



Part 2

LAWS AND REGULATIONS

25 January 2023 / Volume 155

Summary

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Regulations and other Acts
Draft Regulations

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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Partie 2, entitled "Lois et règlements", and the English edition, Part 2 "Laws and Regulations", are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

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

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Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
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Partie 2 «Lois et règlements»:	\$784
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2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$12.24 per copy.

3. Publication of a document in Partie 1:
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4. Publication of a document in Part 2:
\$1.31 per agate line.

A minimum rate of \$286 is applied, however, in the case of a publication of fewer than 220 agate lines.

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Regulations and other Acts

Gouvernement du Québec

O.C. 2-2023, 11 January 2023

Professional Code
(chapter C-26, s. 94)

Physiothérapie

— Professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec
— Amendment

Regulation to amend the Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec

WHEREAS, under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with subparagraph *h* of the first paragraph of section 94 of the Code, the board of directors of the Collège des médecins du Québec consulted the Ordre professionnel de la physiothérapie du Québec, the Ordre professionnel des infirmières et infirmiers du Québec, the Ordre professionnel des infirmières et infirmiers auxiliaires du Québec and the Ordre professionnel des technologistes médicaux du Québec before adopting the Regulation to amend the Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec on 29 April 2022;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec was published in Part 2 of the *Gazette officielle du Québec* of 13 July 2022, with a notice that it could be examined by the Office des professions du Québec then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 21 October 2022 then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec

Professional Code
(chapter C-26, s. 94, 1st par., subpar. *h*)

1. The Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec (chapter M-9, r. 4) is amended by inserting the following after section 4.1:

“**4.1.1.** A physiotherapist may swab for a wound culture when providing treatment for wounds.

4.1.2. In order to engage in the activity referred to in section 4.1.1, a physiotherapist must hold a training certificate issued by the Ordre professionnel de la physiothérapie du Québec according to which the physiotherapist has participated in a 1-hour training covering, in particular,

- (1) the techniques and conditions for swabbing for a wound culture;
- (2) the various types of wounds;
- (3) the recognition of the clinical signs and infection symptoms of a wound; and
- (4) the principles of asepsis and the cleaning of wounds.”.

2. Sections 5 and 6 are amended by replacing “and 4.1” by “, 4.1 and 4.1.1”.

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

106095

Gouvernement du Québec

O.C. 14-2023, 11 January 2023

Act respecting the Société d’habitation du Québec (chapter S-8)

Conditions for the leasing of dwellings in low-rental housing — Amendment

By-law to amend the By-law respecting the conditions for the leasing of dwellings in low-rental housing

WHEREAS, under subparagraph *g* of the first paragraph of section 86 of the Act respecting the Société d’habitation du Québec (chapter S-8), the Société d’habitation du Québec may, by by-law, in particular establish the conditions upon which leases may be taken or granted by a municipality, a bureau or by any organization or person who obtains a loan, subsidy or allowance for the carrying out of a housing program;

WHEREAS, under the third paragraph of section 86 of the Act, the by-laws relating to matters referred to in particular in subparagraph *g* of the first paragraph of section 86 of the Act may, subject to the Charter of human rights and freedoms (chapter C-12) and the Canadian Charter of

Rights and Freedoms (Part I of Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom), include distinctions, exclusions or preferences based on age, handicap or any element pertaining to the situation of a person;

WHEREAS the board of directors of the Société adopted the By-law to amend the By-law respecting the conditions for the leasing of dwellings in low-rental housing by Resolution 2022-049 dated 23 June 2022;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft By-law to amend the By-law respecting the conditions for the leasing of dwellings in low-rental housing was published in Part 2 of the *Gazette officielle du Québec* of 31 August 2022 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 87 of the Act respecting the Société d’habitation du Québec, the by-laws of the Société are subject to approval by the Government;

WHEREAS it is expedient to approve the By-law;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Housing:

THAT the By-law to amend the By-law respecting the conditions for the leasing of dwellings in low-rental housing, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

By-law to amend the By-law respecting the conditions for the leasing of dwellings in low-rental housing

Act respecting the Société d’habitation du Québec (chapter S-8, s. 86, 1st par., subpar. *g*, and 3rd par.)

1. The By-law respecting the conditions for the leasing of dwellings in low-rental housing (chapter S-8, r. 3) is amended in section 2 by replacing “\$350” in paragraph 5 by “\$500”.

2. Despite sections 20 and 21 of the By-law, a lessee may not apply for a rent reduction for a lease in effect on 9 February 2023 when the income of the lessee’s household is reduced following the amendment made in paragraph 5 of section 2 of the By-law by section 1 of this By-law.

Upon renewal of the lease, or at the request of the lessee if the lease is not renewed, the lessor must determine whether the lessee could have availed himself or herself of the rent reduction. If so, the lessor must determine the amount of the rent reduction and choose either to give it to the lessee or to offset it. A lessee whose lease is not renewed must send his or her application to the lessor, along with all the necessary supporting documents, not later than 3 months after the expiry of the lease.

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

106096

Gouvernement du Québec

O.C. 36-2023, 11 January 2023

Act respecting remunerated passenger transportation by automobile
(chapter T-11.2)

Remunerated passenger transportation by automobile — Amendment

Regulation to amend the Regulation respecting remunerated passenger transportation by automobile

WHEREAS, under the second paragraph of section 26 of the Act respecting remunerated passenger transportation by automobile (chapter T-11.2), the Société de l'assurance automobile du Québec issues to the owner the accessory prescribed by government regulation to visibly identify whether the authorized automobile is being used to offer remunerated passenger transportation;

WHEREAS, under subparagraph 2 of the first paragraph of section 51 of the Act, a transportation system operator must provide automobile owners it registers with the accessory prescribed by government regulation that makes it possible to identify whether the registered automobile is being used to offer remunerated passenger transportation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting remunerated passenger transportation by automobile was published in Part 2 of the *Gazette officielle du Québec* of 31 August 2022 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 amendment;

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

That the Regulation to amend the Regulation respecting remunerated passenger transportation by automobile, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting remunerated passenger transportation by automobile

Act respecting remunerated passenger transportation by automobile
(chapter T-11.2, ss. 26 and 51)

1. The Regulation respecting remunerated passenger transportation by automobile (chapter T-11.2, r. 4) is amended in section 54

(1) by replacing “with the model in Schedule I” by “with the model in Schedule I or Schedule I.1”;

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

“The provisional accessory consistent with the model in Schedule I is valid for a 90-day period following its date of issue.

The accessory must be affixed inside the vehicle on the left side of the rear window.”.

2. Schedule I is amended by adding the word “PROVISIONAL” before “ACCESSORY” in the heading.

3. The following schedule is added after Schedule I:

“**SCHEDULE I.1**
(Section 54)

PERMANENT ACCESSORY



FRONT



BACK

4. The provisional accessories consistent with the model in Schedule I of the Regulation and whose date of issue is prior to the date of coming into force of this Regulation remain valid for a 90-day period following the date of coming into force.

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

106098

Gouvernement du Québec

O.C. 41-2023, 11 January 2023

Act respecting collective agreement decrees
(chapter D-2)

Automotive services industry – Québec
—Amendment

Decree to amend the Decree respecting the automotive services industry in the Québec region

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

WHEREAS the Government made the Decree respecting the automotive services industry in the Québec region (chapter D-2, r. 11);

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

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

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft Decree to amend the Decree respecting the automotive services industry in the Québec region was published in Part 2 of the *Gazette officielle du Québec* of 11 May 2022 and in a French language newspaper and in an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

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

WHEREAS it is expedient to make the Decree with amendments;

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

THAT the Decree to amend the Decree respecting the automotive services industry in the Québec region, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the automotive services industry in the Québec region

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

1. The Decree respecting the automotive services industry in the Québec region (chapter D-2, r. 11) is amended in section 1.01

(1) by inserting the following after paragraph 9:

“**9.1.** “semiskilled worker”: employee whose duties are related mainly to one or another of the following tasks: restoring, overhauling, repairing or retooling vehicle parts without assembling them on the vehicle, and examining parts or accessories sold with guarantees, whether or not they are installed on a vehicle, where they are returned because of a defect.

A semiskilled worker may install vehicle accessories, windshields or windows and calibrate the driver-assistance system. If a trouble code persists after an installation, the semiskilled worker may not make a diagnosis or the repair.

A semiskilled worker may perform the tasks listed above only insofar as they do not require the handling of other parts or other components of a system;”;

(2) by replacing paragraph 11 by the following:

“(11) “service attendant”: employee whose duties are related mainly to one or another of the following tasks: inspection or visual inspection only, lubricating, changing oil, applying anti-rust, balancing wheels, installing or repairing tires, tire pressure sensors, windshield wipers, bulbs, filters, exhaust systems, except for exhaust system parts comprised between the engine and the catalytic converter inclusively, and installing or boosting batteries on a road vehicle. A service attendant may change all fluids, except for those of the air conditioning system, and reset the oil change indicator and the tire pressure indicator.

A service attendant may also carry out road tests to verify the work done by the service attendant, as well as perform a road-ready or pre-delivery inspection (PDI) of new vehicles or pre-owned vehicles that are certified or under warranty by a manufacturer-automaker or any other company.

Service attendants may perform the tasks listed above only insofar as the work does not require the handling of other parts or other components of a system. Service attendants may also do the work of a washer to complete their tasks.

However, service attendants may not perform any other task that is included in the duties of a trade without holding an apprenticeship card for that trade, regardless of the proportion of such tasks in relation to all the tasks they are authorized to carry out;”.

2. Section 9.01 is amended

(1) by inserting “Semiskilled worker and” before “Service attendant” in paragraph 6 of the table in the first paragraph;

(2) by striking out “welder;”, “machinist,” and “, upholsterer” in the footnote of the table in the first paragraph.

3. Section 12.03 is amended by replacing the second sentence by the following:

“They may follow, for each year of apprenticeship, the theoretical courses provided for in a training program recognized by the parity committee.”.

4. The following is inserted after section 13.01:

“DIVISION 14.00 TRANSITIONAL

14.01. As of (*insert the day of publication of this Decree in the Gazette officielle du Québec*), the parity committee ceases to issue qualification certificates for the trades of welder, machinist and upholsterer.

Employees who hold such a certificate retain the wage rate corresponding to their journeyman classification applicable on that date with the wage increases, where applicable, for as long as they continue to perform the duties related to their certificate.”.

5. This Decree comes into force on (*insert the day of publication of this Decree in the Gazette officielle du Québec*).

106099

Gouvernement du Québec

O.C. 42-2023, 11 January 2023

Act respecting collective agreement decrees
(chapter D-2)

Cartage industry – Québec — Amendment

Decree to amend the Decree respecting the cartage industry in the Québec region

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

WHEREAS the Government made the Decree respecting the cartage industry in the Québec region (chapter D-2, r. 3);

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

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

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft Decree to amend the Decree respecting the cartage industry in the Québec region was published in Part 2 of the *Gazette officielle du Québec* of 22 June 2022 and in a French language newspaper and in an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

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

WHEREAS it is expedient to make the Decree with amendments;

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

THAT the Decree to amend the Decree respecting the cartage industry in the Québec region, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the cartage industry in the Québec region

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

1. The Decree respecting the cartage industry in the Québec region (chapter D-2, r. 3) is amended in section 1.01 by inserting the following after subparagraph *c* of paragraph 21:

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

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

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

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

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

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

2. Section 10.02 is amended by inserting “an interrupted leave for a duration determined at the rate of” before “1 day of vacation”.

3. Section 10.04 is amended by replacing “5 years” by “3 years”.

4. Section 10.10 is amended by adding “or in the manner applicable for the regular payment of the employee’s wages” at the end.

5. Section 10.11 is amended by replacing “or accident or” in the first paragraph by “, an organ or tissue donation for transplant, an accident, or domestic violence or sexual violence of which the employee has been a victim, or is absent or on leave for family or parental matters or”.

6. Section 11.02 is amended by replacing “1 day” and “4 extra days” in subparagraph 5 of the first paragraph by “2 days” and “3 extra days”, respectively.

7. Section 11.04 is amended

(1) by striking out “if the employee is credited with 60 days of continuous service” in the first paragraph;

(2) by striking out the third paragraph.

8. Section 11.05 is amended

(1) in the first paragraph

(a) by striking out “, without pay,”;

(b) by replacing “of the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents” by “of a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26)”;

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

“The first 2 days taken annually are remunerated according to the calculation formula described in section 9.04, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of continuous service, even if the employee was absent previously. The employer is not required to remunerate more than 2 days of absence in the same year, if the employee is absent from work for a reason referred to in this section or in section 11.05.1.”

9. The following is inserted after section 11.05:

“**11.05.1.** An employee may be absent from work for a period of not more than 26 weeks over a period of 12 months owing to sickness, an organ or tissue donation for transplant, an accident, domestic violence or sexual violence of which the employee has been a victim.

An employee may not, however, be absent from work for a period of not more than 104 weeks if the employee suffers a serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold the employee’s regular position. In that case, the period of absence does not begin before the date on which the criminal offence was committed, or before the expiry of the period provided for in the first paragraph, where applicable, and does not end later than 104 weeks after the commission of the criminal offence.

The first 2 days taken annually are remunerated according to the calculation formula described in section 9.04, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of continuous service, even if the employee was absent previously. The employer is not required to remunerate more than 2 days of absence in the same year, if the employee is absent from work for a reason referred to in this section or in section 11.05.

This section does not apply in the case of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

The employee must notify the employer of his absence as soon as possible, giving the reasons for it.”

10. Section 13.01 is amended

(1) by replacing paragraph 5 by the following:

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

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

(2) by inserting the following after subparagraph *c* of paragraph 9:

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

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

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

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

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

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

11. Section 18.01.1 is revoked.

12. Section 20.02 is amended by inserting "an uninterrupted leave for a duration determined at the rate of" before "1 working day of vacation".

13. Section 20.04 is amended by replacing "5 years" by "3 years".

14. Section 20.07 is amended by adding "or in the manner applicable for the regular payment of the employee's wages" at the end.

15. Section 20.09 is amended by replacing "or accident or" by " , an organ or tissue donation for transplant, an accident, or domestic violence or sexual violence of which the employee has been a victim, or is absent or on leave for family or parental matters or".

16. Section 21.01 is amended by replacing "1 day" and "4 more days" in subparagraph 5 of the first paragraph by "2 days" and "3 extra days", respectively.

17. Section 21.03 is amended

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

(2) by striking out the last sentence.

18. Section 21.04 is amended

(1) in the first paragraph

(a) by striking out " , without pay,";

(b) by replacing "of his spouse, father, mother, brother, sister or one of the employee's grandparents" by "of a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26)";

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

"The first 2 days taken annually are remunerated according to the calculation formula described in section 19.04, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of continuous service, even if the employee was absent previously. The employer is not required to remunerate more than 2 days of absence in the same year, if the employee is absent from work for a reason referred to in this section or in section 21.04.1."

19. The following is inserted after section 21.04:

"21.04.1. An employee may be absent from work for a period of not more than 26 weeks over a period of 12 months owing to sickness, an organ or tissue donation for transplant, an accident, domestic violence or sexual violence of which the employee has been a victim.

An employee may not, however, be absent from work for a period of not more than 104 weeks if the employee suffers a serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold the employee's regular position. In that case, the period of absence does not begin before the date on which the criminal offence was committed, or before the expiry of the period provided for in the first paragraph, where applicable, and does not end later than 104 weeks after the commission of the criminal offence.

The first 2 days taken annually are remunerated according to the calculation formula described in section 19.04, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of continuous service, even if the employee was absent previously. The employer is not required to remunerate more than 2 days of absence in the same year, if the employee is absent from work for a reason referred to in this section or in section 21.04.

This section does not apply in the case of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

The employee must notify the employer of his absence as soon as possible, giving the reasons for it."

20. Section 25.01 is replaced by the following:

“**25.01.** An employee who has 3 months of active and continuous service with the same employer and who has worked at least 32 hours in each week included in the period is entitled to 6 days of sick leave per year. The employee receives 8 times his hourly wage provided for in this Decree. The employer may request that the employee furnish a document attesting to the reasons for the absence.”

21. This Decree comes into force on (*insert the date of its publication in the Gazette officielle du Québec*).

106100

Gouvernement du Québec

O.C. 43-2023, 11 January 2023

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

Occupational health and safety
—**Amendment**

Regulation to amend the Regulation respecting occupational health and safety

WHEREAS, under subparagraphs 7, 9, 11, 19 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations

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

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

—fixing the minimum age at which a worker may carry out particular work it specifies;

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

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

WHEREAS, under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply. The regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting occupational health and safety was published in Part 2 of the *Gazette officielle du Québec* of 5 January 2022 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendments at its sitting of 20 October 2022;

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

WHEREAS it is expedient to approve the Regulation;

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

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

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting occupational health and safety

Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 11, 19 and 42, and 2nd par.)

1. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 1 by replacing the definition of “confined space” by the following:

““confined space” means any space that is completely or partially enclosed, such as a reservoir, a silo, a vat, a hopper, a chamber, a vault, a pit, including a pit and a reception pit for manure, a sewer, a pipe, a chimney, an access shaft, a truck or freight car tank, or a wind turbine blade, and that presents one or more of the following risks due to the confinement:

(1) a risk of asphyxia, intoxication, loss of consciousness or judgment, fire or explosion associated with the atmosphere or internal temperature;

(2) a risk of being buried;

(3) a risk of drowning or being carried away due to the level or flow of a liquid;”.

2. The following is inserted after the heading of Division XXVI:

“**296.1 Scope:** This Division applies to all confined spaces and all work performed in a confined space.”

3. The following is inserted after section 297:

“**297.1 Layout of a confined space:** In the case of a new confined space or the renovation of an existing confined space, its layout must integrate equipment and installations that make it possible to intervene from the outside. In addition, the corresponding work methods, taking into account the risks around the confined space, must be developed and be available on the work site before the confined space is put into service.

Where it is impossible, in the cases provided for in the first paragraph, to integrate equipment and installations that make it possible to intervene from the outside, the layout of the confined space must allow for the efficient control of the risks identified according to the gathering of information prescribed in section 300. In addition, that layout must in particular integrate equipment and installations that make it possible to

(1) control the atmospheric risks, the risk of being buried or the risk of drowning;

(2) facilitate entry and exit, movements inside, as well as rescue;

(3) control access to the confined space and prevent falls;

(4) control the other risks that could compromise the health or safety of a worker.”.

4. Section 298 is amended by inserting “aged 18 or over and” after “those workers”.

5. Section 300 is replaced by the following:

“**300. Gathering information and preventive measures before performing work:** Before any work or task is performed in a confined space, the following information and preventive measures must be available, in writing, on the work premises:

(1) information on the risks associated with the atmosphere, including those that may be introduced during the work, and that concern

(a) a lack or an excess of oxygen;

(b) contaminants, inflammable or toxic gases or vapours, or combustible dust;

(c) the materials present that may emit gases or vapours, or consume oxygen;

(d) heat stress;

(e) an insufficiency of natural or mechanical ventilation;

(2) information on the risks associated with the free flow materials that are present and that can cause the worker to be buried or to drown, such as sand, grain or a liquid;

(3) information on the other risks that could compromise the safety or evacuation of a worker and that concern

(a) the means of entering or leaving the interior configuration, lighting conditions and communications;

(b) energies such as electricity, moving mechanical parts, noise and hydraulic energy;

(c) ignition sources such as open flames, lighting, welding and cutting, grinding, static electricity or sparks;

(d) other categories of contaminants likely to be present in the confined space or nearby;

(e) any other special circumstances such as the presence of vehicles, animals or insects;

(4) the preventive measures to be taken to protect the health of workers and ensure their safety and physical well-being, in particular those concerning

(a) safe methods and techniques to carry out the work;

(b) appropriate and necessary work equipment to carry out the work;

(c) the personal or collective protective means and equipment that the worker must use when working;

(d) the rescue methods in the rescue plan provided for in section 309.

The information referred to in subparagraphs 1, 2 and 3 of the first paragraph must be gathered by a qualified person.

The preventive measures referred to in subparagraph 4 of the first paragraph must be determined by a qualified person and be implemented.”

6. Section 301 is amended by replacing “1 and 2” by “1 to 4”.

7. Section 302 is amended

(1) by replacing “19.5%” in subparagraph 1 of the first paragraph by “20.5%”;

(2) by replacing “10%” in subparagraph 2 of the first paragraph by “5%”.

8. Section 305 is revoked.

9. Section 306 is amended

(1) by inserting “atmospheric” before “readings” in the heading;

(2) by replacing “Readings of” in the portion before subparagraph 1 of the first paragraph by “Where risks associated with the atmosphere are identified, readings of”;

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

“(4) when an atmospheric risk other than those identified in accordance with section 300 is identified and likely to modify the internal atmosphere of the confined space, such as the introduction of a product or material that may emit toxic or flammable gases or vapours.”.

10. Sections 308 and 309 are replaced by the following:

“**308. Attendant:** When a worker is present in a confined space, a person designated by the employer as an attendant must be positioned outside and near the entrance in order to initiate, if necessary, rescue procedures. The attendant must

(1) have the necessary skills and knowledge;

(2) remain in contact with the worker using a 2-way communication system;

(3) be able to order the worker, if necessary, to evacuate the confined space.

308.1 Unforeseen situation: The attendant must prohibit entry and, where applicable, order the evacuation of a confined space if the attendant, a qualified person or a qualified worker identifies a risk for the safety of a worker, other than those identified in accordance with section 300.

308.2 Resumption of work: Work that is interrupted pursuant to section 308.1 may resume only if a qualified person reviews the gathered information and determines the appropriate preventive measures in accordance with section 300.

309. Rescue plan: A rescue plan, which includes the equipment and methods to rapidly rescue any worker performing work in a confined space, must be developed.

The equipment required by a rescue plan and any accessories must be

(1) adapted to the intended use and to the specific conditions of the work and the confined space;

(2) inspected and kept in good order;

(3) present and easily accessible near the confined space for a rapid intervention.

The rescue plan must include a call and communication protocol to initiate rescue operations. In addition, a specific person must be appointed in the rescue plan to direct the rescue operations.

The workers who are assigned to the application of rescue operations must have received training developed by a qualified person, including techniques for avoiding endangering their safety and that of other workers.

The rescue plan must be tested with exercises that allow in particular workers to become familiar with their role, the communication protocol and the use of the rescue equipment concerned.”

11. Sections 311 and 312 are replaced by the following:

“311. Precautions regarding free flow solid materials: No person may enter a confined space used to store free flow solid materials.

Where it is indispensable for a worker to enter such a confined space, one of the safety measures provided for in section 33.2 must be used so that the worker cannot fall or be buried in the stored materials. In addition, that worker may not enter

(1) when filling or emptying operations are taking place, and precautions such as the closing and locking of flow hatches or the application of energy control measures, have not been taken to prevent an accidental resumption of those operations;

(2) without first verifying and eliminating the risks associated with

(a) cavities that may be present under the surface of the stored materials;

(b) the shifting of piled materials or falling pieces of agglomerated materials;

(3) from under an arch formed by the materials present in the confined space.

312. Precautions regarding liquid materials: No person may enter a confined space where there is a risk of drowning without applying an isolation procedure for the section where the work is taking place or a liquid flow control procedure to prevent the influx or an increase in the level of a liquid.

The procedure to isolate the section or control the flow of liquid may in particular provide for the drainage or the derivation of the liquid, the blocking of pipes or the closing and locking of valves.”

12. This Regulation comes into force six months after the date of its publication in the *Gazette officielle du Québec*.

106101

M.O., 2023

Order 2023-001 of the Minister of Education dated 11 January 2023

Act respecting the National Student Ombudsman (chapter P-32.01)

Regulation respecting the procedure for the recruitment and selection of regional student ombudsmen

THE MINISTER OF EDUCATION,

CONSIDERING the first paragraph of section 5 of the Act respecting the National Student Ombudsman (chapter P-32.01), which provides that the Minister appoints regional student ombudsmen from among persons declared qualified for appointment to those functions by a selection committee and according to the recruiting and selection procedure established by regulation of the Minister;

CONSIDERING the third paragraph of section 5 of the Act, which provides that the regulation must, in particular, determine the publicity to be made for recruitment purposes and its content, the eligibility requirements and the application procedure to be followed by candidates, the selection criteria to be taken into account by the selection committee, the information the selection committee may require from a candidate and the consultations it may hold, and the period for which a declaration of qualification is valid.

CONSIDERING the first paragraph of section 7 of the Act, which provides that the members of the selection committee receive no remuneration, except in the cases, on the conditions and to the extent as the Minister may determine;

CONSIDERING the second paragraph of section 7 of the Act, which provides that the members of the selection committee are entitled to the reimbursement of expenses incurred in the exercise of their functions on the conditions and to the extent determined by the Minister;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 10 August 2022 of a draft Regulation respecting the procedure for the recruitment and selection of regional student ombudsmen, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation without amendments;

ORDERS AS FOLLOWS:

The Regulation respecting the procedure for the recruitment and selection of regional student ombudsmen, attached to this Order, is hereby made.

Québec, 11 January 2023

BERNARD DRAINVILLE
Minister of Education

Regulation respecting the procedure for the recruitment and selection of regional student ombudsmen

Act respecting the National Student Ombudsman (chapter P-32.01, ss. 5 and 7)

CHAPTER I RECRUITMENT AND SELECTION OF PERSONS QUALIFIED FOR APPOINTMENT AS REGIONAL STUDENT OMBUDSMEN

DIVISION I RECRUITMENT NOTICE

1. Where it is expedient to draw up a list of persons qualified for appointment as regional student ombudsmen, the National Student Ombudsman publishes a recruitment notice in a publication circulating or broadcast throughout Québec, inviting interested persons to submit their candidacy.

2. The recruitment notice must contain

- (1) a brief description of the functions of a regional student ombudsman;
- (2) the place where a person could be assigned to mainly perform the functions;
- (3) in substance, the eligibility requirements and selection criteria prescribed by the law and this Regulation and, where applicable, the particular professional, training and experience requirements sought given the needs of the National Student Ombudsman;
- (4) in substance, the system of confidentiality applicable within the framework of the selection procedure and an indication that the selection committee may hold consultations on the candidacies; and
- (5) the deadline and address for submitting a candidacy.

3. A copy of the notice is sent to the minister responsible for the administration of the Act respecting the National Student Ombudsman (2022, chapter 17).

DIVISION II CANDIDACY

4. Only a person having a minimum of 5 years of experience relevant to the functions of a regional student ombudsman may be declared qualified for appointment as a regional student ombudsman.

For a year of relevant experience may be substituted 1 year of studies in addition to those required in the recruitment notice, if applicable.

5. A person who wishes to submit his or her candidacy must send a résumé and the following information:

- (1) name, address, home telephone number and, if applicable, office address and telephone number;
- (2) date of birth;
- (3) name of each region for which a candidacy is submitted;
- (4) college and university diplomas and other relevant certificates held;
- (5) the nature of the activities carried out and through which the candidate has acquired the relevant experience required;
- (6) if applicable, proof that the candidate has the qualifications indicated in the notice;
- (7) any conviction for an indictable or a criminal offence or any disciplinary decision, as well as the nature of the offence or fault concerned and the sentence or disciplinary measure imposed;
- (8) any conviction for a penal offence, the nature of the offence concerned and the sentence imposed and whether one can reasonably believe that such offence is likely to call into question the integrity or impartiality of the National Student Ombudsman or of the candidate, to interfere with the candidate's ability to perform the functions or to undermine the trust of the public in the office holder;
- (9) if applicable, the names of the candidate's employers, partners or immediate or line superiors in the last 10 years;

(10) if applicable, the name of any legal person, partnership or professional association of which the candidate is or was a member in the last 10 years;

(11) a summary of the reasons for the candidate's interest in performing the functions of a regional student ombudsman.

The person must also provide a written statement in which the person agrees to a verification with, in particular, a disciplinary body, a professional order of which the person is or was a member, the person's employers in the last 10 years, police authorities and, if applicable, in which the person agrees that the persons or bodies mentioned in subparagraphs 9 and 10 of the first paragraph of this section may be consulted.

DIVISION III

ESTABLISHMENT OF A SELECTION COMMITTEE

6. Following the publication of the recruitment notice, the National Student Ombudsman establishes a selection committee in accordance with section 6 of the Act respecting the National Student Ombudsman.

7. A member of the committee must immediately bring to the attention of the other members of the committee any fact that may give rise to a reasonable apprehension of bias.

8. A member of the committee whose impartiality could be questioned must withdraw with respect to a candidate, in particular if the member

(1) is or was the candidate's spouse;

(2) is related to the candidate by birth, marriage or civil union, to the degree of first cousin inclusively;

(3) is or was the employer, employee or partner of the candidate in the last 10 years; despite the foregoing, a member who is in the public service must withdraw with respect to a candidate only if the member is or was under the candidate's direct supervision or is or was the candidate's immediate superior.

9. Where a member of the committee withdraws, is absent or unable to act, the decision is made by the other members.

10. Before taking office, the members of the committee must take an oath by solemnly affirming the following: "I, (full name), declare under oath that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge in the performance of my duties."

The oath is taken before a person empowered to administer oaths.

The writing evidencing the oath must be sent to the National Student Ombudsman.

11. A person may be appointed to more than one committee at the same time.

12. Travel and accommodation expenses of the members of the committee are reimbursed in accordance with the Règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux (D. 2500-83, 83-11-30), with the modifications that have been or will be made.

In addition to their expenses, members of the committee other than the chair who are not employees of a government department or body are entitled to fees of \$250 per day or \$200 per half-day of sitting they attend.

DIVISION IV

FUNCTIONING OF THE SELECTION COMMITTEE

13. The National Student Ombudsman sends the list of candidates and their records to the members of the selection committee.

14. The committee analyzes the candidates' records and retains candidates who, in its opinion, meet the eligibility requirements and any additional evaluative measures applied in consideration of the positions to be filled or the large number of candidates.

15. The chair of the committee informs the short-listed candidates of the date and place of their meeting with the committee and informs the other candidates that they were turned down and, as a result, will not be called to a meeting.

DIVISION V

CONSULTATIONS AND SELECTION CRITERIA

16. The committee may, on any matter in a candidate's record or any aspect of a candidacy or of the candidacies as a whole, consult in particular with

(1) any person who was, in the last 10 years, an employer, partner, immediate or line superior of the candidate; and

(2) any legal person, partnership or professional association of which a candidate is or was a member in the last 10 years.

17. The selection criteria that the committee takes into account in determining a candidate's qualification are

- (1) knowledge of the education system;
- (2) knowledge of dispute resolution mechanisms;
- (3) knowledge of the school environment or other environments relevant to the exercise of the functions;
- (4) expertise with regard to handicapped students or students with social maladjustments or learning disabilities;
- (5) the candidate's personal and intellectual qualities;
- (6) the extent of the candidate's knowledge or skills, in view of the particular professional, training and experience requirements indicated in the recruitment notice;
- (7) the candidate's ability to carry out the functions of a regional student ombudsman, in particular the candidate's judgment, impartiality, open-mindedness, perceptiveness, empathy, level-headedness, analysis and synthesis capability, decision-making abilities, teamwork capabilities, the quality of oral and written expression and the ability to adopt an ethical behavior; and
- (8) the candidate's conception of the office of a regional student ombudsman.

18. The selection committee may apply evaluative measures that it determines to candidates who meet the eligibility requirements.

DIVISION VI REPORT OF THE SELECTION COMMITTEE

19. Committee decisions are made by a majority of its members. In the case of a tie-vote, the chair of the committee has a casting vote.

20. The committee submits a report to the Minister. The report

- (1) indicates the names of the candidates whose candidacy was turned down and who have not been met, giving reasons therefor;
- (2) indicates the names of the candidates with whom the committee met and whose candidacy was turned down, giving reasons therefor;

(3) indicates the names of the candidates with whom the committee met and whom it declared qualified for appointment as regional student ombudsmen, the regions to which they may be assigned, their profession and the particulars concerning their work place; and

(4) contains any comments that the committee considers advisable, especially with respect to the particular experiences, characteristics or qualifications of the candidates declared qualified.

21. Unless it is unable to do so, the committee declares qualified a number of candidates corresponding to at least twice the number of vacant positions, if any.

22. A member of the committee may register dissent with respect to all or part of the report.

DIVISION VII REGISTER OF DECLARATIONS OF QUALIFICATION

23. The National Student Ombudsman writes to the candidates to inform them of whether they have been declared qualified for appointment as regional student ombudsmen.

24. The National Student Ombudsman keeps the register of declarations of qualification up to date and enters therein, in respect of each region, the list of persons declared qualified for appointment as regional student ombudsmen.

A declaration of qualification is valid for a 3-year period from its entry in the register.

The National Student Ombudsman strikes out an entry on the expiry of the validity period of the declaration of qualification or when the person is appointed regional student ombudsman, dies or asks to be withdrawn from the register.

DIVISION VIII RECOMMENDATION

25. As soon as a position becomes vacant, the National Student Ombudsman sends a copy of the updated list of persons declared qualified for appointment as regional student ombudsmen to the Minister and recommends to the Minister the name of a person who has been declared qualified.

26. If the Minister is of the opinion that he or she cannot, considering the list of persons declared qualified for appointment as regional student ombudsmen and in the best interest of the proper operation of the position to be filled, appoint a person, the Minister then asks the National Student Ombudsman to publish a new recruitment notice.

The committee in charge of assessing the qualifications of the candidates who submitted their candidacy after the new recruitment notice and of submitting a report to the Minister in accordance with section 20 may be composed of persons previously designated to sit on a preceding committee.

CHAPTER II

CONFIDENTIALITY

27. The names of candidates, the report of the selection committee, the register, the list of candidates declared qualified for appointment as regional student ombudsmen, as well as any information or document relating to a consultation or decision by the committee, are confidential.

CHAPTER III

FINAL

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

106103

Draft Regulations

Draft Regulation

Act respecting the Administrative Housing Tribunal
(chapter T-15.01)

Criteria for the fixing of rent — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the criteria for the fixing of rent, appearing below, may be made by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation adds, for the purpose of calculating the fixing or adjustment of rent for a dwelling situated in a private seniors' residence, a percentage applicable to the costs for services of a personal nature provided to the lessee, which percentage is to be determined on the basis of the Consumer Price Index for health care services established by Statistics Canada.

The main purpose of the measure is to better reflect the costs for services of a personal nature provided to the lessee and offered in a private seniors' residence in the annual calculation of the rent increase. All the enterprises operating such a residence could be affected by the regulatory change, which could result in an increase of revenues. The measure could, however, increase the residents' expenses.

Further information on the draft Regulation may be obtained by contacting Mtre. Marie-Josée Persico, Director, legal affairs, Tribunal administratif du logement, 5199, rue Sherbrooke Est, Rez-de-chaussée, bureau 2360, Montréal (Québec) H1T 3X1; telephone: 514 873-6575; email: marie-josee.persico@tal.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Mtre. Marie-Josée Persico at the above contact information.

FRANCE-ÉLAINE DURANCEAU
Minister Responsible for Housing

Regulation to amend the Regulation respecting the criteria for the fixing of rent

Act respecting the Administrative Housing Tribunal
(chapter T-15.01, s. 108, 1st par., subpars. 3 and 6)

1. The Regulation respecting the criteria for the fixing of rent (chapter T-15.01, r. 2) is amended in section 3 by replacing “the percentage applicable” in subparagraph 5 of the first paragraph by “the percentages applicable”.

2. Section 3.1 is amended by inserting “In the case of the costs of services of a personal nature provided to the lessee of a dwelling situated in a private seniors' residence, the indicator is the Consumer Price Index for health care services established by Statistics Canada.” after the first sentence of the second paragraph.

3. Schedule 1 is revoked.

4. Section 3.1 applies, as it reads on (*insert the date preceding the date of coming into force of this Regulation*), to an application for the fixing of rent whose notice referred to in article 1942 of the Civil Code has been given before (*insert the date of coming into force of this Regulation*).

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

106097

Draft Regulation

Civil Code of Québec
(Civil Code; 2022, chapter 22)

Keeping and publication of the register of civil status — Amendment

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

The draft Regulation amends the Regulation respecting the keeping and publication of the register of civil status (chapter CCQ, r. 11) to take into account the amendments provided for by the Act respecting family law reform with regard to filiation and amending the Civil Code in relation to personality rights and civil status (2022, chapter 22). The draft Regulation mainly sets out the particulars that must appear on certificates of birth, marriage, civil union or death issued by the registrar of civil status.

Further information on the draft Regulation may be obtained by contacting Mtre. Lydia Leclerc, Direction du soutien aux orientations, des affaires législatives et de la refonte, Ministère de la Justice, 1200, route de l'Église, 4^e étage, Québec (Québec) G1V 4M1; telephone: 418 643-0424, extension 21467; fax: 418 643-9749; email: Lydia.Leclerc@justice.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 Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation to amend the Regulation respecting the keeping and publication of the register of civil status

Civil Code of Québec
(Civil Code, art. 146; 2022, chapter 22, s. 41)

1. The Regulation respecting the keeping and publication of the register of civil status (chapter CCQ, r. 11) is amended by inserting the following after section 5:

“DIVISION II.1 CERTIFICATES OF BIRTH, MARRIAGE, CIVIL UNION OR DEATH

5.1. The certificate of birth of a person shall state

- (1) the name of the person;
- (2) the designation of sex;
- (3) the place, date and time of birth of the person;
- (4) the names of the person's father and mother or parents, as well as their parental designation;
- (5) an indication that the person has died, where applicable; and
- (6) the registration number of the act of birth.

5.2. The certificate of marriage or civil union of the spouses shall state

- (1) the name of the spouses;
- (2) the places and dates of birth of the spouses;
- (3) the place and date of the spouses' marriage or civil union;
- (4) the cause of the dissolution of the marriage or civil union, where applicable; and
- (5) the registration number of the act of marriage or civil union.

5.3. The certificate of death of the deceased shall state

- (1) the name of the deceased;
- (2) the designation of sex;
- (3) the place, date and time of death of the deceased;
- (4) the place and date of birth of the deceased; and
- (5) the registration number of the act of death.”.

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

106105

Draft Regulation

Act respecting labour standards
(chapter N-1.1)

Labour standards — Amendment

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

The draft Regulation increases, as of 1 May 2023, the general rate of the minimum wage to \$15.25 per hour and the rate of the minimum wage payable to an employee who receives gratuities or tips to \$12.20 per hour. It also increases, as of the same date, the minimum wage payable to raspberry and strawberry pickers.

The proposed increases in the minimum wage will help maintain the purchasing power of low-wage employees while enabling them to participate in the collective wealth. They constitute a work incentive and form part of the government measures to favour solidarity and social inclusion. They will also maintain the competitiveness of enterprises in the sectors of activity concerned by taking into account their capacity to pay.

Further information on the draft Regulation may be obtained by contacting Vincent Huot, labour policy adviser, Direction des politiques du travail, Ministère du Travail, 425, rue Jacques-Parizeau, 5^e étage, Québec (Québec) G1R 4Z1; telephone: 581 628-8934, extension 81068, or 1 888-628-8934, extension 81068 (toll free); email: vincent.huot@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, 200, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1R 5S1; email: ministre@travail.gouv.qc.ca.

JEAN BOULET
Minister of Labour

Regulation to amend the Regulation respecting labour standards

Act respecting labour standards
(chapter N-1.1, s. 40, 1st par., s. 89,
par. 1, and s. 91, 1st par.)

1. The Regulation respecting labour standards (chapter N-1.1, r. 3) is amended in section 3 by replacing “\$14.25” by “\$15.25”.

2. Section 4 is amended by replacing “\$11.40” by “\$12.20”.

3. Section 4.1 is amended in the first paragraph

(1) by replacing “\$4.23” in subparagraph 1 by “\$4.53”;

(2) by replacing “\$1.13” in subparagraph 2 by “\$1.21”.

4. This Regulation comes into force on 1 May 2023.

106107

Draft Regulation

Act respecting legal aid and the provision of certain other legal services
(chapter A-14)

Legal aid — Amendment

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

The draft Regulation amends the Regulation respecting legal aid (chapter A-14, r. 2) to ensure it is consistent with certain measures set out in the Act respecting family law reform with regard to filiation and amending the Civil Code in relation to personality rights and civil status (2022, chapter 22). It strikes out any standard concerning the financial eligibility of a minor child given that, under section 4.0.1 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), legal aid is granted free of charge to every minor child, regardless of the child’s financial eligibility and for all the services offered under the Act and the regulations. It also makes terminological changes to take into account the various realities of persons of sexual minorities or of transgender or non-binary parents, in particular with respect to provisions that refer to the father and mother.

In addition, the draft Regulation provides that only the income and assets of the applicant are taken into consideration when an application for legal aid is filed for the benefit of a minor child of whom the applicant has custody as the father or mother or parent or as a person referred to in section 2 of the Regulation respecting legal aid, as the case may be.

Further information on the draft Regulation may be obtained by contacting Mtre. Ann-Sophie B. Lamontagne, Direction du soutien aux orientations, des affaires législatives et de la refonte, Ministère de la Justice, 1200, route de l’Église, 4^e étage, Québec (Québec) G1V 4M1; email: ann-sophie.lamontagne@justice.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 Justice, 1200, route de l’Église, 9^e étage, Québec (Québec) G1V 4M1.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation to amend the Regulation respecting legal aid

Act respecting legal aid and the provision of certain other legal services
(chapter A-14, s. 80, 1st par., subpars. *a*, *a.2* and *s*, and 2nd and 3rd pars.)

1. The Regulation respecting legal aid (chapter A-14, r. 2) is amended in section 2 by inserting “or one of the parents” after “mother”.

2. Section 5 is replaced by the following:

“**5.** For the purposes of section 1.2 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), a minor child or a child of full age who meets any of the following conditions is considered to cease to be part of the family and to be an adult:

(1) no longer attends an educational institution on a full-time basis, holds employment and does not depend on the family for livelihood;

(2) holds an undergraduate university degree and attends an educational institution;

(3) met his or her own needs and did not reside with the family for at least 2 years, excluding any period of full-time attendance in an educational institution;

(4) held remunerated employment on a full-time basis or received, in respect of such employment, benefits under the Employment Insurance Act (S.C. 1996, c. 23), for at least 2 years;

(5) is or was married;

(6) lives or lived with another person in a de facto union and cohabits or cohabited at a given time with that person for at least 1 year;

(7) is or was the father or mother or parent of a child;

(8) has been pregnant for at least 20 weeks; or

(9) the child’s father or mother or parent cannot be found or they refuse to meet the child’s needs or the child is in the custody of a person referred to in section 2 who cannot be found or refuses to meet the child’s needs, as the case may be.”

3. Section 6.1 is amended by striking out the second paragraph.

4. Section 7 is replaced by the following:

“**7.** Notwithstanding section 6.1, the financial eligibility of an applicant is determined not taking into consideration the income and assets of the applicant’s spouse where

(1) they have opposed interests in a case or recourse; or

(2) the applicant files an application for legal aid for the benefit of a minor child of whom the applicant has custody as the father or mother or parent or as a person referred to in section 2, as the case may be.”

5. Section 39 is amended by replacing the first paragraph by the following:

“Once the legal aid services rendered to a minor child are completed, the father and mother or parents of that child or the person referred to in section 2, as the case may be, must repay to the legal aid centre, upon request, all the costs of the legal aid obtained by the child, without exceeding the contribution that would be exigible from them under Division III. Where such repayment is incumbent upon the father and mother or parents, they are jointly responsible for making it.”

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

106104

Draft Regulation

Code of Civil Procedure
(chapter C-25.01)

Mediation of small claims — Amendment

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

The purpose of the draft Regulation is to maintain the application of certain provisions of the Regulation to amend the Regulation respecting the mediation of small claims, made by Order in Council 586-2021 dated 21 April 2021 and amended by Order in Council 1700-2022 dated 2 November 2022, that promote the use of mediation of small claims, in particular provisions respecting the number of hours of mediation and the mediator’s fee. It also sets out certain rules applicable where a mediation session is not held.

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

Further information on the draft Regulation may be obtained by contacting Mtre. Jessica Trottier, Direction du développement de l'accès à la justice, Ministère de la Justice, 1200, route de l'Église, 7^e étage, Québec (Québec) G1V 4M1; email: jessica.trottier@justice.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 Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation to amend the Regulation respecting the mediation of small claims

Code of Civil Procedure
(chapter C-25.01, arts. 556 and 570)

1. The Regulation respecting the mediation of small claims (chapter C-25.01, r. 0.6) is amended by inserting the following after section 13:

“**13.0.1.** Where a mediation session cannot be held by reason of a failure by one party, the mediator is entitled to fees for the work performed outside the sessions.”.

2. The following is inserted after section 13.1:

“**14.** A mediator who goes to a courthouse at the court's request and to whom no mediation mandate is assigned is entitled to fees equal to 1 hour of mediation.”.

3. Section 11 of the Regulation to amend the Regulation respecting the mediation of small claims, made by Order in Council 586-2021 dated 21 April 2021 and amended by Order in Council 1700-2022 dated 2 November 2022, is revoked.

4. This Regulation comes into force on 1 June 2023.

106106

