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## Part 2

# LAWS AND REGULATIONS

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9 August 2023 / Volume 155

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## Regulations and other Acts

**M.O., 2023**

**Order 5041 of the Minister of Justice dated  
28 July 2023**

Act respecting the Ministère de la Justice  
(chapter M-19)

Extension of measures for ensuring the proper  
administration of justice

THE MINISTER OF JUSTICE,

CONSIDERING section 5.1 of the Act respecting the Ministère de la Justice (chapter M-19), which provides that, in a state of emergency declared by the Government or in a situation where it is impossible in fact to comply with the rules of the Code of Civil Procedure (chapter C-25.01) or of the Code of Penal Procedure (chapter C-25.1), the Minister of Justice may, if necessary for the proper administration of justice, amend any rule of procedure, introduce a new one or provide for any other measure;

CONSIDERING that section 5.1 of the Act provides that the measures are to be published in the *Gazette officielle du Québec*, may take effect on the date on which the state of emergency is declared or the situation occurs or on any later date specified in the measures, and are applicable for the period determined by the Minister of Justice, which may not exceed one year after the end of the state of emergency or of the situation;

CONSIDERING that section 5.1 of the Act provides that the Minister of Justice may, each year for five years, extend the period before it expires if necessary for the proper administration of justice;

CONSIDERING that section 5.1 of the Act provides that, before extending the measures, the Minister must take into consideration their effects on the rights of individuals, obtain the agreement of the Chief Justice of Québec and the Chief Justice of the Superior Court or the Chief Judge of the Court of Québec, according to their jurisdiction, and take into consideration the opinion of the Barreau du Québec and, if applicable, the Chambre des notaires du Québec or the Chambre des huissiers de justice du Québec;

CONSIDERING section 27 of the Regulations Act (chapter R-18.1), which provides that a regulation may take effect before the date of its publication in the *Gazette officielle du Québec* where the Act under which it is made or approved expressly provides therefor;

CONSIDERING that Order 2020-4304 dated 31 August 2020 provides for measures for ensuring the proper administration of justice amid the COVID-19 pandemic situation;

CONSIDERING that Order 2021-4556 dated 20 August 2021 provides that the effective period of the measures provided for in the first five paragraphs of the operative part of Order 2020-4304 dated 31 August 2020 is extended by one year, that is, from 1 September 2021 to 31 August 2022;

CONSIDERING that Order 4841 dated 24 August 2022 provides that the effective period of the measures provided for in the first five paragraphs of the operative part of Order 2020-4304 dated 31 August 2020 is extended for one more year, that is, from 1 September 2022 to 31 August 2023;

CONSIDERING that the proper administration of justice requires the extension of the measures provided for in the second, third, fourth and fifth paragraphs of the operative part of Order 2020-4304 dated 31 August 2020, in particular to ensure the continuity of notarial services;

CONSIDERING that those measures have and continue to have a beneficial effect on the rights of individuals;

CONSIDERING that the Chief Justice of Québec, the Chief Justice of the Superior Court and the Chief Judge of the Court of Québec have given their agreement on the extension of the measures provided for in this Order;

CONSIDERING that the Barreau du Québec and the Chambre des notaires du Québec have been consulted and their opinion has been taken into consideration;

## ORDERS AS FOLLOWS:

THAT the effective period of the measures provided for in the second, third, fourth and fifth paragraphs of the operative part of Order 2020-4304 dated 31 August 2020 be extended for one more year, that is, from 1 September 2023 to 31 August 2024.

Québec, 28 July 2023

SIMON JOLIN-BARRETTE  
*Minister of Justice*

106410

## Draft Regulations

### Draft Regulation

Education Act  
(chapter I-13.3)

#### Basic school regulation for preschool, elementary and secondary education — 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 Basic school regulation for preschool, elementary and secondary education, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation provides that a mark of at least 50% must be obtained in each competency for French as the language of instruction at the Secondary V level.

The draft Regulation has 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 Christine Di Loreto, Ministère de l'Éducation, Direction des encadrements pédagogiques et scolaires, 600, rue Fullum, 10<sup>e</sup> étage, Montréal (Québec) H2K 4L1; email: DEPS@education.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nancy-Sonia Trudelle, Secretary General, Ministère de l'Éducation, 1035, rue De La Chevrotière, 15<sup>e</sup> étage, Québec (Québec), G1R 5A5; email: secretariat-MEQ@education.gouv.qc.ca.

BERNARD DRAINVILLE  
*Minister of Education*

### Regulation to amend the Basic school regulation for preschool, elementary and secondary education

Education Act  
(chapter I-13.3, s. 447, 1st par. and 3rd par., subpar. 4)

**1.** The Basic school regulation for preschool, elementary and secondary education (I-13.3, r. 8) is amended in section 34 by adding the following paragraph:

“In addition to what is provided for in the first paragraph, a mark of at least 50% must be obtained in each competency for French, language of instruction at the Secondary V level.”

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

106400

### Draft Regulation

Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

#### Costs exigible by the Commission de la construction du Québec — 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 certain costs exigible by the Commission de la construction du Québec, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation provides that construction employers may pay costs exigible by electronic payment. The measure applies to the registration of an employer and the designation of a new representative.

The draft Regulation also contains an amendment to concord with the draft Regulation to amend the Regulation respecting the register, monthly report, notices from employers and the designation of a representative (chapter R-20, r. 11) that will be published on the same date in the *Gazette officielle du Québec*.

The draft Regulation only impacts enterprises that operate in the construction industry. It decreases the administrative burden of such enterprises by facilitating the payment of the services concerned without creating additional costs.

Further information on the draft Regulation may be obtained by contacting Diane Lemieux, Chair of the Board of Directors and Director General, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Diane Lemieux at the above contact information. The comments will be forwarded by the Commission to the Minister of Labour.

JEAN BOULET  
*Minister of Labour*

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### **Regulation to amend the Regulation respecting certain costs exigible by the Commission de la construction du Québec**

Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123, 1st par., subpar. 8.1)

- 1.** The Regulation respecting certain costs exigible by the Commission de la construction du Québec (chapter R-20, r. 2) is amended in section 2 by striking out “of the second paragraph”.
- 2.** Section 3 is revoked.
- 3.** Section 4 is replaced by the following:  
  
“4. Payment of the costs provided for in sections 1 and 2 must be made by a mode of payment authorized by the Commission and accompany the notice or the new designation.”
- 4.** Section 5 is amended by replacing “1 to 3” by “1 and 2”.
- 5.** This Regulation comes into force on 5 August 2024.

106405

### **Draft Regulation**

Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

#### **Monthly report, employer registration, designated representative and inactivity report of construction contractors — 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 register, monthly report, notices from employers and the designation of a representative, appearing below, may be submitted to the Government, which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation modernizes the method of sending the monthly report, the employer registration and the designation of a representative so that those administrative requirements of employers may be completed electronically. It also simplifies or specifies the information needed in that documentation and in the register that must be kept by an employer, to which are added new terms and conditions surrounding the declaration of the hours worked by the designated representative.

The draft Regulation also modernizes the requirements related to the employer’s inactivity report. Employers must re-register only if they have not sent, during 24 consecutive monthly periods, their monthly report or notice of inactivity, with the sums exigible.

The draft Regulation only impacts enterprises that operate in the construction industry. It allows such enterprises to decrease their administrative burden, increase their flexibility and reduce the imposed irritants without creating additional costs, as well as benefit from indirect recurring savings by limiting the time spent on managing those administrative formalities.

Further information on the draft Regulation may be obtained by contacting Diane Lemieux, Chair of the Board of Directors and Director General, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.



Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Diane Lemieux at the above contact information. The comments will be forwarded by the Commission to the Minister of Labour.

JEAN BOULET  
*Minister of Labour*

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## **Regulation to amend the Regulation respecting the register, monthly report, notices from employers and the designation of a representative**

Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 82., subpars. (a), (b) and (h))

**1.** The Regulation respecting the register, monthly report, notices from employers and the designation of a representative (chapter R-20, r. 11) is amended in section 1

(1) by inserting “within the meaning of the Act” after “Every employer”;

(2) by striking out “, which will assign the employer an identification number for administrative purposes”.

**2.** Section 2 is amended

(1) by replacing “the address of the person’s domicile” in subparagraph 2 of the first paragraph by “contact information”;

(2) by replacing “addresses of its directors” in subparagraph 3 of the first paragraph by “contact information of its directors, and any other such information requested for other persons in authority declared under the Act respecting the legal publicity of enterprises (chapter P-44.1).”;

(3) by replacing “addresses of its partners” in subparagraph 4 of the first paragraph by “contact information of its partners, and any other such information requested for other persons in authority declared under the Act respecting the legal publicity of enterprises (chapter P-44.1).”;

(4) by inserting “its contact information, including” before “the address of the employer’s head office” in subparagraph 5 of the first paragraph and by replacing “and the address” by “and those”;

(5) by replacing subparagraph 6 of the first paragraph by “the location and contact information where the register provided for in section 8 may be examined.”;

(6) by striking out subparagraphs 8 and 10 of the first paragraph;

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

“The employer must modify its registration within (30) days of any change to the information mentioned in the first paragraph. Modifications to contact information must be made before the change takes place.

Subject to the foregoing, any update to information in the enterprise register under the Act respecting the legal publicity of enterprises (chapter P-44.1) and to the licence holder’s repertory under the Building Act (chapter B-1.1) is presumed to modify the corresponding information in the employer’s registration. The information mentioned in the first paragraph must match the same information provided for in the enterprise register and the licence holder’s repertory.”

**3.** Section 4 is replaced by the following:

“(4) An employer must register again, before carrying out construction work subject to the Act, if

(i) the employer notified the Commission that it will no longer act as employer; or

(ii) the employer did not send the Commission its monthly report or, as the case may be, the notice of inactivity, and the sums exigible, in accordance with the conditions and within the deadline provided for in this Regulation, during 24 consecutive monthly periods of work.”

**4.** Section 6 is amended in the first paragraph

(1) by inserting “with a written notice to the Commission” after “designate a representative”;

(2) by replacing subparagraph 1 by the following:

“(1) it must be registered with the Commission as an employer.”;

(3) by replacing “and domicile of its lone representative” in subparagraph 2 by “, contact information of the representative”;

(4) by striking out “or, where applicable, has applied, no later than the date on which the Commission receives the designation, for an apprentice competency certificate in accordance with paragraph 4 of section 2 of the Regulation respecting the issuance of competency certificates (chapter R-20, r. 5), or for an occupation competency certificate in accordance with paragraph 2 of section 4 of that Regulation” in subparagraph 4.

**5.** Section 7 is amended

(1) by striking out the first paragraph;

(2) by striking out “and in the first paragraph of this section” in the second paragraph;

(3) by inserting “also” before “accompanied” in the third paragraph.

**6.** Section 8 is amended in the first paragraph

(1) by inserting “, his designated representative and if he is acting as an independent contractor” after “for himself”;

(2) by replacing “address and” in subparagraph 1 by “address of domicile and identification number or”;

(3) by replacing “the employees” in subparagraph 3 by “they”;

(4) by replacing subparagraph 4 by the following:

“(4) the nature of the work, the sector, the type of job site and its location;”.

**7.** Sections 9 and 10 are revoked.

**8.** Section 11 is amended

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

“Every employer must send to the Commission a monthly report giving the necessary information allowing to identify each of its employees and indicating, for each monthly period of work and for each employee, their competency, including, as the case may be, the apprenticeship period, the regular and extra hours done each week, including the presentation hours, as the case may be, the number of weeks of work, the nature of such work, the region and the sector in which the work was performed, the wage paid, the paid holidays, the levy and the applicable contributions, assessments and dues. The independent contractor must indicate that information concerning the hours the contractor worked himself. The

employer must also identify, in the monthly report, for itself and its designated representative, where applicable, his competency, the number of work hours, the nature of such work and the sector in which the work was performed and also, as the case may be, the apprenticeship period.”.

(2) by striking out the second paragraph.

**9.** The Regulation is amended by revoking section 11.1.

**10.** Section 12 is amended by replacing the second paragraph by the following:

“If the employer does not cause any work to be performed by an employee or as an independent contractor during a monthly period of work, the employer must send a notice of inactivity to the Commission.”.

**11.** Section 13 is amended

(1) by inserting “by a mode of payment authorized by the Commission,” after “pay” in the first paragraph;

(2) in the French text by inserting a comma after the words “l’article 12” in the first paragraph;

(3) by replacing subparagraph 4 by the following:

“(4) the employer contributions referred to in section 40 of the Act;”;

(4) by replacing subparagraph 5 by the following:

“(5) contributions to the Compensation Fund for Employees in the Construction Industry;”;

(5) by replacing subparagraphs 7 to 8.1 by the following:

“(7) contributions to the qualification fund;

(8) contributions to the Training Fund for Employees in the Construction Industry;

(8.1) sector-based contributions;”.

**12.** The Regulation is amended by inserting the following after section 13:

“(13.1) The sending of a written notice for the registration of the employer, the designation of a representative or any modification by the employer to his registration or the designation, as well as a new designation, are done by means of the online services of the Commission, by using the prescribed form, as the case may be.

The sending of the monthly report, as well as a modification of that report and the sending of a notice of inactivity are done by means of the online services of the Commission or through any means adapted to the technological environment of the Commission. The receipt of such a document by the Commission is acknowledged by a notice to that effect to the employer.”

**13.** This Regulation comes into force on 5 August 2024.

106407

