An operator of a private seniors' residence or a new lessor referred to in section 346.0.17.2 who contravenes any of the provisions of section 346.0.17.1 commits an offence and is liable to a fine of $2,500 to $62,500 in the case of a natural person or $7,500 to $187,500 in the case of a legal person.

Penal proceedings for an offence referred to in the first paragraph are prescribed by three years from the date of commission of the offence."

ACT RESPECTING PRE-HOSPITAL EMERGENCY SERVICES

39. Section 8 of the Act respecting pre-hospital emergency services (chapter S-6.2) is amended by replacing "on an agency by sections 414 and 415" by "on the Minister by sections 489.4 and 489.5".

TRANSITIONAL AND FINAL PROVISIONS

40. An institution must review its anti-maltreatment policy described in section 3 of the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (chapter L-6.3) to comply with the provisions of that Act, as amended by this Act, not later than 6 April 2023.

The institution must submit the policy to the Minister of Health and Social Services in accordance with section 7 of that Act, as replaced by section 5, not later than 6 October 2023.

41. The Québec-wide framework agreement to combat maltreatment must be updated to comply with the new provisions of Chapter III of the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations, enacted by section 11, not later than 6 April 2023.

42. Section 346.0.17.1 of the Act respecting health services and social services (chapter S-4.2), as replaced by section 28 of this Act, does not apply to an operator of a private seniors' residence who, before 6 April 2022, gave the agency concerned the prior notice of at least six months provided for in that section, as it read on 5 April 2022.

In addition, section 346.0.17.2 of the Act respecting health services and social services, as amended by section 29 of this Act, does not apply to a new lessor if, before 6 April 2022, the former operator of the residence gave the agency concerned such a prior notice or if the new lessor gave the prior notice himself or herself pursuant to that section, as it read on 5 April 2022.

43. This Act comes into force on 6 April 2022.

NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION FORTY-SECOND LEGISLATURE

Bill 498
(2022, chapter 7)

An Act to proclaim the National Day for the Promotion of Positive Mental Health

Introduced 2 December 2021
Passed in principle 22 March 2022
Passed 31 March 2022
Assented to 6 April 2022

Québec Official Publisher
2022

EXPLANATORY NOTES

The object of this Act is to proclaim 13 March of each year National Day for the Promotion of Positive Mental Health.

Bill 498

AN ACT TO PROCLAIM THE NATIONAL DAY FOR THE PROMOTION OF POSITIVE MENTAL HEALTH

AS mental health, that is, a person's psychological and emotional well-being, is an essential component of one's life and general state of health;

AS there is a lack of awareness of the differences between mental health and mental illness;

AS positive mental health is not limited to the absence of mental illness and as, when it is weakened, it can lead to physical or psychological disorders;

AS the promotion of positive mental health aims to increase or maintain individual and collective well-being, foster resilience and prevent the emergence of mental health problems, physical health problems and social problems;

AS the National Assembly recognizes the role the State must play in promoting positive mental health as well as Quebecers' desire to ensure progress in that area for all those who make up Québec society;

AS the promotion of positive mental health confers on everyone, be it individually or collectively, the duty to make a contribution to Québec society in the area of mental health;

AS the World Health Organization considers that there can be no health without mental health;

AS 13 March 2020, date of coming into force of the declaration of a public health emergency due to the COVID-19 pandemic, marks a pivotal moment in the Québec collective mind and a turning point in raising awareness about the importance of positive mental health;

AS it is expedient to create a National Day for the Promotion of Positive Mental Health to promote, increase and maintain individual and collective well-being for generations to come;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The thirteenth of March is proclaimed National Day for the Promotion of Positive Mental Health.

2. This Act comes into force on 6 April 2022.

Regulations and other Acts

Gouvernement du Québec

O.C. 737-2022, 4 May 2022

Building Act
(chapter B-1.1)

Construction Code
— Amendment

Regulation to amend the Construction Code

WHEREAS, under the first and second paragraphs of section 173 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec is to adopt by regulation a building code containing building standards for buildings, facilities intended for use by the public, installations independent of a building and petroleum equipment installations or their vicinity;

WHEREAS, under section 176 of the Act, the code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and also provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under section 179 of the Act, the Board may determine the provisions of a code of which the infringement is to constitute an offence under paragraph 7 of section 194 of the Act;

WHEREAS, under paragraph 0.1 of section 185 of the Act, the Board may, by regulation, exempt from the application of the Act or certain of its provisions categories of persons, contractors, owner-builders, manufacturers of pressure installations, or owners of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations, and categories of buildings, pressure installations, facilities, installations or construction work;

WHEREAS, under paragraph 37 of section 185 of the Act, the Board may, by regulation, determine the provisions of a regulation adopted under section 185 of the Act, of which the infringement is to constitute an offence under paragraph 7 of section 194 of the Act, with the exception of provisions adopted under paragraphs 5.2, 18, 18.1, 20 and 36.1 and under paragraphs 16 and 17 with respect to fees payable;

WHEREAS, under paragraph 38 of section 185 of the Act, the Board may, by regulation, adopt, generally, any other related or suppletory provision it considered necessary to give effect to the provisions of section 185 of the Act and of the Act;

WHEREAS, under the first paragraph of section 192 of the Act, the content of the code may vary in particular according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installations independent of a building and classes of buildings, pressure installations, facilities or installations to which the code applies;

WHEREAS the board of directors of the Board made the Regulation to amend the Construction Code by its resolution 2021-304-10.2-2370 dated 15 September 2021;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 24 November 2021 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS the board of directors of the Board recommended to the Minister of Municipal Affairs and Housing to submit the Regulation to amend the Construction Code to the Government for approval and publication in the *Gazette officielle du Québec* by its resolution 2022-310-11-2409 dated 9 March 2022;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Housing:

THAT the Regulation to amend the Construction Code, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Construction Code

Building Act
(chapter B-1.1, ss. 173, 176, 176.1, 178, 179, 185, pars. 0.1, 37 and 38, and s. 192)

1. The Construction Code (chapter B-1.1, r. 2) is amended in section 1.09, as replaced by section 1 of the Regulation to amend the Construction Code, approved by Order in Council 1419-2021 dated 10 November 2021, by striking out the following line in the section of the table amending Part 9 of Division B of the National Building Code of Canada 2015:

"

9.13.4.1.	Replace Clause (1)(a) by the following: "(a) wall, roof and floor assemblies separating *conditioned space* from the ground of a *building* built at a location where it is recognized that soil gas presents a danger to the health and safety, and".

".

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

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Gouvernement du Québec

O.C. 767-2022, 4 May 2022

Professional Code
(chapter C-26)

Performance of the activities described in sections 39.7 and 39.8

Regulation respecting the performance of the activities described in sections 39.7 and 39.8 of the Professional Code

WHEREAS, under the first paragraph of section 39.9 of the Professional Code (chapter C-26), the Office des professions du Québec may, by regulation, determine places, cases and circumstances in which a person may engage in the activities described in sections 39.7 and 39.8 of the Code as well as the applicable conditions and procedures;

WHEREAS, under the second paragraph of section 39.9 of the Code, the Office must have due regard for the availability of professionals in those places, cases and circumstances and for the supervision provided by a centre operated by an institution;

WHEREAS, under the third paragraph of section 39.9 of the Code, the Office may also, by regulation, determine the additional conditions and procedures a person referred to in section 39.7 or 39.8 of the Code must fulfil or complete to engage in the activities described in that section;

WHEREAS, under the fourth paragraph of section 39.9 of the Code, before making a regulation under the first or third paragraph of that section, the Office must consult with the Minister of Health and Social Services and the professional orders concerned;

WHEREAS, in accordance with the second and fourth paragraphs of section 39.9 of the Code, the Office had due regard for the availability of professionals in those places, cases and circumstances and for the supervision provided by a centre operated by an institution, and consulted with the Minister of Health and Social Services, the Collège des médecins du Québec, the Ordre des infirmières et infirmiers du Québec, the Ordre des infirmières et infirmiers auxiliaires du Québec, the Ordre professionnel des inhalothérapeutes du Québec and the Ordre des pharmaciens du Québec before adopting, on 19 March 2021, the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation respecting the performance of the activities described in sections 39.7 and 39.8 of the Professional Code was published in Part 2 of the *Gazette officielle du Québec* of 7 April 2021 with a notice that it could be submitted to the Government, which may approve it with or without amendment on the expiry of 45 days following that publication;

WHEREAS, under section 13 of the Professional Code, every regulation adopted by the Office under the Code or under an Act constituting a professional order must be submitted to the Government, which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Higher Education:

THAT the Regulation respecting the performance of the activities described in sections 39.7 and 39.8 of the Professional Code, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the performance of the activities described in sections 39.7 and 39.8 of the Professional Code

Professional Code
(chapter C-26, s. 39.9)

DIVISION I
DEFINITIONS

1. For the purposes of this Regulation, unless the context indicates a different meaning,

"authorized professional" means any professional authorized to perform the activities described in sections 39.7 and 39.8 of the Professional Code; (*professionnel habilité*)

"entity" means any entity, except an institution, on whose behalf a person performs the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26); (*entité*)

"institution" means any institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5); (*établissement*)

"other temporary alternative environment for children" means any childcare establishment, any day camp or vacation camp, or any respite service outside the child's home; (*autre milieu de vie substitut temporaire pour les enfants*)

"person acting within the framework of a home care program provided by an institution operating a local community service centre" means any person providing home care services on behalf of an institution that operates a local community service centre, in particular, an employee of the institution, an employee of an entity or a worker hired by mutual agreement; (*personne agissant dans le cadre d'un programme de soutien à domicile fourni par un établissement qui exploite un centre local de services communautaires*)

"person acting within the framework of the activities of an intermediate or family-type resource referred to in the Act respecting health services and social services" means any person acting within that framework, except for a person acting within the framework of a foster family to which children are entrusted under the Youth Protection Act (chapter P-34.1), unless the children entrusted to the foster family have no health problem requiring special care; (*personne agissant dans le cadre des activités d'une ressource intermédiaire ou de type familial visée à la Loi sur les services de santé et les services sociaux*)

"rules of care" means the clinic-administrative rules governing the performance of the activities described in sections 39.7 and 39.8 of the Professional Code in an institution; (*règles de soins*)

DIVISION II
PLACES, CASES AND CIRCUMSTANCES IN WHICH A PERSON MAY PERFORM THE ACTIVITIES DESCRIBED IN SECTIONS 39.7 AND 39.8 OF THE PROFESSIONAL CODE

2. In addition to the places, cases and circumstances referred to in sections 39.7 and 39.8 of the Professional Code (chapter C-26), a person, whether a volunteer, for remuneration or compensation, may perform the activities described in those sections in the following places, cases or circumstances:

(1) where the person is acting on behalf of a private seniors' residence within the meaning of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2) according to the agreement entered into between that residence and the institution of the territory where it is situated;

(2) where the person is acting on behalf of a religious corporation within the framework of subparagraph *f* of the second paragraph of section 8 of the Religious Corporations Act (chapter C-71);

(3) where the person is acting on behalf of a rehabilitation centre within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons (chapter S-5) and the person provides to a user adjustment or rehabilitation services, social and socio-occupational integration services or support services;

(4) where the person is acting on behalf of an entity that provides respite and adult supervision services outside the user's home;

(5) where the person is acting on behalf of an institution or entity that offers social and stimulation activities of the day centre or daytime activities type;

(6) where the person is acting on behalf of a correctional facility attached to an institution for health care management purposes.

3. A person may also perform the activities described in section 39.7 of the Professional Code (chapter C-26) where the person is acting in a school or other temporary alternative environment for children.

DIVISION III
CONDITIONS AND PROCEDURES PURSUANT TO WHICH A PERSON MAY PERFORM THE ACTIVITIES DESCRIBED IN SECTIONS 39.7 AND 39.8 OF THE PROFESSIONAL CODE

4. This Division applies to

(1) any person acting in the places, cases and circumstances determined in section 2;

(2) any person acting within the framework of the activities of an intermediate or family-type resource referred to in the Act respecting health services and social services (chapter S-4.2); and

(3) any person acting within the framework of a home care program provided by an institution operating a local community service centre.

5. A person referred to in section 4 may perform the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26) where

(1) the following conditions of training are met:

(*a*) the person has learned the skills related to those activities in a training program of the Ministère de l'Éducation, du Loisir et du Sport or the Ministère de la Santé et des Services sociaux that

i. has a minimum duration of 14 hours;

ii. pertains to the standards and the routes of administration of the medications as well as the legislation governing the performance of activities related to invasive care; and

iii. is given by a school service centre or school board, an institution or a training provider authorized by a school service centre or school board;

(*b*) specifically for the activities described in section 39.7 of the Professional Code, in addition to the training described in subparagraph *a*, the person has learned the activities related to invasive care with an authorized professional of the institution or entity where they are performed;

(2) the following conditions of performance are met:

(*a*) the person is supervised, when the person is performing each of those activities for the first time and until the person masters the skills required to perform them, by an authorized professional of the institution or entity where they are performed;

(*b*) the person is authorized to perform each of those activities by an authorized professional of the institution or entity where they are performed and that professional authorizes the person if the conditions required to perform them are met;

(*c*) the person complies with the rules of care in force of the institution of the territory where the entity where those activities are performed is situated;

(*d*) the person has access, for the purpose of a rapid intervention, to an authorized professional.

6. Where an agreement between an entity and the institution of the territory where it is situated so provides, the authorized professionals of that entity are responsible for supervising and authorizing the performance of those activities in accordance with subparagraphs *a* and *b* of paragraph 2 of section 5.

Where that agreement so provides, those professionals are also responsible for the learning of the activities related to invasive care in accordance with subparagraph *b* of paragraph 1 of that section.

DIVISION IV
CONDITIONS AND PROCEDURES PURSUANT TO WHICH A PERSON MAY PERFORM THE ACTIVITIES DESCRIBED IN SECTION 39.7 OF THE PROFESSIONAL CODE IN A SCHOOL OR OTHER TEMPORARY ALTERNATIVE ENVIRONMENT FOR CHILDREN

7. A person acting in a school or other temporary alternative environment for children may perform the activities described in section 39.7 of the Professional Code (chapter C-26) where the following conditions are met:

(1) an agreement to that effect has been entered into between the school service centre or school board having jurisdiction over that school and the institution of the territory where they are situated or, if applicable, between the other temporary alternative environment for children and the institution of the territory where it is situated. Where that school is a private educational institution referred to in section 54.1 of the Act respecting private education (chapter E-9.1), the agreement must be entered into with that institution;

(2) the person learned each of those activities with an authorized professional of an institution or school;

(3) the person is supervised, when the person performs each of those activities for the first time and until the person has mastered the skills required to perform them, by an authorized professional of an institution or school;

(4) the person is authorized to perform each of those activities by an authorized professional of the institution covered by the agreement or the school and that professional authorizes the person if the conditions required to perform them are met;

(5) the person complies with the rules of care in force in the institution covered by the agreement;

(6) the person has access, for the purpose of a rapid intervention, to an authorized professional.

DIVISION V
TRANSITIONAL AND FINAL

8. A person who was authorized on 1 June 2022 to perform the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26) in a private seniors' residence, rehabilitation centre for physically impaired persons, rehabilitation centre for mentally impaired persons, within the framework of the activities of an intermediate or family-type resource or within the framework of a home care program provided by an institution operating a local community service centre is not required, to continue to perform them, to meet the conditions of training provided for in paragraph 1 of section 5.

9. This Regulation replaces the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code (chapter C-26, r. 3).

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

105714

Gouvernement du Québec

O.C. 770-2022, 4 May 2022

Environment Quality Act
(chapter Q-2)

Compensation for municipal services provided to recover and reclaim residual materials — Amendment

Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

WHEREAS, under the third paragraph of section 53.31.2 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, as regards one or more designated materials or classes of materials, specify which persons from among the persons referred to in subparagraph 6 of the first paragraph of section 53.30 of the Act are required to pay a compensatory contribution as compensation to the municipalities;

WHEREAS, under the first paragraph of section 53.31.3 of the Act, the annual compensation owed to the municipalities is based on the cost of the services they provide during a year to deal with the materials or classes of materials subject to compensation, that is, the collection, transportation, sorting and conditioning costs, including an indemnity for the management of those services;

WHEREAS, under the second paragraph of section 53.31.3 of the Act, the Société québécoise de récupération et de recyclage determines annually the amount of the compensation, by calculating for each municipality, in accordance with the calculation method and the performance and effectiveness criteria determined by regulation of the Government, the costs of the services provided that are eligible for compensation and the management indemnity to which the municipality is entitled, and by aggregating all the costs and fees calculated for the municipalities;

WHEREAS, under the first paragraph of section 53.31.4 of the Act, for the purposes of section 53.31.3 of the Act, the Government prescribes by regulation the information and documents a municipality is required to send to the Société québécoise de récupération et de recyclage and the conditions, including the date, under which they must be sent, and the regulation must also specify the penalties applicable if those obligations are not met;

WHEREAS, under the second paragraph of section 53.31.4 of the Act, should a municipality fail to send the required information or documents to the

Société québécoise de récupération et de recyclage before the date prescribed by a regulation made under the first paragraph of that section, the cost of the services provided by the municipality that is eligible for compensation is determined in accordance with the rules set by regulation, and, for that purpose, the Société may estimate the quantity of materials subject to compensation that was recovered or reclaimed in that municipality's territory by using the data from other municipalities in accordance with that regulation;

WHEREAS, under the third paragraph of section 53.31.4 of the Act, such a regulation may also include specific calculation rules in the case where the Société québécoise de récupération et de recyclage deems that a municipality's failure to comply results from special circumstances beyond its control;

WHEREAS, under section 53.31.5 of the Act, the Government may, by regulation and for every material or class of materials it specifies, set the maximum amount of the annual compensation payable and limit the amount of the annual compensation payable to a percentage it sets;

WHEREAS, under the first paragraph of section 53.31.12 of the Act, the certified body must remit to the Société québécoise de récupération et de recyclage, in trust, the amount of the compensation owed to the municipalities and determined in accordance with the second paragraph of section 53.31.3 of the Act;

WHEREAS, under the second paragraph of section 53.31.12 of the Act, the certified body must also remit to the Société québécoise de récupération et de recyclage, in addition to the compensation owed to the municipalities, the amount payable to the Société under section 53.31.18 of the Act;

WHEREAS, under the third paragraph of section 53.31.12 of the Act, the Government may, by regulation, determine how the amounts identified in the first and second paragraphs of that section are to be paid, including any interest or penalties due in case of non-payment, and the Société québécoise de récupération et de recyclage and the certified body may make arrangements regarding payment, subject to the applicable regulatory prescriptions;

WHEREAS, under the first paragraph of section 53.31.12.1 of the Act, if, by regulation, the Government subjects newspapers to the compensation regime provided for in Division VII of Chapter IV of Title I of the Act, it may determine on what conditions the amount of the annual compensation owed to the municipalities that is allotted to that class of materials may be paid in whole or in part through a contribution in goods or services, and prescribe the characteristics newspapers must possess to benefit from that mode of payment;

WHEREAS, under the first paragraph of section 53.31.15 of the Act, the proposed schedule must be sent by the certified body or, if there is more than one certified body, by all of the bodies, if they have come to an agreement on the deadline fixed under section 53.31.14 of the Act, to the Société québécoise de récupération et de recyclage, together with a report on the consultation prescribed under that section by the deadline fixed by government regulation, which may not be later than 31 December of the year in which the schedule in force expires;

WHEREAS, under section 53.31.17 of the Act, the Société québécoise de récupération et de recyclage distributes to the municipalities the amount of the compensation paid by a certified body, in accordance with the distribution and payment rules determined by regulation of the Government;

WHEREAS, under section 53.31.18 of the Act, the Government determines by regulation the amount payable to the Société québécoise de récupération et de recyclage to indemnify the Société for its management costs and other expenses related to the compensation regime, including expenses for information, awareness and educational activities and for development activities related to the reclamation of the designated materials or classes of materials, and that amount may not exceed 5% of the annual compensation owed to the municipalities;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials was published in Part 2 of the *Gazette officielle du Québec* of 8 December 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 with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

THAT the Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

Environment Quality Act
(chapter Q-2, ss. 53.31.2 to 53.31.5, 53.31.12, 53.31.12.1, 53.31.15, 53.31.17 and 53.31.18)

1. The Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10) is amended in section 3

(1) by replacing "or marketing" in subparagraph 1 of the first paragraph by ", marketing or any other type of distribution";

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

"The requirement provided for in the first paragraph is incumbent on the first supplier in Québec, other than the manufacturer and whether or not that supplier is the importer,

(1) of a product or containers and packaging of which the owner of the brand, name or distinguishing guise has no domicile or establishment in Québec; or

(2) of a product or containers and packaging of which the owner of the brand, name or distinguishing guise has a domicile or establishment in Québec but commercializes, markets or otherwise distributes the product or containers and packaging outside Québec, which are then commercialized, marketed or otherwise distributed in Québec.";

(3) in the third paragraph,

(*a*) by replacing "a retail outlet" by "an establishment";

(*b*) by replacing "may be" by "is";

(*c*) by replacing "," after "from the franchisor" by "or";

(*d*) by replacing "ou" after "la chaîne" in the French text by ",";

(*e*) by striking out "," after "la bannière" in the French text;

(*f*) by replacing "or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec" by "having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the first supplier in Québec of the products or of the containers and packaging, other than the manufacturer, is required to pay the contributions, whether or not that supplier is the importer".

2. Section 3.1 is amended

(1) in the first paragraph,

(*a*) by replacing "or marketing" by ", marketing or any other type of distribution in Québec";

(*b*) by replacing "may be" by "is";

(2) in the second paragraph,

(*a*) by replacing "a retail outlet" by "an establishment";

(*b*) by replacing "may be" by "is";

(*c*) by replacing "," after "from the franchisor" by "or";

(*d*) by replacing "ou" after "la chaîne" in the French text by ",";

(*e*) by striking out "," after "la bannière" in the French text;

(*f*) by replacing "or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec" by "having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the first supplier in Québec of the products or of the containers and packaging, other than the manufacturer, is required to pay the contributions, whether or not that supplier is the importer".

3. The following is inserted after section 3.1:

"**3.2.** Where a product is acquired outside Québec, as part of a sale governed by the laws of Québec, by a person domiciled or having an establishment in Québec, by a municipality or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies (chapter C-65.1), for its own use, the contributions payable pursuant to a schedule of contributions established under section 53.31.14 of the Environment Quality Act (chapter Q-2) for containers and packaging used in the commercialization, marketing or distribution of any other kind in Québec of the product is required from

(1) the person operating the transactional website used to acquire the product that allows a person having no domicile or establishment in Québec to commercialize, market or distribute the product;

(2) the person from which the product was acquired, whether or not that person has a domicile or establishment in Québec, in other cases.

The same applies, with the necessary modifications, with respect to containers and packaging acquired outside Québec as part of a sale governed by the laws of Québec by a person domiciled or having an establishment in Québec, by a municipality or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies, for its own use.".

4. Section 4 is replaced by the following:

"**4.** Despite sections 3 and 3.1, the following provisions apply to containers and packaging added at a retail outlet:

(1) where a retail outlet is supplied or operated as a franchise or chain, under a banner name or as part of another similar form of affiliation or group of businesses or establishments, the contributions for the containers or packaging added at the point of sale is payable by the franchisor or the owner of the chain, banner or group concerned having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the contributions are payable by the person who added the containers or packaging at the retail outlet;

(2) where a retail outlet having a total area equal to or greater than 929 m^2 is not operated as a franchise or chain, under a banner name or as part of another similar form of affiliation or group of businesses or establishments, the contributions for the containers and packaging added at the point of sale is payable by the person who added the containers or packaging at the retail outlet;

(3) where a retail outlet having an area of less than 929 m^2 is not operated as a franchise or chain, under a banner name or as part of another similar form of affiliation or group of businesses or establishments, no contribution is payable for the containers and packaging added at the point of sale.".

5. Section 6 is amended

(1) by replacing "may be" in the second paragraph by "is";

(2) in the third paragraph,

(*a*) by replacing "a retail outlet" by "an establishment";

(*b*) by replacing "may be" by "is";

(*c*) by replacing "," after "from the franchisor" by "or";

(*d*) by replacing "ou" after "la chaîne" in the French text by ",";

(*e*) by striking out "," after "la bannière" in the French text;

(*f*) by replacing "or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec" by "having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the first supplier in Québec of the newspaper or printed matter class of materials is required to pay the contributions, whether or not that supplier is the importer".

6. Section 6.1 is amended in the second paragraph

(1) by replacing "a retail outlet" by "an establishment";

(2) by replacing "may be" by "is";

(3) by replacing "," after "from the franchisor" by "or";

(4) by replacing "ou" after "la chaîne" in the French text by ",";

(5) by striking out "," after "la bannière" in the French text;

(6) by replacing "or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec" by "having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the first supplier in Québec of the newspaper or printed matter class of materials is required to pay the contributions, whether or not that supplier is the importer".

7. The following is inserted after section 6.1:

"**DIVISION III.1**
DECLARATION BY MUNICIPALITIES

6.2. Every municipality is required to send to the Société québécoise de récupération et de recyclage, not later than 30 June each year, a declaration stating, for the year preceding the year for which the compensation is owed, the quantity of materials subject to compensation that was recovered and reclaimed in its territory and the net cost of the services it provided for the collection, transportation, sorting and conditioning of those materials.

The net cost referred to in the first paragraph corresponds to the expenses incurred by the municipality the year preceding the year for which the compensation is owed to provide services to collect, transport, sort and

condition the materials or classes of materials subject to compensation that were sorted at source, from which is deducted any income, rebate or other gain related to the materials and received by the municipality.

Expenses incurred by a municipality for the purchase of containers, for information, awareness and educational activities or for the granting of service contracts and the follow-up on payments owed under such contracts are not included in the net costs mentioned in the second paragraph.

The declaration must be signed by the municipality's external auditor, who must state whether, in the external auditor's opinion, the information included meets the requirements of this section.

6.3. Where a municipality enters into, after 24 September 2020, a contract referred to in section 18 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5) and taking effect after 31 December 2022, the municipality must, in order for the supplementary cost generated by that contract to be considered for the purpose of calculating its annual compensation, include in its declaration provided for in section 6.2 the following documents:

(1) a copy of any contract referred to in section 18 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5) and taking effect after 31 December 2022;

(2) a copy of any contract entered into by the municipality to provide, in whole or in part, for the year 2022, the same types of services for the collection, transportation, sorting and conditioning of materials or classes of materials subject to compensation as those provided for in the contracts referred to in subparagraph 1;

(3) a document establishing the expected cost of each of the contracts referred to in subparagraphs 1 and 2 for the collection, transportation, sorting and conditioning of materials or classes of materials subject to compensation, as well as the nature of those services.

The fourth paragraph of section 6.2 applies, with the necessary modifications, to the documents referred to in the first paragraph.

6.4. Any correction to a declaration sent by a municipality before 1 September of the year for which compensation is owed to the municipality must be received by the Société québécoise de récupération et de recyclage not later than 30 June of the following year.

The corrected declaration is subject to the conditions provided for in the fourth paragraph of section 6.2.

Adjustments resulting from a correction to a declaration are applied to the compensation owed to the municipality the following year.".

8. The heading of Division IV is amended by striking out "DIVISION,".

9. The heading of subdivision 1 of Division IV is amended by replacing "*costs eligible for compensation and of management indemnity*" by "*compensation owed for the years 2022 and 2023*".

10. The following is inserted before section 7:

6.5. This subdivision applies to the calculation of the annual compensation owed to municipalities for the years 2022 and 2023.".

11. Section 7 is amended

(1) in the first paragraph,

(*a*) by inserting "by the Société québécoise de récupération et de recyclage" after "based";

(*b*) by replacing ". That cost corresponds to the expenses incurred by the municipality during that year to collect, transport, sort and condition the materials or classes of materials subject to compensation that were sorted at source, from which is deducted, any income, rebate or other gain related to the materials and received by the municipality" by ", as determined pursuant to the second paragraph of section 6.2. An amount equivalent to 6.45% of the net cost is also subtracted to take into account materials or classes of materials that, even if not referred to in section 2, are nonetheless recovered and treated during the collection, transportation, sorting and conditioning of the classes of materials designated in section 2";

(2) by striking out the second and third paragraphs.

12. Section 8.2 is amended

(1) by adding ", from which is subtracted 6.45% of that cost" at the end of the definition of "cost";

(2) by adding ", from which is subtracted 6.45% of that quantity" at the end of the definition of "tonnes";

(3) by replacing "quantity, in kilograms, of materials subject to compensation that was recovered or reclaimed during the year, as declared by the municipality" in the definition of "kg" by "value of "tonnes", converted into kilograms".

13. Section 8.4 is amended

(1) by replacing "8.6" in the first paragraph by "6.2, from which is subtracted 6.45% of that cost pursuant to section 7";

(2) in the second paragraph,

(*a*) by replacing "quantity, in kilograms, of materials subject to compensation that was recovered or reclaimed during the year, as declared by the municipality" in the definition of "kg" by "value of "tonnes", converted into kilograms";

(*b*) by adding ", from which is subtracted 6.45% of that quantity" at the end of the definition of "tonnes";

(3) by replacing "8.6" in the third paragraph by "6.2".

14. Section 8.6 is revoked.

15. Section 8.7 is amended

(1) in the first paragraph,

(*a*) by inserting "for the years 2022 and 2023," after "(chapter Q-2),";

(*b*) by replacing "8.6" by "6.2";

(*c*) by replacing "cette dernière" in the French text by "la Société" à;

(*d*) by replacing "de son contrôle" in the French text by "du contrôle de la municipality";

(2) by replacing "a given year" in the portion before subparagraph 1 of the second paragraph by "of one of the said years";

(3) by striking out "For the year 2012, no compensation is owed to a municipality that did not send its declaration before 30 June 2014." at the end of the third paragraph.

16. Section 8.7.1 is revoked.

17. Subdivision 2 and subdivision 2.1 of Division IV, comprising sections 8.8 to 8.9.1, are replaced by the following:

"***§2.*** *Calculation of the compensation owed for the years 2024 and following*

8.8.1. This subdivision applies to the calculation of the annual compensation owed to municipalities for the years 2024 and following.

8.8.2. The amount of the annual compensation owed to each municipality for the years 2024 and following is obtained by applying the following formula:

Comp. = DNC × CR2023 + S

In the formula in the first paragraph,

"Comp." is the annual compensation owed to the municipality for a given year;

"DNC" is the net cost declared by the municipality pursuant to section 6.2 for the services provided by it during the preceding year;

"CR2023" is the compensation rate of the municipality for the year 2023, as established pursuant to section 8.8.3;

"S" is the annual supplementary cost generated, where applicable, by the contracts referred to in section 18 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5) that are entered into by the municipality after 24 September 2020 and take effect after 31 December 2022. The supplementary cost is established pursuant to section 8.8.4.

8.8.3. The compensation rate of a municipality for the year 2023 referred to in the second paragraph of section 8.8.2 is obtained by applying the following formula:

CR2023 = Comp2023 ÷ (ENC2023)

In the formula in the first paragraph:

"CR2023" is the compensation rate of the municipality for the year 2023;

"Comp2023" is the amount of the annual compensation owed to the municipality for the year 2023;

"ENC2023" is the net cost of the services provided by the municipality that are eligible for the annual compensation for the year 2023, as established pursuant to section 7.

8.8.4. For the purpose of calculating the annual compensation owed to a municipality, provided for in section 8.8.2, the supplementary cost, if any, generated

by the contracts referred to in section 18 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5) that are entered into by the municipality after 24 September 2020 and take effect after 31 December 2022 must be considered. The amount of the supplementary cost, for a given year, is obtained by applying the following formula:

S = ((ENC) - (ENC × CR2023)) - (ENC2023 - Comp2023)

In the formula in the first paragraph,

"S" is the annual supplementary cost generated, where applicable, by the contracts referred to in section 18 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5) entered into by the municipality after 24 September 2020 that take effect after 31 December 2022;

"ENC" is the net cost of the services provided by the municipality that are eligible for the annual compensation for the year concerned, as established pursuant to section 7. Only the services that were already provided by the municipality before 1 January 2023 are taken into consideration;

"CR2023" is the compensation rate of the municipality for the year 2023, as established pursuant to section 8.8.3;

"ENC2023" is the net cost of the services provided by the municipality that are eligible for the annual compensation for the year 2023, as established pursuant to section 7.

"Comp2023" is the amount of the annual compensation owed to the municipality for the year 2023.

8.8.5. Where municipalities form a group for the supply of services for the collection, transportation, sorting and conditioning of materials or classes of materials subject to compensation, the compensation rate for such a new group for the year 2023, referred to in the second paragraph of section 8.8.2, is the highest compensation rate for the year 2023 among the compensation rates for the municipalities in the group.

8.8.6. In accordance with section 53.31.4 of the Environment Quality Act (chapter Q-2), for the years 2024 and following, the compensation owed to a municipality that fails to send a declaration complying with the prescriptions of section 6.2 to the Société québécoise de récupération et de recyclage within the time set in that section is reduced by 10% as a penalty, unless the Société deems that the failure results from special circumstances beyond the municipality's control.

If a municipality fails to file the declaration by 1 September of a given year, the compensation owed to the municipality is the same as the compensation owed to it for the previous year, reduced by 20% as a penalty. The 20% penalty is not payable if the Société deems that the failure results from special circumstances beyond the municipality's control.

Despite the first and second paragraphs, no compensation is owed to a municipality that, on 30 June of the year that follows the year for which compensation is owed, has not sent its declaration to the Société, unless the Société deems that the failure results from special circumstances beyond the municipality's control.".

18. The heading of subdivision 3 of Division IV is replaced by the following:

"*§3. Proposed schedule of contributions and payment of contributions".*

19. The following is inserted before 8.10:

"**8.9.** A certified body must send to the Société québécoise de récupération et de recyclage, not later than 31 December of the year in which the current schedule expires, the proposed schedule referred to in section 53.31.15 of the Environment Quality Act (chapter Q-2).".

20. Section 8.10 is amended by replacing the third and fourth paragraphs by the following:

"Despite the first and second paragraphs, the amount of the compensation owed to the municipalities for the years 2024 and following must be paid to the Société by the certified body in the following manner:

(1) for the year 2024:

(*a*) at least 40% of the amount due before the end of the fifth month following the publication in the *Gazette officielle du Québec* of the schedule referred to in section 53.31.15 of the Environment Quality Act;

(*b*) at least 80% of the amount due before the end of the seventh month following the publication in the *Gazette officielle du Québec* of the said schedule;

(*c*) the balance before the end of the thirteenth month following the publication in the *Gazette officielle du Québec* of the said schedule;

(2) for the year 2025 and subsequent years:

(*a*) at least 30% of the amount due before the end of the fifth month following the publication in the *Gazette officielle du Québec* of the schedule referred to in section 53.31.15 of the Environment Quality Act;

(*b*) at least 60% of the amount due before the end of the seventh month following the publication in the *Gazette officielle du Québec* of the said schedule;

(*c*) the balance before the end of the eighteenth month following the publication in the *Gazette officielle du Québec* of the said schedule.".

21. Section 8.12 is amended

(1) in the first paragraph,

(*a*) by striking out ", in whole or in part,";

(*b*) by adding ", representing up to 15% of that amount" at the end;

(2) by striking out the second paragraph.

22. Section 8.12.2 is amended by striking out the second paragraph.

23. Section 8.13 is amended

(1) by inserting "for the years 2022 and 2023" after "municipalities";

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

"The amount of the compensation owed to the municipalities for the years 2024 and following must be distributed not later than 30 days after a payment is received from the certified body pursuant to section 8.10.";

(3) by adding the following at the end:

"Despite the first and second paragraphs, the Société is not required to distribute the amount of the compensation owed to a municipality until that municipality has sent its declaration provided for in section 6.2 for the year concerned.".

24. Section 8.14 is amended

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

"The amount payable annually to the Société québécoise de récupération et de recyclage to indemnify it for its management costs and other expenses mentioned in section 53.31.18 of the Environment Quality Act (chapter Q-2) is equal to 2% of the annual compensation owed to the municipalities under Division IV.";

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

"If there is more than one certified body, the amount of the indemnity is divided among them in proportion to the compensation owed that is paid to them under the schedule of contributions referred to in section 53.31.15 of the Environment Quality Act.".

25. Section 8.15 is amended

(1) in the first paragraph, by replacing "31 December each year" by "the due date for the first payment of the annual compensation provided for in section 8.10";

(2) by striking out the second paragraph.

26. Section 11 of the Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, enacted by Order in Council 1302-2013 dated 11 December 2013, is revoked.

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

105715

M.O., 2022

Order of the Minister of Agriculture, Fisheries and Food dated 3 May 2022

Food Products Act
(chapter P-29)

Pilot project concerning the preparation of cooked food having raw goat, sheep or buffalo milk as an ingredient

THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD,

CONSIDERING the first paragraph of section 56.1.1 of the Food Products Act (chapter P-29), which provides that the Minister may, by order, authorize the implementation of pilot projects aimed at enabling innovation with respect to food or concerning the disposal of inedible meats, or aimed at studying, improving or defining standards applicable to those matters;

CONSIDERING the first paragraph of section 56.1.1 of the Act, which provides that the Minister is to determine the standards and obligations applicable to a pilot project, which may differ from those prescribed by the Act and the regulations, and the Minister may, as part of a pilot project, authorize any person to carry on an activity governed by the Act in compliance with the standards and rules prescribed by the Minister;

CONSIDERING the second paragraph of section 56.1.1 of the Act, which provides that a pilot project is conducted for a period of up to four years, which the Minister may, if the Minister considers it necessary, extend by up to one year;

CONSIDERING the second paragraph of section 56.1.1 of the Act, which provides that the Minister may also determine the provisions of a pilot project whose violation is an offence and determine the amount for which the offender is liable, which may not be less than $250 or more than $5,000;

CONSIDERING the third paragraph of section 56.1.1 of the Act, which provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under that section;

CONSIDERING that it is expedient to evaluate the practices used in artisanal production of raw goat, sheep or buffalo milk, in particular with respect to their impact on the wholesomeness of food;

CONSIDERING that local and regional development has been taken into consideration;

CONSIDERING that it is expedient to authorize the implementation of the Pilot project concerning the preparation of cooked food having raw goat, sheep or buffalo milk as an ingredient;

ORDERS AS FOLLOWS:

The Pilot project concerning the preparation of cooked food having raw goat, sheep or buffalo milk as an ingredient, attached to this Order, is hereby made.

Québec, 3 May 2022

ANDRÉ LAMONTAGNE
Minister of Agriculture, Fisheries and Food

Pilot project concerning the preparation of cooked food having raw goat, sheep or buffalo milk as an ingredient

Food Products Act
(chapter P-29, s. 56.1.1)

CHAPTER I
PRELIMINARY

1. The implementation of a Pilot project concerning the preparation of cooked food having raw goat, sheep or buffalo milk as an ingredient is authorized on the following basis:

(1) evaluating the practices used in artisanal production of raw milk, in particular with respect to their impact on the wholesomeness of food;

(2) gathering information regarding the feasibility and relevance of implementing standards for such practices;

(3) where applicable, defining standards that could allow the preparation of cooked food having raw milk as an ingredient.

2. To be authorized to participate in the pilot project, the applicant must

(1) apply to the Minister using the prescribed form, in which the following information must be provided:

(*a*) the applicant's name, address, telephone number and email address; the same information is also required with regard to the applicant's representative if that representative is a legal person, partnership or association without legal personality;

(*b*) the Québec business number assigned to the applicant under the Act respecting the legal publicity of enterprises (chapter P-44.1), where applicable;

(*c*) the address of the farm and plant where the food will be prepared;

(2) provide a protocol describing the manner in which the operations will be carried out, the equipment used and the food that will be prepared; and

(3) provide a report of analysis demonstrating that the water is drinkable if the water does not come from a waterworks system.

An application to participate in the pilot project must be accompanied by a statement that the information and documents provided under the first paragraph are true, and be signed by the person making the application.

CHAPTER II
PROVISIONS APPLICABLE TO THE PILOT PROJECT

DIVISION I
GENERAL

3. The preparation at the farm of cooked food having raw goat, sheep or buffalo milk as an ingredient is authorized, on the conditions set out in this Order.

4. Persons authorized to participate in a pilot project, hereinafter referred to as "authorized operators", may only prepare, as part of the pilot project, food

(1) prepared with raw milk from goats, sheep or buffalo that is collected on the site of the farm where the preparation takes place;

(2) cooked in a preparation plant provided for that purpose;

(3) that is not a dairy product within the meaning of the Food Products Act (chapter P-29) and the regulations.

5. Unless otherwise provided in this pilot project, the provisions of the Food Products Act (chapter P-29) and the regulations applicable to the production of raw milk and the preparation of food apply to authorized operators, with the necessary modifications.

More specifically, Chapter 11 of the Regulation respecting food (chapter P-29, r. 1) applies to the production of raw milk, with the necessary modifications. Authorized operators may use raw milk collected at their farms in the preparation of food without the raw milk having to go to a dairy plant and being collected or tested by a tester. Authorized operators are also exempted from holding a tester permit referred to in section 8.2 of the Food Products Act (chapter P-29) and a dairy plant permit referred to in subparagraph *k*.1 of the first paragraph of section 9 of the Act.

In case of conflict, the provisions of this pilot project prevail over any inconsistent provision of the Act and the regulations.

DIVISION II
PROVISIONS RELATING TO THE PRODUCTION OF RAW GOAT, SHEEP OR BUFFALO MILK

6. Authorized operators are exempted from complying with sections 11.2.2 to 11.2.20 of the Regulation respecting food (chapter P-29, r. 1). The place where milking is carried out must be laid out to ensure the wholesomeness of the raw milk collected.

7. Authorized operators are prohibited from using raw milk from an animal that shows any visible sign of disease or anomaly or that comes from a diseased herd.

8. Authorized operators are prohibited from using raw milk from an animal that has been administered a medication or has consumed a medicinal food, before the expiry of the waiting period indicated in the prescription of the veterinarian or, in other cases, on the packaging of, or in a document provided with the medication or medicinal food.

9. Authorized operators must implement a monthly milk quality monitoring program to ensure that the raw milk standards provided for in Schedule 11.A of the Regulation respecting food (chapter P-29, r.1) are met with respect to total mesophilic aerobic bacteria, the number of somatic cells and the absence of inhibitor in the milk produced by the herd.

Every sample taken under the first paragraph must be sent to the Minister's laboratory or to any other laboratory designated by the Minister.

Authorized operators must keep, on the farm site, the copies of the reports obtained as part of the monthly milk quality monitoring program in a register for a period of 12 months after their receipt.

10. Authorized operators must, at least once a year, have a veterinarian see to the sanitary and preventative management of their goat, sheep or buffalo herd.

Copies of the veterinarian's visit report and, where applicable, the prescriptions must be sent to the person designated by the Minister within 30 days following the date of the veterinarian's visit. Operators must also keep the report, prescriptions and individual health sheets of the animals on the farm site for 2 years following the date of the visit.

DIVISION III
PROVISION RELATING TO THE PREPARATION AND SALE OF FOOD

11. Authorized operators are exempted from section 11.7 of the Regulation respecting food (chapter P-29, r. 1). They must, however, cook the food that has raw milk as an ingredient to ensure the wholesomeness and specify the conditions of cooking in the protocol to be provided under subparagraph 2 of the first paragraph of section 2 of this Order.

12. Subject to them holding the permit referred to in subparagraph m of the first paragraph of section 9 of the Food Products Act (chapter P-29), authorized operators may only sell at retail food prepared in accordance with this Order on their farm's site or at a public market.

13. A label bearing the following information must be affixed on the packaging:

(1) the date of packaging and durable life;

(2) the name and contact information of the authorized operator or, where applicable, the name under which the preparation plant is operated and its contact information;

(3) the net weight of the product;

(4) a list of all ingredients and their components in descending order of predominance.

DIVISION IV
OFFENCES

14. Every authorized operator who contravenes

(1) the third paragraph of section 9,

(2) the second paragraph of section 10, or

(3) section 13,

is guilty of an offence and is liable to a fine of $250 to $1,000.

15. Every authorized operator who contravenes

(1) any of sections 4 to 8,

(2) the first or second paragraph of section 9,

(3) the first paragraph of section 10, or

(4) section 11 or 12,

is guilty of an offence and is liable to a fine of $1,000 to $5,000.

Every authorized operator who has made a false or misleading statement in a document prescribed by this Order is guilty of an offence and is liable to the fine provided for in the first paragraph.

CHAPTER III
FINAL

16. This Order comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. It is revoked on the day of the fourth anniversary of its coming into force.

105711

Draft Regulations

Draft Regulation

Act respecting collective agreement decrees
(chapter D-2)

General Regulation to govern the regulations of a parity committee

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

The draft Regulation applies to all parity committees constituted under the Act respecting collective agreement decrees (chapter D-2). It standardizes the normative content of certain regulations of parity committees, determines the minimum content of the regulations and sets out general rules supplementary to those made by those committees.

More specifically, the draft Regulation specifies the mission of parity committees and the values they must respect in all their actions.

As regards internal management, the draft Regulation mainly contains provisions governing the composition, appointment and replacement of the members of a parity committee, and the governance and transparency of the committee. It also sets out the minimum rules of ethics and conduct applicable to the members.

The draft Regulation also governs the content of certain regulations that a parity committee may make under the second paragraph of section 22 of the Act respecting collective agreement decrees. In that respect, it specifies in particular the information contained in a registration system or a register and in a monthly report. It also governs the terms and conditions applicable to attendance allowances and the actual travel expenses paid to the members.

In addition, it provides for transitional provisions in order to grant a 1-year period to parity committees to implement certain obligations respecting governance and transparency.

The regulatory impact analysis shows that the amendments have no impact on employees and professional employers.

Further information on the draft Regulation may be obtained by contacting Louis-Philippe Roussel, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 425, rue Jacques-Parizeau, 5e étage, Québec (Québec) G1R 4Z1; telephone: 581 628-8934, extension 80149, or 1 888-628-8934, extension 80149 (toll free); email: louis-philippe.roussel@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4e étage, Québec (Québec) G1R 4Z1; email: ministre@mtess.gouv.qc.ca.

Jean Boulet
Minister of Labour, Employment and Social Solidarity

General Regulation to govern the regulations of a parity committee

Act respecting collective agreement decrees
(chapter D-2, s. 20)

PART I
SCOPE

1. This Regulation applies to all parity committees constituted under the Act respecting collective agreement decrees (chapter D-2).

It standardizes the normative content of certain regulations of parity committees, determines the minimum content of the regulations and sets out general rules supplementary to those made by the committees.

2. Any provision of a regulation of a parity committee that is inconsistent with this Regulation is inoperative.

PART II
GENERAL

3. The mission of a parity committee is to oversee the application of a decree made under section 2 of the Act and ascertain compliance with the decree. A parity

committee must also advise and inform the employees and professional employers of the conditions of employment determined in the decree.

4. A parity committee must respect the following values in all its actions:

(1) Equity: equity must serve as the basis of the interventions of the parity committee in order to ensure that the rights of the employees and employers are respected. It rests on the fair assessment of what is owed to each person;

(2) Integrity: a parity committee must act in an ethical, honest and transparent manner;

(3) Respect: the parity committee and its employees must adopt a respectful and non-discriminatory attitude towards every person.

PART III
REGULATION FOR THE INTERNAL MANAGEMENT OF A PARITY COMMITTEE

5. In accordance with section 18 of the Act, a parity committee must adopt a regulation for its internal management and the exercise of the rights conferred on it by law.

DIVISION I
NAME AND HEAD OFFICE OF THE PARITY COMMITTEE

6. A regulation for internal management must indicate the name and head office of the parity committee and the title of the decree that the committee is responsible for overseeing and ascertaining observance.

The head office must be situated in a municipality included in the territorial jurisdiction provided for in the decree.

DIVISION II
COMPOSITION AND APPOINTMENT OF THE MEMBERS OF THE PARITY COMMITTEE

7. The parity committee is composed of members appointed by the union and employer parties or, where applicable, by each party of the group constituting the contracting party. The members are appointed in equal numbers of union and employer parties and all contracting parties are entitled to appoint at least 1 member.

The committee is also composed of members added by the Minister in accordance with section 17 of the Act, where applicable.

8. Gender parity must be favoured where a contracting party or the Minister appoints a number of members.

9. Officers and persons in the employ of a contracting party or an association that is a member of a contracting party and any other person subject to the decree may be appointed members of the committee, substitutes or replacements.

10. The following persons are disqualified for office as members of the parity committee:

(1) minors and persons of full age under tutorship or curatorship;

(2) undischarged bankrupts;

(3) persons prohibited by the court from holding the office of director of a legal person in accordance with article 329 of the Civil Code, on the terms and conditions set out in article 330 of the Code;

(4) persons convicted of an offence provided for in section 37.1 of the Act or, when it relates to the offence, in section 39 of the Act.

For the purposes of subparagraphs 3 and 4 of the first paragraph, the disqualification lasts for a period of 5 years as of the latest act charged, except if the person has obtained a pardon or the suspension of the criminal record, as the case may be.

Decisions made by the board of directors cannot be invalidated for the sole reason that one of its members is disqualified if the disqualification was unknown to the committee.

11. The contracting party or the Minister must replace the member the contracting party or the Minister has appointed on being informed in writing by the board of directors that the member is no longer qualified for the position of member, by reason in particular of grounds for disqualification or non-compliance of ethical and professional obligations.

The board or the Minister may exercise the recourse provided for in article 329 of the Civil Code, where applicable.

12. The regulation for internal management must include

(1) the number of members composing the parity committee and the number of members that each contracting party is entitled to appoint, where applicable, in order to obtain an equal distribution of members;

(2) the possibility of appointing a substitute for each member of the committee if the member is absent or unable to act and of defining the grounds for an absence or inability to act;

(3) the cases, including the non-compliance of the ethical and professional obligations, conditions and time limit for replacing members; and

(4) the procedure for sending the notice of appointment of the members, substitutes and replacements.

13. The rules on the appointment, renewal or replacement of the members of the parity committee set out in the regulation for internal management must allow the acquisition and transfer of knowledge.

DIVISION III
BOARD OF DIRECTORS
OF THE PARITY COMMITTEE

§1. Composition and appointment of the members of the board of directors of the parity committee

14. The board of directors is composed of all the members of the parity committee. It is directed by a chair or co-chairs, as the case may be.

The chair or co-chairs are elected by the members of the board from among themselves for a term of not more than 4 years, which is renewable twice, consecutively or not.

Their term ends as soon as they cease to be members of the board or in the cases and on the conditions provided for in the regulation for internal management.

15. The regulation for internal management must provide for the election of a chair and vice-chair or co-chairs and a description of their respective functions.

The regulation for internal management must also set out rules on the chairing of board meetings, in particular if the chair and vice-chair or co-chairs, as the case may be, are absent or unable to act.

16. The members of the board of directors are appointed for a term of 4 years, which may be renewed.

At the end of their term, they remain in office until they are replaced or re-appointed.

§2. Functions of the board of directors of the parity committee

17. The board of directors exercises the functions, rights and powers conferred on the parity committee by the Act and those provided for in this Regulation and the regulation for internal management.

The functions of the board of directors include, in particular,

(1) defining the orientations for applying, overseeing and ascertaining compliance with the decree;

(2) making the committee's regulations;

(3) authorizing the committee's expenses and contracts;

(4) approving the committee's staffing plan, annual report, budgetary estimates, internal audit report and financial statements;

(5) adopting the committee's strategic orientations and governance rules, in particular a strategic plan, a statement of services, a code of ethics and conduct applicable to board members and another applicable to the employees of the committee, both including provisions to prevent conflicts of interest, a policy for processing complaints and a policy for the review of decisions, in conformity with this Regulation, as the case may be;

(6) establishing the expertise and experience profiles of the committee members;

(7) appointing a general manager, a secretary, inspectors and other committee employees, and determining their attributions and remuneration. The board may delegate to the general manager the hiring of other committee employees after having established a staffing plan;

(8) retaining the professional services necessary for the management of the affairs of the committee, where required;

(9) designating or requiring the professional services of an ethics and conduct officer for the board members and the committee's employees. That person must have completed appropriate training in ethics and conduct;

(10) determining the delegations of authority, including those related to financial commitments; and

(11) sending the information and documents required by section 23 or 23.1 of the Act, where required.

§3. Meetings of the board of directors

18. The regulation for internal management must include

(1) the content of a convocation to a meeting of the board of directors or one of its committees or subcommittees, including the place of the meeting or the directives allowing to participate in the meeting using a technological means, where applicable;

(2) the terms and conditions concerning the convocation to the annual meeting of the board, the inclusion of subjects on the agenda and the documents to be sent to the members;

(3) the terms and conditions concerning the convocation, the inclusion of subjects on the agenda, the documents to be sent to the members and the frequency of the regular meetings, which may not be less than 6 per year;

(4) the number of members required for the convocation of a special meeting of the board and the terms and conditions concerning the convocation and the inclusion of subjects on the agenda of that meeting;

(5) the possibility for the board members to waive a notice of convocation or derogate from the formalities and time limits for the convocation;

(6) the number of members required for each of the union and employer parties to allow the board to validly deliberate and make decisions; and

(7) the cases in which and the conditions on which the members may participate in a board meeting using technological means allowing all participants to immediately communicate with each other.

19. The decisions of the board of directors are taken by a majority vote of the members present. The vote may be taken by a show of hands, given verbally or, on a member's request, by secret ballot, as the case may be.

Subject to the first paragraph, the regulation for internal management sets out the rules on the decision to be taken by the board, in particular the decisions to be applied in the case of a tie-vote.

20. Every member present is required to vote or express their opinion for the purpose of making a decision, except in the case of a conflict of interest that the member is bound to declare to the chair or co-chairs of the board of directors or in the other cases of impediment provided for in the regulation.

The chair of the meeting must decide whether the member is in a situation of conflict of interest and, where applicable, direct the member to abstain from voting on the issue declared and withdraw from the meeting for the duration of the discussion or vote on the issue.

The withdrawal of the member and the general reasons for the withdrawal are entered in the minutes of the meeting.

21. The vote of a member given in contravention of this Regulation, the regulation for internal management or the code of ethics and conduct is not taken into consideration.

22. A resolution signed by all the members of the board of directors has the same value and the same effect than if it had been passed during a board meeting duly convened and regularly constituted. Such a decision is entered in the minutes of the meeting that follows the date on which the resolution is signed.

23. The minutes of a meeting of the board of directors states the discussions and decisions made at the meeting. They are signed by the chair of the meeting and the secretary of the board.

In the absence of an indication to the contrary in the minutes, a decision made by the board is considered to have been adopted unanimously by the members present.

DIVISION IV
FUNCTIONS OF THE PARITY COMMITTEE AND OF CERTAIN EMPLOYEES OF THE COMMITTEE

24. The parity committee sees to the implementation and application of the decree. It exercises the functions provided for in the Act and the decree in compliance with the applicable rules of law.

25. The general manager and the other employees of the parity committee exercise the functions and powers assigned to them by the regulation for internal management and, if applicable, by this Regulation.

26. The general manager is an employee of the parity committee and may by hired by more than one committee. The general manager may also fill the position of secretary.

27. The general manager manages the affairs of the parity committee.

As such, the general manager manages the decree, including the social security benefits plans and the funds of the committee, in compliance with the applicable rules of law, the orientations of the board of directors and sound and prudent management practices.

The general manager also sees to the execution of the decisions of the board of directors and the application of various documents adopted by the board.

28. The general manager or the person designated by the general manager must immediately publish the following information and documents on the website of the parity committee:

(1) the name of each member of the committee and the name of the contracting party that appointed the member or the entity that the member represents;

(2) an updated administrative codification of the regulations made by the committee pursuant to the Act;

(3) the documents adopted by the committee under subparagraph 5 of the second paragraph of section 17;

(4) every draft decree and regulation concerning the committee published in the *Gazette officielle du Québec*, and the accompanying notice of publication;

(5) the most recent version of the committee's annual report, annual budgetary estimates and audited financial statements, including the summary, after their anonymization.

The information and documents must be accurate and up to date.

29. The general manager declares to the chair or co-chairs of the board of directors any contravention to the ethical and professional obligations committed by a board member, and a contravention committed by the chair or one of the co-chairs must be declared to the board of directors.

30. The general manager is responsible for the relations of the parity committee with the Government, more specifically with the Minister or the person designated by the Minister.

To that end, the general manager must provide to the Minister or the person designated by the Minister, within the prescribed period, the information and documents required by section 23 or 23.1 of the Act.

This section does not limit the right of the Minister or of the person designated by the Minister to require information and documents from another person.

31. The function of the ethics and conduct officer is to raise awareness, train and advise the members of the board of directors and the employees of the parity committee and to answer their questions in those fields.

DIVISION V
CODE OF ETHICS AND CONDUCT OF THE MEMBERS OF THE BOARD OF DIRECTORS OF THE PARITY COMMITTEE

32. The code of ethics and conduct must comply with the principles and rules set out in this Division and in articles 321 to 325 of the Civil Code. In case of inconsistency, the more stringent principles and rules apply.

The Code must also include provisions for preserving the integrity and impartiality of the parity committee, favouring transparency within the parity committee and fostering accountability of its members, while taking into account the particularity of the composition of the board of directors.

33. As director of a legal person, a member must act in compliance with the applicable rules of law, with honesty, loyalty, prudence, diligence, efficiency, application and fairness.

34. A member must fulfill the duties and obligations according to the requirements of good faith.

35. A member is bound to confidentiality regarding any matter brought to the member's knowledge in the performance of the duties and must, at all times, preserve the confidentiality of the information received and protect that information. A member may not give to a third person the documents obtained in or in connection with the carrying out of the duties of office. A member may not use for the member's own benefit or for the benefit of a third person the information and documents obtained in or in connection with the carrying out of the duties of office.

This section does not prevent a member from consulting or reporting to the contracting party that appointed the member or the entity that the member represents, except where the information is confidential by law or where the board of directors requires that confidentiality be maintained.

36. A member must act in the interest of the parity committee and avoid placing himself or herself in any situation where the member's interest or that of a related person would be in conflict with the member's obligations as a director.

A conflict of interest means, without limiting the general scope of the expression, a real, apparent or potential situation in which a member would be likely to favour, directly or indirectly, the member's interest or the interest of a related person, or directly the interest of the contracting party that appointed the member or the entity that the member represents to the detriment of those of another person.

A "related person" means the spouse, that is the person who is married to or in a civil union with the member or has been cohabiting with the member for more than 1 year, and the child, brother, sister, father, mother or grandparents of a member or the member's spouse.

37. The following situations constitute conflicts of interest:

(1) a member or a related person owns directly or indirectly an interest in an enterprise or a body that deals or is on the verge of dealing with the parity committee;

(2) a member uses the power of decision or influence to obtain an undue advantage for a third person;

(3) a member accepts an advantage from any person when the member knows or should know that the advantage has been granted to the member for the purpose of influencing the exercise of the member's functions;

(4) a member, a person related to the member or the contracting party that appointed the member or the entity that the member represents has a litigious claim against the committee.

38. A member must declare to the board of directors, using a declaration, the direct or indirect interests the member holds or that are held by a related person in a body, enterprise, association or any other entity that could place the member in a situation of conflict of interest as well as the rights the member may invoke against the body, enterprise, association or other entity indicating, where applicable, the nature and value of the rights.

The declaration of interest must be sent within 30 days of the adoption of the code of ethics and conduct or of the member's appointment, as the case may be, and every year thereafter.

Subject to section 35, the member must also send the declaration of interest to the contracting party that appointed the member or the entity that the member represents.

A member may not participate in a board meeting if the member has not sent the initial or annual declaration to the board.

In addition, a member must, without delay and in writing, inform the board and the contracting party that appointed the member or the entity that the member represents of any change to the declaration.

A declaration or any change to the declaration is entered in the minutes of the board meeting. The declaration or change is confidential, subject to section 23.1 of the Act.

39. A member who is in a situation of conflict of interest must immediately notify the chair or co-chairs of the board of directors. In the case of the chair or co-chairs, they must immediately notify the board of their situation of conflict of interest.

The member must abstain from discussing and voting on any issue involving the interest declared or concerning directly the contracting party that appointed the member or the entity that the member represents. The member must also withdraw from the meeting for the duration of the discussion and the vote on the issue.

This section does not prevent a member from expressing himself or herself on general application measures.

40. When a subject included on the agenda of a meeting of the board of directors or one of its committees or subcommittees includes a possibility of conflict of interest related to the function of a member or concerns directly the contracting party that appointed the member or the entity that the member represents, the secretary of the board of directors notifies the member concerned and the chair or co-chairs of the board of directors.

The member then discusses with the chair or co-chairs of the necessity to abstain from participating in the discussion and voting on the issue. Where applicable, the member's withdrawal and the general reasons for the withdrawal are entered in the minutes of the meeting concerned. A reminder of the undertaking to comply with the rules of discretion and confidentiality set out in this Regulation or the regulation for internal management may also be given to the member by the chair or co-chairs where the documents of the meeting have already been given to the member.

41. A member may represent the views of the contracting party that appointed the member or the entity whose interest the member represents, but the member must do so by taking into account the interest of the parity committee. The member must also represent the views of the committee to that contracting party or entity.

42. A member may not intervene in respect of an employee of the parity committee to influence the progress of a file or a decision related to a file.

43. A member may not accept, as part of the member's functions, any gift, hospitality or other advantage, except what is customary and is of modest value.

Any other gift, hospitality or advantage received, except what is customary and is of modest value, must be returned to the giver.

44. A member cannot himself or herself or by a related person grant, accept or solicit a favour from a person, a body, an enterprise or an association dealing with the parity committee or acting for or for the benefit of any of them.

45. A member must avoid any behaviour incompatible with the requirements of the member's functions and, in particular, that could discredit the parity committee, undermine its credibility or reputation or jeopardize trust in the committee.

46. A member must declare to the chair or co-chairs of the board of directors any contravention to the ethical and professional obligations committed by the member or of which the member has knowledge in the exercise of the functions. In the case of the chair or co-chairs, they must make their declaration to the board.

47. A member who has ceased holding the office must continue to comply with the obligations of integrity, loyalty and discretion towards the parity committee.

48. A member who has ceased holding the office must conduct himself or herself so as not to obtain undue benefit from their prior position in the parity committee.

49. A member who has ceased holding the office must not disclose confidential information obtained in or in connection with the carrying out of the duties of their former position, and must not give advice to any person based on information not available to the public concerning the parity committee in the year before the member ceased to hold the office.

A member who has ceased holding the office must not, in the year following the end of the office, act for or on behalf of any other person in a proceeding, negotiation or other transaction to which the committee is a party and for which the member holds information not available to the public.

DIVISION VI
DELEGATION OF AUTHORITY

50. The regulation for internal management must include a section on the general delegations of authority, which must provide for in particular the terms applicable if the general manager is absent, unable to act or replaced.

A person authorized in writing by the board of directors to exercise the functions of general manager on an interim or provisional basis or during a temporary replacement has the same powers and obligations as the general manager.

51. The decision to institute legal proceedings in a civil or criminal case must be made by the board of directors.

The case for authorization to proceed sent to the board for decision must be anonymized to preserve the board's impartiality, but it must contain the allegations in support of the application for authorization and any relevant documents.

In the case of a criminal case, the board may delegate to the person it designates the power to file an application for authorization to the judge so that the judge authorizes the proceedings. The application for authorization must be subsequent to the decision of the board to authorize a criminal proceeding and the case must be substantially conform to the case submitted to the board for a decision.

PART IV
REGULATION ON A REGISTRATION SYSTEM OR THE KEEPING OF A REGISTER

52. A registration system or register kept by a professional employer under a regulation made pursuant to subparagraph *g* of the second paragraph of section 22 of the Act must contain the information listed therein.

The regulation may require that the following information also be indicated therein:

(1) the number of hours of work per day;

(2) the total number of hours of work per week;

(3) the number of overtime hours paid or compensated for by a day off with the applicable premium or accounted for in a time bank;

(4) the number of days of work per week;

(5) the wage rate;

(6) the nature and amount of premiums, indemnities, allowances or commissions paid;

(7) the amount of gross wages;

(8) the nature and amount of deductions made;

(9) the amount of net wages paid to the employee;

(10) the work period corresponding to the payment;

(11) the date of the payment;

(12) the reference year;

(13) the duration of the annual vacation;

(14) the date on which the employee leaves for the annual vacation with pay;

(15) the date on which the employee was entitled to a general holiday with pay or to another day of holiday, including the compensatory holidays for general holidays with pay;

(16) the places, where applicable, where the work covered by a decree is carried out;

(17) any information necessary to the administration and application of the social security benefits provided for in the decree, including a pension plan or a group insurance and a vacation pay fund;

(18) any other information considered useful for the application of the decree and approved by the Government.

53. The information contained in the registration system or the register concerning a year must be kept for a period of 3 years following that year.

54. A registration system or register held by an employer in compliance with the Regulation respecting a registration system or the keeping of a register (chapter N-1.1, r. 6), is considered to be compliant with this Regulation provided that an indication is added to the registration system or the register, as the case may be, concerning the professional qualification held by the employees where a decree or a regulation of the parity committee make the qualification certificate for carrying on a trade mandatory.

PART V
REGULATION ON THE MONTHLY REPORT

55. A monthly report required in a regulation made pursuant to subparagraph *h* of the second paragraph of section 22 of the Act must only contain the information mentioned therein.

The regulation must provide that the report is sent to the parity committee even if no work has been performed. It may also determine the methods of transmission of the report authorized by the committee.

PART VI
REGULATION ON THE LEVY

56. The parity committee may levy upon the professional employer, the employee and the worker or artisan who is not serving an employer the sums required for the carrying out of the decree.

The amount of the levy or the basis for the calculation of the levy, as the case may be, is set in the regulation made pursuant to subparagraph *i* of the second paragraph of section 22 of the Act. The amount of the levy must not exceed the limit provided for in that subparagraph.

The levy must be used only for the purposes for which it is collected.

57. The regulation determines the rate of levy required from the professional employer or the employees or both.

The levy required from the employees must be collected by retaining out of the wages of the employees.

The sums retained by the professional employer and those that the employer must pay must be remitted to the parity committee with the monthly report.

58. The regulation determines the levy demandable from the employee who is not serving a professional employer.

The levy is remitted to the parity committee in the manner and at the frequency determined in the regulation, but at least once a year.

PART VII
REGULATION ON THE ATTENDANCE ALLOWANCES

59. The members of the parity committee are not remunerated. They are entitled to an attendance allowance and the reimbursement of their actual travel expenses.

60. The attendance allowance and actual travel expenses are granted to a member who participates in a meeting of the board of directors or one of its committees or subcommittees.

61. The amount of the attendance allowance is set in the regulation made pursuant to subparagraph *l* of the second paragraph of section 22 of the Act. The amount may not exceed $200 per day and the total amount of the allowances may not exceed $5,000 per year.

The amount is payable after the participation of the member to a meeting of the board of directors or one of its committees or subcommittees. No advance may be paid to a member.

Subject to the first paragraph, no salary, remuneration, compensation, benefit or other amount may be paid to the members for their participation in the meetings of the board of directors or of one of its committees or subcommittees or in the activities of the parity committee.

62. The actual travel expenses are composed of the costs for transportation, meals and accommodation. They are reimbursed after the participation of a member in a meeting of the board of directors or of one of its committees or subcommittees in accordance with the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 194603 dated 30 March 2000) and its subsequent modifications.

No expenses are reimbursed for the virtual participation of a member to a meeting of the board, one of its committees or subcommittees.

PART VIII
TRANSITIONAL AND FINAL

63. As of 1 November 2022, subparagraph 1 of the first paragraph of section 10 is replaced by the following:

"minors and persons of full age under tutorship or under a protection mandate".

64. Despite the first paragraph of section 16, a person who is a member of the board of directors of a parity committee on (*insert the date of coming into force of this Regulation*) remains in office for the remainder of the term, which must however end not later than (*insert the date that occurs 4 years after the date of coming into force of this Regulation*).

65. Despite subparagraphs 5 and 6 of the second paragraph of section 17, a parity committee has until (*insert the date that occurs 1 year after the date of coming into force of this Regulation*) to adopt or adopt again with the necessary modifications the documents provided for in subparagraph 5 of the second paragraph of that section or to establish the competence and experience profile of the members of the committee.

66. Despite section 28, the general manager of a parity committee or the person designated by the general manager has until (*insert the date that occurs 1 year after the date of coming into force of this Regulation*) to publish on the committee's website the information and documents provided for in that section.

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

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