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## Part 2

# LAWS AND REGULATIONS

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8 November 2023 / Volume 155

### **Summary**

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Regulations and other Acts  
Draft Regulations

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

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## Regulations and other Acts

Gouvernement du Québec

### O.C. 1544-2023, 25 October 2023

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)

#### Confidentiality policies of public bodies that collect personal information through technological means

Regulation respecting the confidentiality policies of public bodies that collect personal information through technological means

WHEREAS, under the first paragraph of section 63.4 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), a public body that collects personal information through technological means must publish on its website a confidentiality policy drafted in clear and simple language and disseminate it by any appropriate means to reach the persons concerned; it must do the same for the notice required for any amendment to such a policy;

WHEREAS, under the second paragraph of that section, a government regulation may determine the content and terms of the policy and the notice;

WHEREAS, under subparagraph 6 of the first paragraph of section 155 of the Act, the Government may make regulations determining the content and terms of the policy provided for in section 63.4 of the Act;

WHEREAS, in accordance with section 156 of the Act, the Minister Responsible for Access to Information and the Protection of Personal Information obtained the opinion of the Commission d'accès à l'information on 14 April 2023;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the confidentiality policies of public bodies that collect personal information through technological means was published in Part 2 of the *Gazette officielle du Québec* of 12 July 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Access to Information and the Protection of Personal Information:

THAT the Regulation respecting the confidentiality policies of public bodies that collect personal information through technological means, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

#### Regulation respecting the confidentiality policies of public bodies that collect personal information through technological means

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1, s. 63.4, 2nd par., and s. 155, 1st par., subpar. 6)

#### DIVISION I SCOPE AND DEFINITION

**1.** This Regulation applies to a public body referred to in section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

It also applies to professional orders, to the extent provided for by the Professional Code (chapter C-26).

For the purposes of this Regulation, the expression “public body” includes a professional order.

#### DIVISION II CONFIDENTIALITY POLICY

**2.** A confidentiality policy referred to in section 63.4 of the Act must contain at least

(1) the name of the public body that collects the personal information and, where the information is collected by a third person on behalf of the public body, the name of that third person;

- (2) a description of the collected personal information;
- (3) the purposes for which the personal information is collected;
- (4) the categories of persons who, within the public body, have access to the personal information;
- (5) the means by which the personal information is collected;
- (6) if applicable, a description of the measures that may be taken to refuse the collection of personal information and the potential consequences of that refusal;
- (7) if applicable, a mention regarding the technological means available so that the person concerned by the personal information may consult or correct that information;
- (8) a mention regarding the rights of access and correction provided for by the Act, as well as the name of the person in charge of the protection of personal information at the public body and the contact information to communicate with that person;
- (9) if applicable, the name of the third persons or categories of third persons to whom it is necessary to release personal information for the purposes referred to in paragraph 3, and specifying that information or categories of information and those purposes;
- (10) if applicable, a mention as to the possibility that the personal information may be released outside Québec;
- (11) a brief description of the measures taken to ensure the confidentiality and security of personal information;
- (12) a mention of the right of the person concerned by the personal information to pursue the process for dealing with complaints regarding the protection of personal information provided for in the governance rules of the public body with respect to personal information, published under section 63.3 of the Act;
- (13) the contact information of the person, the concerned body or an administrative unit of that body to which questions regarding the confidentiality policy may be addressed;
- (14) the date of coming into force of the confidentiality policy and its most recent update, if applicable.

**3.** Certain public bodies may have a common confidentiality policy insofar as they are jointly collecting personal information.

Certain public bodies may also have a common confidentiality policy insofar as a public body collects personal information on behalf of other public bodies.

### **DIVISION III** NOTICE OF AMENDMENT

**4.** A confidentiality policy may not be amended before the expiry of a period of 15 days from the date of publication of a notice of amendment of that policy or, if applicable, before the expiry of a shorter period mentioned in that notice of amendment. The notice must

- (1) indicate the date of its publication;
- (2) indicate the general purpose of the amendments made to the confidentiality policy, which must be specified in a section dedicated to the policy on the website of the public body;
- (3) indicate the date of coming into force of the amendments;
- (4) where the notice mentions a period shorter than the period of 15 days, indicate the reasons for which the policy must be amended in that shorter period.

### **DIVISION IV** PROVISIONS COMMON TO A CONFIDENTIALITY POLICY AND A NOTICE OF AMENDMENT

**5.** Before being published, a confidentiality policy must be the subject of a consultation with the committee on access to information and the protection of personal information referred to in section 8.1 of the Act.

The same applies to any notice of amendment concerning a significant amendment to a policy.

**6.** A confidentiality policy and a notice of amendment must be published in a section dedicated to the policy on the website of the public body.

The most recent former version of the policy and the corresponding notice of amendment, if applicable, must also be published in that section. The public body must ensure that the former version of the policy is not mistaken for the version that is in force.

**7.** When personal information is collected by technological means, the confidentiality policy concerning that personal information and, if applicable, the notice of amendment of that policy must be brought to the attention of the person concerned by that information.

**DIVISION V**  
**FINAL**

**8.** This Regulation comes into force on 1 January 2024.

106529

Gouvernement du Québec

**O.C. 1570-2023, 25 October 2023**

Québec Immigration Act  
(chapter I-0.2.1)

**Québec Immigration**  
**— Amendment**

Regulation to amend the Québec Immigration Regulation

WHEREAS, under section 9 of the Québec Immigration Act (chapter I-0.2.1), for each class of foreign nationals wishing to stay temporarily or settle permanently in Québec, the Government may, by regulation, determine immigration programs and, for each program, the selection conditions and any selection criteria applicable to foreign nationals;

WHEREAS, under section 12 of the Act, a foreign national who belongs to one of the classes listed in section 6 of the Act must be selected by the Minister of Immigration, Francization and Integration by obtaining the Minister's consent to the foreign national's stay and such consent is required, unless the foreign national is covered by an exemption provided for by government regulation;

WHEREAS, under the first paragraph of section 15 of the Act, the Government may, by regulation, determine the conditions an employer wishing to hire a foreign national who wishes to stay temporarily in Québec must comply with and may, in particular, determine the cases in which an employer must obtain a positive assessment from the Minister as to the employment offer's impact on Québec's labour market before hiring such a foreign national and the conditions the employer must meet to obtain such an assessment;

WHEREAS, under the second paragraph of section 22 of the Act, the Government determines, by regulation, which persons or groups of persons may file a sponsorship undertaking application with the Minister and the applicable conditions;

WHEREAS, under section 23 of the Act, an undertaking is entered into according to the terms and for the time prescribed by government regulation;

WHEREAS, under section 26 of the Act, the Government may, by regulation, determine that achieving a score obtained by applying a selection grid is one of the selection conditions referred to in section 9 of the Act and such a grid may include selection factors and criteria such as training, work experience and knowledge of French;

WHEREAS, under the first paragraph of section 29 of the Act, the Government may, by regulation, determine the conditions an employer wishing to hire a foreign national who wishes to settle permanently in Québec or a permanent resident who has already settled in Québec must comply with and it may, in particular, determine the cases in which an employer may, in order to facilitate a foreign national's selection for permanent immigration, file an application with the Minister for the validation of the employment offer and the conditions the employer must meet to obtain such validation;

WHEREAS, under the first paragraph of section 30 of the Act, subject to section 31 of the Act, the conditions applicable to a person who or a partnership that participates in the management of an investment or of a deposit of a sum of money by a person who files an application in the economic class are determined by government regulation;

WHEREAS, under the second paragraph of section 30 of the Act, the Government also determines, by regulation, conditions relating to the investment, deposit, management and disposition of the sums invested or deposited, including their reimbursement and confiscation;

WHEREAS, under the first paragraph of section 38 of the Act, despite section 19 of the Act and in the cases determined by government regulation, the Minister may select for permanent immigration a foreign national who does not meet a condition or selection criterion applicable to him or her if, after examining the application, the Minister is of the opinion that the foreign national can successfully settle in Québec;

WHEREAS, under paragraph 3 of section 56 of the Act, the Minister may refuse to examine a person's application in any other case provided for by government regulation;

WHEREAS, under the paragraph 6 of section 57 of the Act, the Minister may reject a person's application in any other case provided for by government regulation;

WHEREAS, under section 82 of the Act, the Government may, by regulation, determine the cases in which an applicant is exempted from paying the fees required for the examination of an application referred to in sections 73 to 78 of the Act;

WHEREAS, under section 106 of the Act, a regulation made under the Act may apply to an application according to the date on which it was filed or to the application examination stage and may apply to an expression of interest according to the date on which it was submitted;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Québec Immigration Regulation was published in Part 2 of the *Gazette officielle du Québec* of 7 June 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Immigration, Francization and Integration:

THAT the Regulation to amend the Québec Immigration Regulation, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

## Regulation to amend the Québec Immigration Regulation

Québec Immigration Act  
(chapter I-0.2.1, ss. 9, 12, 15, 1st par., s. 22, 2nd par., ss. 23, 26, 29, 1st par., ss. 30, 38, 1st par., s. 56, par. 3, s. 57, par. 6, ss. 82 and 106)

**1.** The Québec Immigration Regulation (chapter I-0.2.1, r. 3) is amended in section 1

(1) by striking out the definitions “enterprise accelerator”, “enterprise incubator”, “investment dealer”, “Québec diploma”, “trust company” and “university entrepreneurship centre”;

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

““contributed capital” has the meaning assigned to it by section 19 of the Insurers Act (chapter A-32.1); (*capital d’apport*)

““control” means legal or de facto control, exercised directly or indirectly, in any manner whatsoever; (*contrôle*)

““organization specialized in entrepreneurial acquisition” means an organization having an establishment in Québec and whose principal activity consists in providing support services – in particular training and mentoring – and brokerage for the transfer of enterprises; (*organisme spécialisé en entrepreneuriat*);

““organization specialized in innovation” means an organization having an establishment in Québec and whose principal activity consists in providing support services – in particular training, mentoring or seeking funding – to persons whose business project covers the start-up or growth of an innovative enterprise; (*organisme spécialisé en innovation*);

““profession” means an occupation corresponding to a unit group within the meaning of the National Occupational Classification, unless the context indicates otherwise;

““TEER category” means the “training, education, experience and responsibilities” category within the meaning of the National Occupational Classification; (*catégorie FEER*)”;

(3) in the definition of “educational institution”

(a) by adding “Québec” before “educational institution” in the portion before paragraph 1;

(b) by replacing “an educational institution at the university level referred to in section 1” in paragraph 6 by “an institution, a legal person or a body referred to in section 2”;

(4) by replacing “a financial services cooperative within the meaning of the Act respecting financial services cooperatives (chapter C-67.3)” in the definition of “financial institution” by “a deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2)”.

**2.** Section 4 is amended by adding “that is not with an enterprise on which the foreign national exercises control or in an inadmissible sector referred to in section 1 or 2 of Schedule E” at the end.

**3.** Section 10 is amended by replacing “an educational institution” by “a Québec educational institution”.

**4.** Section 11 is amended by replacing “an educational institution” in subparagraph 1 of the first paragraph by “a Québec educational institution”.



**5.** Section 20 is amended

(1) by replacing paragraph 4 by the following:

“(4) a foreign national who comes to study and is authorized to do so without a study permit;”;

(2) by replacing “child of preschool age accompanying the holder of parental authority staying in Québec as temporary foreign worker, international student or to receive medical treatment” in paragraph 8 by “preschool child”;

(3) by striking out paragraphs 9 and 13.

**6.** Section 24 is amended by replacing “regular skilled worker” in paragraph 1 by “skilled worker selection”.**7.** The following is inserted after section 24:

“**24.0.1.** Where a foreign national belonging to the economic class files an application for selection for permanent immigration to add or remove a family member, the Minister examines the application based on the selection conditions in force and the facts at the time of the decision rendered after the first application, as regards the foreign national and family members already selected under that first application.

In the case of the addition or removal of a spouse or de facto spouse, the Minister examines the application based on the facts at the time of the examination as regards any condition related to net assets.”.

**8.** Section 25 is amended by replacing the words “regular skilled worker” wherever they appear by the words “skilled worker selection”.**9.** Section 31 is replaced by the following:

“**31.** A skilled worker is a foreign national at least 18 years of age who settles in Québec to hold employment that

(1) is not on behalf of an enterprise on which the foreign national exercises control;

(2) is not in an inadmissible sector referred to in section 1 or 2 of Schedule E; and

(3) the foreign national is likely able to hold.”.

**10.** The heading before section 32 is amended by replacing “Regular skilled worker” by “Skilled worker selection”.**11.** Sections 32 and 32.1 are replaced by the following:**§§§I. General**

**32.** The Minister selects a foreign national under the skilled worker selection program if the foreign national meets the general selection conditions for the program and the selection conditions for one of its 4 components:

(1) High qualification and specialized skills;

(2) Intermediate and manual skills;

(3) Regulated professions;

(4) Exceptional talent.

**32.1.** The general selection conditions for the program are as follows:

(1) if applicable, meet the criteria of the invitation to file an application;

(2) if applicable, have complied with any condition for the return to the country imposed by a bursary for studying in Québec;

(3) undertake, for 3 months from the date the foreign national obtains the status of permanent resident, to provide for his or her basic needs, those of accompanying family members and those of his or her dependent children who are Canadian citizens, and to have for that purpose financial resources at least equal to the amount required according to the scale in Schedule C.

**32.2.** For the purposes of the program,

(1) the profession of the foreign national is the profession that the foreign national intends to exercise in connection with the employment referred to in section 31 and that the foreign national has designated as main profession in the expression of interest to settle in Québec; and

(2) a work experience, training period or the practice of a profession in Québec in an inadmissible sector referred to in section 1 or 2 of Schedule E is not valid.

**§§§II. Component 1: High qualification and specialized skills**

**32.3.** The selection conditions for component 1, High qualification and specialized skills, are as follows:

(1) have a TEER category 0, 1 or 2 profession that does not require an authorization to be practised in Québec or that the foreign national intends to practise in Québec in a context where such an authorization is not required;

(2) have work experience in the profession for a period of at least 1 year acquired in the 5 years preceding the date of filing of the application;

(3) be the holder of a diploma obtained prior to the date of filing of the application and corresponding at least, in Québec, to a university diploma, a diploma of college studies in a technical program, a vocational training diploma, an attestation of vocational specialization, an attestation of college studies or a vocational training diploma with an attestation of vocational specialization;

(4) have an oral knowledge of French at level 7 or above and written knowledge of French at level 5 or above according to the *Échelle québécoise des niveaux de compétence en français*;

(5) if a spouse or de facto spouse is included in the application, he or she has an oral knowledge of French at level 4 or above according to the *Échelle québécoise des niveaux de compétence en français*.

**32.4.** For computing the period required by paragraph 2 of section 32.3, a training period completed by the foreign national in his or her profession as part of a program of studies attested to by a diploma in the 5 years preceding the date of filing of the application is considered to be work experience that meets the requirements of that paragraph.

The computed period for such training periods may not exceed 3 months.

**32.5.** For the purposes of paragraph 3 of section 32.3,

(1) a university diploma must attest to at least 30 credits if it is issued by a Québec educational institution or at least 1 year of full-time studies in other cases;

(2) a vocational training diploma, an attestation of vocational specialization and an attestation of college studies must attest to at least 900 hours if they are issued by a Québec educational institution or at least 1 year of full-time studies in other cases;

(3) a vocational training diploma with an attestation of vocational specialization must cumulatively attest to at least 900 hours, lead to a specific trade and be issued by a Québec educational institution.

### §§§III. Component 2: Intermediate and manual skills

**32.6.** The selection conditions for component 2, Intermediate and manual skills, are as follows:

(1) have a TEER category 3, 4 or 5 profession that does not require an authorization to be practised in Québec or that the foreign national intends to practise in Québec in a context where such an authorization is not required;

(2) have work experience in the profession for a period of at least 2 years including at least 1 year in Québec acquired in the 5 years preceding the date of filing of the application;

(3) be the holder of a diploma obtained prior to the date of filing of the application and corresponding at least, in Québec, to a secondary school diploma, a vocational training diploma, an attestation of vocational specialization or an attestation of college studies;

(4) have an oral knowledge of French at level 5 or above according to the *Échelle québécoise des niveaux de compétence en français*;

(5) if a spouse or de facto spouse is included in the application, he or she has an oral knowledge of French at level 4 or above according to the *Échelle québécoise des niveaux de compétence en français*.

**32.7.** For computing the period of 1 year in Québec required by paragraph 2 of section 32.6, a training period completed in Québec by the foreign national in his or her profession as part of a program of studies attested to by a diploma in the 5 years preceding the date of filing of the application is considered to be work experience that meets the requirements of that paragraph.

**32.8.** For computing the period required by paragraph 2 of section 32.6 other than the period of 1 year in Québec, the following is considered to be work experience that meets the requirements of that paragraph:

(1) work experience acquired outside Québec in a profession that is part of the same broad occupational category, within the meaning of the National Occupational Classification, as the foreign national's profession;

(2) a training period completed by the foreign national in his or her profession as part of a program of studies attested to by a diploma.

**32.9.** The computed period for the training periods referred to in sections 32.7 and 32.8 may not exceed 3 months.

**32.10.** For the purposes of paragraph 3 of section 32.6,

(1) a vocational training diploma that is not issued by a Québec educational institution must attest to at least 1 year of full-time studies;

(2) an attestation of vocational specialization must attest to at least 600 hours if it is issued by a Québec educational institution or at least 1 year of full-time studies in other cases;

(3) an attestation of college studies must attest to at least 900 hours if it is issued by a Québec educational institution or at least 1 year of full-time studies in other cases.

**§§§IV. Component 3: Regulated professions**

**32.11.** The selection conditions for component 3, Regulated professions, are as follows:

(1) have a profession on the list of regulated professions drawn up by the Minister;

(2) meet one of the following requirements:

(a) be authorized to practise the profession in Québec;

(b) have training or a diploma that is partially or fully recognized by the regulatory body of that profession in Québec, dated not more than 5 years on the date of filing of the application;

(3) when the profession is a TEER category 0, 1 or 2, have an oral knowledge of French at level 7 or above and a written knowledge of French at level 5 or above according to the *Échelle québécoise des niveaux de compétence en français*;

(4) when the profession is a TEER category 3, 4 or 5, have an oral knowledge of French at level 5 or above according to the *Échelle québécoise des niveaux de compétence en français*;

(5) if a spouse or de facto spouse is included in the application, he or she has an oral knowledge of French at level 4 or above according to the *Échelle québécoise des niveaux de compétence en français*.

**32.12.** For the purposes of section 31, the fact that a foreign national filing an application under this component is not authorized to practise the profession in Québec is not taken into account.

**§§§V. Component 4: Exceptional talent**

**32.13.** The selection conditions for component 4, Exceptional talent, are as follows:

(1) be clearly outstanding in his or her profession through exceptional expertise likely to contribute to Québec's prosperity;

(2) have recognized accomplishments connected with that expertise;

(3) have practised the profession as a main profession for a period of at least 3 years in the 5 years preceding the date of filing of the application.

**32.14.** For computing the period required by paragraph 3 of section 32.13, a training period completed by the foreign national in his or her profession, as part of a program of study attested to by a diploma, in the 5 years preceding the date of filing of the application is considered to be the practice of the profession that meets the requirements of that paragraph.

The computed period for such training periods may not exceed 3 months.?"

**12.** Sections 33, 34 and 35 are replaced by the following:

**“§§§I. General**

**33.** The Minister selects a foreign national under the Québec experience program if the foreign national meets the general selection conditions of the program and those of either of its components:

(1) Québec graduate;

(2) Temporary foreign worker.

**33.1.** The general selection conditions of the program are the following:

(1) have an oral knowledge of French at level 7 or above according to the *Échelle québécoise des niveaux de compétence en français*;

(2) if a spouse or de facto spouse is included in the application, he or she has an oral knowledge of French at level 4 or above according to the *Échelle québécoise des niveaux de compétence en français*;

(3) undertake, for 3 months from the date the foreign national obtains the status of permanent resident, to provide for his or her basic needs, those of accompanying family members and those of his or her dependent children who are Canadian citizens, and to have for that purpose financial resources at least equal to the amount required according to the scale in Schedule C.

### §§§II. Québec graduate component

34. The selection conditions of the Québec graduate component are the following:

- (1) stay in Québec;
- (2) in the 3 years preceding the filing of the application, have obtained from a Québec educational institution a university diploma attesting to a bachelor's degree, a master's degree or a doctorate, a diploma of college studies in a technical program, a vocational diploma attesting to at least 1,800 hours or a vocational diploma followed by an attestation of vocational specialization cumulatively attesting to at least 1,800 hours and leading to a specific trade;
- (3) have stayed in Québec for the main purpose of studying and for at least half the duration of his or her program or programs attested to by the diploma and, where applicable, by the attestation referred to in paragraph 2;
- (4) comply with one of the following conditions:
  - (a) have completed the program or programs in French;
  - (b) have successfully completed at least 3 years of full-time studies in French at the secondary or post-secondary level;
- (5) if applicable, have complied with any condition for the return to the country imposed by a bursary for studying in Québec;
- (6) have a written knowledge of French at level 5 or above according to the *Échelle québécoise des niveaux de compétence en français*.

### §§§III. Temporary foreign worker component

35. The selection conditions of the temporary foreign worker component are the following:

- (1) stay in Québec with the main purpose of working or taking part in a youth exchange program under an international agreement entered into by Québec or Canada, or while holding a work permit issued under section 205 of the Immigration and Refugee Protection Regulations (SOR/2002-227) as accompanying spouse;

(2) actually hold full-time employment in Québec in a TEER category 0, 1, 2 or 3 profession that is not in an inadmissible sector referred to in section 1 or 2 of Schedule E or with an enterprise on which the foreign national exercises control;

(3) have held employment complying with the requirements of paragraph 2 during a period of at least 2 years in the 3 years preceding the date of filing of the application.”

**13.** Section 37 is amended by replacing paragraphs 1 to 4 by the following:

“(1) has management experience for a period of at least 2 years, acquired elsewhere than in an inadmissible sector referred to in section 1 or 2 of Schedule E, in the 5 years preceding the date of filing of the application;

(2) has, with his or her spouse or de facto spouse, if included in the application, net assets whose lawful origin must be demonstrated and at least \$2,000,000, which amount excludes donations received in the 6 months preceding the date of filing of the application;

(3) holds a diploma obtained before the date of filing of the application and corresponding minimally, in Québec, to a secondary school diploma;

(4) has an oral knowledge of French at level 7 or above according to the *Échelle québécoise des niveaux de compétence en français*;

(5) not later than 120 days after the date of the Minister's request for that purpose, makes a 5-year term investment of \$1,000,000 with IQ Immigrants Investisseurs Inc. and a financial contribution of \$200,000 to IQ Immigrants Investisseurs Inc., through a participating financial intermediary and in accordance with an investment agreement entered into with the intermediary;

(6) has been issued a work permit under paragraph c of section 204 of the Immigration and Refugee Protection Regulations (SOR/2002-227) after the date of the Minister's notice of intent to render a selection decision;

(7) in the 2 years following the date of issue of the work permit, has stayed in Québec for a period of at least 6 months and the foreign national or his or her spouse or de facto spouse included in the application has stayed in Québec for another period of at least 6 months.”

**14.** Sections 38 and 39 are replaced by the following:

“**38.** To be a participant, a financial intermediary must be a party to a participation agreement entered into with the Minister and IQ Immigrants Investisseurs Inc.

**39.** The Minister enters into the participation agreement where the financial intermediary meets the following conditions:

(1) it is a trust company authorized under the Trust Companies and Savings Companies Act (chapter S-29.02) or registered as an investment dealer in accordance with the law;

(2) its authorization to carry on trust company activities has been issued or, as the case may be, its registration as an investment dealer has been made at least 3 years before and is not suspended or attached with a condition or a restriction incompatible with its participation;

(3) it has had its head office and its executive office in Québec, including the upper management and the administration responsible for the monitoring of the annual plans and operating budgets, for at least 3 years.”

**15.** Section 40 is revoked.

**16.** Section 41 is amended by replacing “the Minister’s notice of intent to render a selection decision” in paragraph 3 by “the Minister’s request referred to in paragraph 5 of section 37”.

**17.** Section 42 is revoked.

**18.** Section 43 is amended

(1) by replacing “a subsidiary of Investissement Québec” by “IQ Immigrants Investisseurs Inc.”;

(2) by replacing “the Minister’s notice of intent to render a selection decision” by “the Minister’s request referred to in paragraph 5 of section 37”.

**19.** Section 44 is amended

(1) by replacing “unless its” in the portion before paragraph 1 by “and the financial contribution is non-refundable unless their”;

(2) by replacing paragraph 1 by the following:

“(1) the foreign national has filed his or her work permit application in the 6 months following the date of issue of the Minister’s notice of intent to render a selection decision and the application has been denied;”

(3) by replacing “obtaining” in paragraph 2 by “the foreign national obtains”;

(4) by striking out “a visa or” in paragraph 3.

**20.** The following is inserted after section 44:

“**44.1.** The Minister agrees to the reimbursement of the investment before the end of its term and of the financial contribution at the request of the interested person and, in the case of the foreign national, provided that the foreign national renounces expressly to contest the decision of cancellation or refusal justifying the reimbursement or, where applicable, the decision confirming the cancellation or refusal.

The request and, where applicable, the renunciation must be sent by the financial intermediary.”

**21.** Section 45 is replaced by the following:

“**45.** IQ Immigrants Investisseurs Inc. must reimburse the amount of the investment within 30 days following the date of expiry of the investment or of the agreement by the Minister to the reimbursement; in the latter case, the financial contribution must also be reimbursed within that prescribed time.

IQ Immigrants Investisseurs Inc. sends to the Minister a written attestation of the reimbursement within 30 days following the reimbursement.”

**22.** Section 47 is amended

(1) by replacing “to work there and who practises a profession or commercial activities” in the portion before paragraph 1 by “to practise a profession,”;

(2) by adding the following at the end:

“(6) does not practise the profession in an inadmissible sector referred to in Schedule E.”

**23.** Section 48 is amended by replacing paragraphs 1 and 2 by the following:

“(1) has work experience in his or her profession for a period of at least 2 years, acquired on the foreign national’s behalf elsewhere than in an inadmissible sector referred to in Schedule E, in the 5 years preceding the date of filing of the application;

(2) if the profession is in the list of regulated professions drawn up by the Minister, meet one of the following conditions:

(a) be authorized to practise the profession in Québec;

(b) have training or a diploma that is partially or fully recognized by the regulatory body of that profession in Québec, dated not more than 5 years on the date of filing of the application;

(3) has, with his or her spouse or de facto spouse, if included in the application, net assets whose lawful origin must be demonstrated and at least \$100,000, which amount excludes donations received in the 6 months preceding the date of filing of the application;

(4) holds a diploma obtained before the date of filing of the application and corresponding minimally, in Québec, to a secondary school diploma;

(5) has an oral knowledge of French at level 7 or above according to the *Échelle québécoise des niveaux de compétence en français*;

(6) deposits with a financial institution for start-up a minimum amount of \$50,000 where the territory in which the foreign national intends to practise the profession is situated within the territory of the Communauté métropolitaine de Montréal or \$25,000 where the territory is situated outside that territory; and

(7) undertakes, for 3 months from the date the foreign national obtains the status of permanent resident, to provide for his or her basic needs, those of accompanying family members and those of his or her dependent children who are Canadian citizens, and to have for that purpose financial resources at least equal to the amount required according to the scale in Schedule C.

The condition provided for in paragraph 2 does not apply where practising the profession in Québec does not require an authorization or the foreign national intends to practise it in Québec in a context in which such an authorization is not required. ”

**24.** Section 49 is replaced by the following:

“**§§I. General**

**49.** An entrepreneur is a foreign national at least 18 years of age who settles in Québec to operate an enterprise that is not included in an inadmissible sector referred to in Schedule E, and to wield a significant portion of the power to manage its business, as part of any of the following business projects:

- (1) Innovative enterprise;
- (2) Enterprise start-up;
- (3) Entrepreneurial acquisition.

**49.1.** The Minister selects, under the entrepreneur program, a foreign national who meets the general selection conditions of the program and those of any of the profiles of any of the business projects.

**49.2.** The general selection conditions of the program are the following:

(1) hold a diploma obtained before the date of filing of the application and corresponding minimally, in Québec, to a secondary school diploma;

(2) have an oral knowledge of French at level 7 or above according to the *Échelle québécoise des niveaux de compétence en français*;

(3) undertake, for 3 months from the date the foreign national obtains the status of permanent resident, to provide for his or her basic needs, those of accompanying family members and those of his or her dependent children who are Canadian citizens, and to have for that purpose financial resources at least equal to the amount required according to the scale in Schedule C.”

**25.** The heading before section 50 is replaced by the following:

“**§§II. Component 1: Innovative enterprise**”.

**26.** Section 50 is replaced by the following:

“**50.** The Innovative enterprise business project consists of the 2 following profiles:

- (1) Start up of an innovative enterprise;
- (2) Implementation of an innovative project.

**50.1.** The selection conditions of the Start up of an innovative enterprise profile are the following:

(1) have the intention to start up an innovative enterprise, alone or with others, including a maximum of 3 foreign nationals filing a selection application as entrepreneur;

(2) have the intention to hold, alone or with his or her spouse or de facto spouse, if included in the application, an interest in the contributed capital of the innovative enterprise corresponding to at least 10% of the value of the capital;

(3) obtain, for the purposes of the start up of the innovative enterprise, appropriate support services from an organization specialized in innovation.

**50.2.** The selection conditions of the Implementation of an innovative project profile are the following:

(1) have been staying in Québec for at least 2 years on the date of filing of the application, being authorized to work under a work permit not related to a specific

employment and issued otherwise than under section 206 of the Immigration and Refugee Protection Regulations (SOR/2002-227), or a study permit;

(2) have started up an innovative enterprise, alone or with others, including a maximum of 3 foreign nationals filing a selection application as entrepreneur;

(3) hold, alone or with his or her spouse or de facto spouse, if included in the application, an interest in the contributed capital corresponding to at least 10% of the value of the capital;

(4) have the intention to implement an innovative project as part of the operation of an innovative enterprise;

(5) obtain, for the purposes of the implementation of the innovative project, appropriate support services from an organization specialized in innovation.”

**27.** The heading before section 51 is replaced by the following:

“§§III. *Component 2: Enterprise start-up*”.

**28.** Sections 51 to 54 are replaced by the following:

“**51.** The Enterprise start-up business project consists of the 2 following profiles:

- (1) Start-up enterprise;
- (2) Started-up enterprise.

**52.** The selection conditions of the Start-up enterprise profile are the following:

(1) have experience in enterprise management for a period of at least 2 years, acquired in a sector other than an inadmissible sector referred to in section 1 or 2 of Schedule E, in the 5 years preceding the date of filing of the application;

(2) have, with his or her spouse or de facto spouse, if included in the application, net assets whose lawful origin must be demonstrated and at least \$600,000, which amount excludes donations received in the 6 months preceding the date of filing of the application;

(3) have the intention, alone or with others, including a maximum of 3 foreign nationals filing a selection application as entrepreneur, to start up an enterprise

(a) for which are planned, for a period covering not more than its first 2 years, start-up or operating expenses of a minimum value of \$300,000 where the principal

establishment is to be situated within the territory of the Communauté métropolitaine de Montréal or \$150,000 where it is to be situated outside that territory; and

(b) in which the foreign national intends to hold, alone or with his or her spouse or de facto spouse, if included in the application, an interest in the contributed capital corresponding to at least 25% of the value of the capital;

(4) have been issued a work permit under paragraph *a* of section 205 of the Immigration and Refugee Protection Regulations (SOR/2002-227) after the date of the Minister’s notice of intent to render a selection decision;

(5) at the earliest 1 year after the registration of the enterprise in accordance with the Act respecting the legal publicity of enterprises (chapter P-44.1) and not later than 2 years after the issue of the work permit,

(a) demonstrate having started up the enterprise during a stay in Québec, in accordance with paragraph 3; and

(b) demonstrate the payment of the enterprise start-up or operating expenses and hold an interest in its contributed capital in accordance with subparagraphs *a* and *b* of paragraph 3.

**53.** The selection conditions of the Started-up enterprise profile are the following:

(1) have been staying in Québec for at least 2 years on the date of filing of the application, being authorized to work under a work permit not related to a specific employment and issued otherwise than under section 206 of the Immigration and Refugee Protection Regulations (SOR/2002-227), or a study permit;

(2) have, with his or her spouse or de facto spouse, if included in the application, net assets whose lawful origin must be demonstrated and at least \$300,000, which amount excludes donations received in the 6 months preceding the date of filing of the application;

(3) have started up an enterprise, alone or with others, including a maximum of 3 foreign nationals filing a selection application as entrepreneur;

(4) hold, alone or with his or her spouse or de facto spouse, if included in the application, an interest in the contributed capital of the enterprise corresponding to at least 25% of the value of the capital;

(5) show the effectiveness of the start-up of the enterprise at the earliest 1 year after its registration in accordance with the Act respecting the legal publicity of enterprises (chapter P-44.1).

**54.** A foreign national to whom a work permit has been issued in the case referred to in paragraph 4 of section 52 cannot meet the conditions of the Started-up enterprise profile.

**§§IV. Component 3: Entrepreneurial acquisition**

**55.** The Entrepreneurial acquisition business project consists of the 2 following profiles:

- (1) Enterprise under acquisition;
- (2) Acquired enterprise.

**56.** The selection conditions of the Enterprise under acquisition profile are the following:

(1) have, with his or her spouse or de facto spouse, if included in the application, net assets whose lawful origin must be demonstrated and at least \$600,000, which amount excludes donations received in the 6 months preceding the date of filing of the application;

(2) have the intention to acquire, alone or with his or her spouse or de facto spouse, if included in the application, control of an enterprise that has been in operation for at least 5 years from one or more transferors none of whom has been selected under the entrepreneur program in the 5 years preceding the date of filing of the application or is a group whose holder of its control has thus been selected;

(3) have the intention to incur, alone or with his or her spouse or de facto spouse, if included in the application, expenses necessary for the acquisition, of a minimum value of \$300,000 where the main establishment of the enterprise in Québec is situated within the territory of the Communauté métropolitaine de Montréal or \$150,000 where it is situated outside that territory;

(4) obtain, for the purposes of the acquisition of control of the enterprise, appropriate support services from an organization specialized in entrepreneurial acquisition;

(5) make an offer to acquire the object of which complies with the requirements of paragraphs 2 and 3 not later than 2 years after the date of filing of the application.

**57.** The selection conditions of the Acquired enterprise profile are the following:

(1) have been staying in Québec for at least 2 years on the date of filing of the application, being authorized to work under a work permit not related to a specific employment and issued otherwise than under section 206 of the Immigration and Refugee Protection Regulations (SOR/2002-227), or a study permit;

(2) have, with his or her spouse or de facto spouse, if included in the application, net assets whose lawful origin must be demonstrated and at least \$300,000, which amount excludes donations received in the 6 months preceding the date of filing of the application;

(3) acquire and hold, alone or with his or her spouse or de facto spouse, if included in the application, the control of an enterprise in operation for at least 5 years from one or more transferors none of whom has been selected under the entrepreneur program in the 5 years preceding the date of filing of the application or is a group whose holder of its control has thus been selected;

(4) obtain, for the acquisition of the enterprise, appropriate support services from an organization specialized in entrepreneurial acquisition.

**57.1.** Despite section 1, “control” means direct or indirect legal control for the application of this component only.”.

**29.** Section 58 is replaced by the following:

“**58.** The Minister may select a foreign national who does not meet a selection condition or criterion applicable to the foreign national where the foreign national belongs to the economic class and is in one of the following cases:

(1) has filed an application under the skilled worker selection program, the investor program, the self-employed worker program or the entrepreneur program, has an exceptional profile or a unique expertise for Québec and, where the program so requires, demonstrates the lawful origin of the net assets he or she has with his or her spouse or de facto spouse, if included in the application;

(2) has filed an application under component 1 or 2 of the skilled worker selection program and holds a diploma required under that component;

“(3) has filed an application under component 3 of the skilled worker selection program and meets the conditions provided for in paragraphs 1 and 2 of section 32.11.”.

**30.** Section 68 is amended by inserting “, while promoting the learning of French, as well as knowledge of democratic values and the Québec values expressed by the Charter of human rights and freedoms (chapter C-12)” at the end of subparagraph 2 of the first paragraph.

**31.** The following is inserted after section 68:

“**68.1.** A sponsorship undertaking application must include a plan for the reception and integration of the foreign nationals covered by the undertaking.



The reception and integration plan must contain the following information:

(1) a summary of the means that will be used to ensure compliance with the obligations provided for in section 68 and the reception in the region of settlement;

(2) the name, contact information and role of every person taking part in the reception and integration of the foreign nationals;

(3) any other information requested by the Minister.

Despite the foregoing, if the application is filed for the family class, no plan is required in respect of foreign nationals who are under 18 years of age or over 55 years of age.”

**32.** Section 71 is amended in the French text by replacing “il” by “elle” wherever it appears.

**33.** Section 76 is amended

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

“The demonstration must be based on income from a Canadian source or property held in Canada and requires that the person has and continues to have, for the duration of the undertaking,

(1) a gross annual income to provide for his or her basic needs and those of the family members at least equal to the minimum income required, as determined in Schedule B; and

(2) the minimum amount required to provide for the sponsored person’s basic needs, as determined in Schedule D.”;

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

“Where the sponsor owns a sole proprietorship or is an associate of a partnership, only the net enterprise income is taken into consideration for the purposes of the first paragraph.”;

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

“The first paragraph does not apply where the person on whose behalf the sponsor subscribes to an undertaking is

(1) his or her spouse, de facto spouse or conjugal partner who does not have dependent children;

(2) his or her spouse, de facto spouse or conjugal partner who has a dependent child who does not have dependent children;

(3) his or her dependent child who does not have dependent children; or

(4) referred to in paragraph 5 of section 59.”

**34.** Section 77 is amended by replacing “a partnership” in the second paragraph by “is an associate of a partnership”.

**35.** Section 78 is amended by inserting “76 or” after “provided for in section”.

**36.** Section 83 is amended by replacing “92” in the second paragraph by “68.1”.

**37.** Section 84 is amended by replacing “92” in the second paragraph by “68.1”.

**38.** Section 89 is amended

(1) by adding “In addition, the group must have the minimum amount required to provide for the sponsored person’s basic needs, as determined in Schedule D.” at the end of the first paragraph;

(2) by replacing “a partnership” in the fourth paragraph by “is an associate of a partnership”;

(3) by striking out the fifth paragraph.

**39.** Section 92 is revoked.

**40.** Section 99 is amended

(1) by inserting “, in the 2 years preceding the date of the application,” in the portion before subparagraph *a* of paragraph 3 after “has been convicted”;

(2) by replacing “140 or 141” in subparagraph *f* of paragraph 3 by “140, 140.1 or 141”;

(3) by replacing “a previous temporary or permanent employment offer” in paragraph 4 by “an employment offer that was validated or had been the subject of a positive assessment as to its impact on Québec’s labour market”;

(4) by adding the following after paragraph 5:

“(6) retains the services of a recruitment agency for temporary foreign workers that does not hold a valid licence issued in accordance with the Regulation respecting personnel placement agencies and recruitment agencies for temporary foreign workers (chapter N-1.1, r. 0.1).”

**41.** Section 100 is amended

(1) in the first paragraph

(a) by striking out “permanent” in the portion before subparagraph 1;

(b) by replacing subparagraph 4 by the following:

“(4) is full time;”;

(c) by replacing “a field referred to in Part 2 of” in subparagraph 5 by “an inadmissible sector listed in sections 1 and 2”;

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

“In the case of the validation of an employment offer, the following conditions must also be met:

(1) the employment is not with an enterprise over which the foreign national exercises control;

(2) the employer has been operating an enterprise in Québec for more than 1 year;

(3) the foreign national to whom the employment offer is made meets the conditions for access to the profession listed in the National Occupational Classification to hold the employment and, where applicable, the specific conditions set out in the employment offer.”

**42.** Section 101 is amended

(1) by striking out “permanent” in the portion before paragraph 1;

(2) by striking out “or trade” in paragraph 3.

**43.** Section 102 is amended by striking out “permanent”.

**44.** Section 104 is amended by inserting “or removal” after “addition”.

**45.** The following is inserted after section 104:

“**104.1.** An employer that simultaneously files several applications for the assessment of an employment offer’s impact on Québec’s labour market is required to pay the fees provided for in section 77 of the Act as if filing a single application when the following conditions are met:

(1) the employer is registered as an agricultural operation in accordance with the Regulation respecting the registration of agricultural operations and the payment of property taxes and compensation (chapter M-14, r. 1.1);

(2) the hourly wage and scheduled start date for the employment are the same for all the employments offered;

(3) the employments offered belong to the same profession, which is one of the following professions:

(a) agricultural service contractors and farm supervisors (code 82030);

(b) contractors and supervisors, landscaping, grounds maintenance and horticulture services (code 82031);

(c) managers in agriculture (code 80020);

(d) managers in horticulture (code 80021);

(e) harvesting labourers (code 85101);

(f) livestock labourers (code 85100);

(g) nursery and greenhouse workers (code 85103);

(h) specialized livestock workers and farm machinery operators (code 84120).

The exemption applies for all the applications that meet the conditions set out in the first paragraph.”

**46.** The heading of Chapter VI is replaced by “REJECTION OF AN APPLICATION, REFUSAL TO EXAMINE AND INVALIDITY OF A DECISION”.

**47.** The following is inserted after the heading of Chapter VI:

“**104.2.** The Minister may reject the application of a foreign national in the following cases:

(1) the foreign national has not complied with a condition imposed under the Immigration and Refugee Protection Regulations (SOR/2002-227) while staying in Québec in the 5 years preceding the examination of the application;

(2) the foreign national has not complied with an obligation required under section 8, 13, 14 or 15 in the 5 years preceding the examination of the application;

(3) the foreign national files an application for selection for permanent immigration and his or her spouse or de facto spouse, included in the application, is covered in paragraph 1 or 2.

**104.3.** The Minister may refuse to examine the application of a foreign national who has already filed an application that has been rejected under section 104.2 where the non-compliance with the condition or obligation having justified such rejection dates more than 5 years.”.

**48.** The following is inserted after section 108:

“**108.1.** The decision to validate an employment offer is valid for a period of 18 months.”.

**49.** Section 111 is amended

(1) by inserting “for permanent immigration” at the end of paragraph 2;

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

“(3) the foreign national obtains a decision after an application to add or remove a family member.”.

**50.** Section 113 is amended

(1) by replacing paragraph 1 by the following:

“(1) acts as or purports to be a financial intermediary participating in the investor program without being a party to an agreement allowing the intermediary to participate in accordance with this Regulation;”;

(2) by striking out “40,” in paragraph 2.

**51.** Section 118 is amended

(1) by inserting “foreign” after “temporary” in the portion before subparagraph 1 of the first paragraph;

(2) by striking out the second paragraph.

**52.** Section 118.3 is amended by replacing “Québec experience program under section 33 of this Regulation is processed and decided under that section” by “Québec graduate component of the Québec experience program is processed and decided in accordance with section 33 of this Regulation”.

**53.** Section 118.4 is amended by replacing “Québec experience program under section 34 of this Regulation is processed and decided under that section” by “Temporary foreign worker component of the Québec experience program is processed and decided in accordance with section 34 of this Regulation”.

**54.** Section 118.5 is amended

(1) by replacing “or, as the case may be, paragraph 3 of section 34 as they read on 21 July 2020” by “as it read on 21 July 2020, which is substituted for paragraph 1 of section 33.1.”;

(2) by replacing “level 8 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent” by “more according to the *Échelle québécoise des niveaux de compétence en français*”;

(3) by striking out “in Québec”.

**55.** Section 118.6 is amended by replacing “The conditions provided for in paragraph 9 of section 33 and paragraph 5 of section 34 of this Regulation do not apply” by “The condition set out in paragraph 2 of section 33.1 of this Regulation does not apply”.

**56.** The following is inserted after section 118.7:

“**118.8.** The following applications filed under the regular skilled worker program are processed and decided in accordance with the provisions of section 1 with respect to the definition of “Québec diploma” and of sections 24, 25, 32 and 58 and Schedule A, as they read on 28 November 2024:

(1) the applications for selection for permanent immigration on an invitation by the Minister before 29 November 2024;

(2) the applications to add or remove a family member filed under that program before 29 November 2024.

However, in the case of an application filed by a foreign national referred to in section 118,

(1) those provisions of section 25 do not apply; and

(2) despite paragraph 2 of section 58, the foreign national is not required to obtain every cutoff score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2.1, r. 4) in the awarding of the points in respect of the factors and criteria in the Selection Grid for the Economic Class in Schedule A.

**118.9.** A foreign national selected for permanent immigration under the regular skilled worker program may file an application to add or remove a family member under the program. The application is processed and decided in accordance with the provisions of section 1, with respect to the definition of “Québec diploma”, and of sections 24, 25 and 58 and Schedule A, as they read on 28 November 2024.

**118.10.** Subject to this Chapter, an application for selection for permanent immigration filed under the Québec experience program before 23 November 2023 is processed and decided in accordance with section 33, 34 or 35, as they read on 22 November 2023.

For the purposes of these provisions, employment held with an enterprise on which the foreign national exercises control is not eligible.

**118.11.** The condition set out in paragraph 4 of section 34 does not apply to an application for selection for permanent immigration filed under the Québec experience program before 23 November 2024.

**118.12.** An application for selection for permanent immigration filed under the investor program before 1 January 2024 is processed and decided in accordance with the provisions of section 1, with respect to the definitions of “investment dealer” and “trust company”, and subdivision 3 of Division II of Chapter III, as they read on 31 December 2023, and, as of 29 November 2024, of Schedule A, as it read on 28 November 2024.

A foreign national who has filed such an application does business with a financial intermediary who is a party to an agreement entered into pursuant to section 39, as it read on 31 December 2023, to which the parties have agreed to extend certain effects beyond 31 December 2023, that agreement being valid only for the applications referred to in the first paragraph.

If the foreign national changes their financial intermediary, the foreign national may also do business with a participating financial intermediary in accordance with section 38.

**118.13.** An application for selection for permanent immigration filed under the self-employed worker program before 1 January 2024 is processed and decided in accordance with subdivision 4 of Division II of Chapter III as it read on 31 December 2023 and, as of 29 November 2024, with Schedule A as it read on 28 November 2024.

**118.14.** An application for selection for permanent immigration filed under the entrepreneur program before 1 January 2024 is processed and decided in accordance

with the provisions of section 1 with respect to the definitions of “enterprise accelerator”, “university entrepreneurship centre” and “enterprise incubator”, subdivision 5 of Division II of Chapter III and Schedule E, as they read on 31 December 2023, and, as of 29 November 2024, Schedule A, as it read on 28 November 2024.

**118.15.** A permanent immigration pilot program becomes, on the date of revocation, a program under which the following applications are processed and decided in accordance with its provisions, as they read on the date preceding the date of revocation:

(1) the applications filed under such a permanent immigration pilot program before the date of revocation;

(2) the applications filed by a foreign national selected under such a permanent immigration pilot program to add or remove a family member.

This Regulation applies as if such a program was covered by section 24.

**118.16.** A sponsorship undertaking application filed before 23 November 2023 is processed and decided in accordance with sections 68 and, as applicable, 83, 84 and 92, as they read on 22 November 2023.

Section 68.1 does not apply to such an application.”.

**57.** Schedule A is revoked.

**58.** The heading of Schedule B is amended by replacing “DE CEUX” in the French text by “À CEUX”.

**59.** Schedule E is replaced by the following:

**“SCHEDULE E**

(ss. 4, 31, 32.2, 35, 37, 47, 48, 49, 52, 100 and 118.14)

**INADMISSIBLE SECTORS**

- 1.** Loans on salaries, cheque cashing or pawn broking;
- 2.** Production, distribution or sale of pornographic or sexually explicit products or services related to the sex industry such as nude or erotic dancing, escort services or erotic massages;
- 3.** Real estate commerce, leasing, brokerage or development.

An employment is in an inadmissible sector when the employer operates an enterprise in that sector, whether or not the employment contributes to it. Similarly, is in an inadmissible sector a work experience, training period or

the practice of a profession in an enterprise in that sector, whether or not that work, training period or the practice of that profession contribute to it.”.

**60.** Until 29 November 2024, the Québec Immigration Regulation (chapter I-0.2.1, r. 3) is to be read as follows:

(1) in section 58 as replaced by section 29 of this Regulation,

(a) by replacing “skilled worker selection program” in paragraph 1 by “regular skilled worker program”;

(b) by replacing paragraph 2 by the following:

“(2) has filed an application under the regular skilled worker program and obtained every cutoff score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2.1, r. 4) in the awarding of the points in respect of the factors and criteria in the Selection Grid for the Economic Class in Schedule A.”;

(c) by striking out paragraph 3;

(2) by adding the following at the end of section 118:

“The requirement to obtain every cutoff score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2.1, r. 4) in the awarding of the points in respect of the factors and criteria in the Selection Grid for the Economic Class in Schedule A, provided for in paragraph 2 of section 58, does not apply to a foreign national referred to in the first paragraph.”;

(3) in Schedule A,

(a) by adding “attesting to at least 1 year of full-time studies” at the end of paragraph *b* of criteria 1.1 and 6.1;

(b) by adding the following at the end of criteria 1.1, 1.2, 6.1 and 6.2:

“The Québec secondary school vocational diploma and the Québec postsecondary school technical diploma must attest to at least 900 hours.”;

(c) by adding the following at the end of criteria 2.1:

“The experience in Québec must not have been acquired in an inadmissible sector referred to in section 1 or 2 of Schedule E.”;

(d) by striking out “des personnes immigrantes adultes or its equivalent” in the portion before paragraph *a* of criteria 4.1 and 6.5.

**61.** This Regulation comes into force on 23 November 2023, except

(1) section 1, insofar as it strikes out the definitions of “enterprise accelerator”, “university entrepreneurship centre”, “investment dealer”, “enterprise incubator” and “trust company” and inserts the definitions of “contributed capital”, “organization specialized in innovation” and “organization specialized in entrepreneurial acquisition” in section 1 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3), paragraph 4 of section 1, sections 13 to 28, section 50, and section 56 insofar as it enacts sections 118.12 to 118.14 of the Regulation, which come into force on 1 January 2024;

(2) section 12 insofar as it enacts paragraph 4 of section 34 of the Regulation and section 56 insofar as it enacts section 118.11 of the Regulation, which come into force on 23 November 2024;

(3) section 1, insofar as it strikes out the definition of “Québec diploma” in section 1 of the Regulation, sections 6, 8, 10 and 11, section 56 insofar as it enacts sections 118.8 and 118.9 of the Regulation, and section 57, which come into force on 29 November 2024.

106532

Gouvernement du Québec

## O.C. 1580-2023, 25 October 2023

Financing of the Secrétariat du bingo for the period from 1 April 2023 to 31 March 2024

WHEREAS, under section 50.0.3 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6), the Government may require an annual contribution from bingo lottery scheme licence holders for the purpose of financing the Secrétariat du bingo;

WHEREAS, under section 50.0.3 of the Act, the percentage of the contribution and the collection procedure are to be determined by the Government;

WHEREAS, for the purpose of financing the Secrétariat du bingo, it is expedient to require an annual contribution from bingo lottery scheme licence holders for the period from 1 April 2023 to 31 March 2024, and to determine the percentage of the contribution and the collection procedure;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT, for the purpose of financing the Secrétariat du bingo, the annual contribution payable by bingo lottery scheme licence holders, except the holders of a bingo hall manager's licence, for the period from 1 April 2023 to 31 March 2024, be based on a percentage of 15% applied to the annual duties payable under the Regulation respecting bingo (chapter L-6, r. 4) for the issue or maintenance of a bingo lottery scheme licence;

THAT, for the purpose of financing the Secrétariat du bingo, the annual contribution payable by the holders of a bingo hall manager's licence, for the period from 1 April 2023 to 31 March 2024, be based on a percentage of 15% applied to the total duties payable under the Regulation respecting bingo for the issue or maintenance of a bingo hall manager's licence for the period from 1 April 2022 to 31 March 2023;

THAT the collection procedure for the annual contribution for the period from 1 April 2023 to 31 March 2024 be as follows:

—the annual contribution must be paid concurrently with the annual duties payable for the issue or maintenance of a bingo lottery scheme licence, except a bingo hall manager's licence;

—the annual contribution of the holders of a bingo hall manager's licence must be paid within 60 days following the publication of this Order in Council in the *Gazette officielle du Québec*;

—the annual contribution is payable to the Régie des alcools, des courses et des jeux;

—the Régie sends the Secrétariat du bingo, not later than the 30th day following the date of publication of this Order in Council in the *Gazette officielle du Québec* and thereafter every other month, a status report including a list of bingo lottery scheme licence holders whose licences were issued during the period concerned and the amount of each licence holder's annual contribution, with an indication whether that amount has been paid;

—the Régie makes bank transfers to the Secrétariat and sends it the status report at the same frequency;

—where a bingo lottery scheme licence holder fails to pay the annual contribution, the Secrétariat may send the licence holder, by registered mail, a notice informing the licence holder of the failure and of the fact that, on the expiry of 30 days following the sending of the notice, proceedings for recovery may be instituted without further notice or delay;

—licence holders may not claim reimbursement for part or all of their annual contribution, except if an error was made in calculating the annual contribution.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

106533

Gouvernement du Québec

## O.C. 1598-2023, 1 November 2023

Code of Civil Procedure  
(chapter C-25.01)

### Mediation and arbitration of small claims

Regulation respecting the mediation and arbitration of small claims

WHEREAS, under subparagraph 1.1 of the first paragraph of article 570 of the Code of Civil Procedure (chapter C-25.01), as enacted by section 16 of the Act to improve justice efficiency and accessibility, in particular by promoting mediation and arbitration and by simplifying civil procedure in the Court of Québec (2023, chapter 3), the Government, by regulation, may establish rules specifying any matters and districts in which mediation is, notwithstanding the principles of Title I of Book I and of Book VII of the Code, mandatory and in which arbitration is offered to the parties as well as the other terms and conditions applicable to mediation or arbitration including, in the latter case, those relating to the parties' consent to resort to it;

WHEREAS, under subparagraph 1.2 of the first paragraph of article 570 of the Code of Civil Procedure, as enacted by section 16 of the Act to improve justice efficiency and accessibility, in particular by promoting mediation and arbitration and by simplifying civil procedure in the Court of Québec, the Government, by regulation, may establish which bodies, persons or associations may certify mediators or arbitrators, the conditions with which they must comply in order to do so, as well as the conditions mediators or arbitrators must satisfy to be certified;

WHEREAS, under subparagraph 3 of the first paragraph of article 570 of the Code of Civil Procedure, as amended by section 16 of the Act to improve justice efficiency and accessibility, in particular by promoting mediation and arbitration and by simplifying civil procedure in the Court of Québec, the Government, by regulation, may

establish special rules and obligations with which certified mediators or arbitrators must comply in the exercise of their functions, as well as the sanctions applicable for non-compliance;

WHEREAS, under subparagraph 3 of the first paragraph of article 570 of the Code, the Government may, by regulation, establish special rules and obligations with which certified mediators or arbitrators must comply in the exercise of their functions, as well as the sanctions applicable for non-compliance;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the mediation and arbitration of small claims was published in Part 2 of the *Gazette officielle du Québec* of 5 July 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the mediation and arbitration of small claims, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

## Regulation respecting the mediation and arbitration of small claims

Code of Civil Procedure  
(chapter C-25.01, art. 570, 1st par.; 2023, chapter 3, s. 16)

### CHAPTER I MEDIATION OF SMALL CLAIMS

#### DIVISION I CERTIFICATION AS MEDIATOR

**1.** Lawyers, retired lawyers, notaries and chartered professional accountants who have completed a minimum of 16 hours of mediation training provided under the responsibility of their professional order and that pertains to the following subjects may be certified as mediators for small claims:

- (1) private modes of dispute resolution;
- (2) principled negotiation;

- (3) the mediation process;
- (4) helping parties to reach an agreement;
- (5) the drafting of draft agreements.

Chartered professional accountants act within the framework provided for in the Tax Administration Act (chapter A-6.002).

**2.** The following bodies may certify as mediators in actions involving small claims:

- (1) the Barreau du Québec, in the case of lawyers and retired lawyers;
- (2) the Chambre des notaires du Québec, in the case of notaries;
- (3) the Ordre des comptables professionnels agréés du Québec, in the case of chartered professional accountants.

**3.** The body, person or association that certified a mediator must forward the following information on the mediator to the Minister of Justice without delay:

- (1) the mediator's name;
- (2) the address of the mediator's professional domicile and, where applicable, the identification of the borough in which the professional domicile is located;
- (3) the name of the judicial district or judicial districts in which the mediator practises;
- (4) the mediator's telephone numbers and, where applicable, fax number;
- (5) the mediator's email address;
- (6) the mediator's membership number;
- (7) the date of the mediator's certification;
- (8) the mediator's interest in distance mediation using a technological means.

The Minister enters the mediator's name on the register of mediators and arbitrators certified to recover small claims, which is held by the Minister.

Any change to the information must be forwarded to the Minister by the body, person or association without delay.

## DIVISION II DUTIES AND OBLIGATIONS OF MEDIATORS

**4.** A mediation mandate is given to only one mediator in an individual capacity per dispute and the mediator may under no circumstances transfer the mandate to another mediator.

In the case of an impediment, the mediator must as soon as possible inform the mediation and arbitration service that must designate another mediator.

**5.** A mediator must hold a mediation session or mediation sessions within 45 days after the date on which the mandate was received.

The mediator must communicate with the parties so they may agree on a date and time for the mediation session within 15 days after the date on which the mandate was received.

The mediation session is held at the place determined by the mediator or, with the parties' consent, at a distance using a technological means.

**6.** In the absence of a party, the mediator must cancel the session.

In such case, the mediator informs the mediation and arbitration service that the mediation session could not take place owing to the absence of a party and the parties may not request a new mediation session.

**7.** During the mediation session, the mediator examines the claim and supporting documents. The mediator inquires about each party's allegations and arguments, provides them with any relevant information, generates alternative solutions to their situation and proposes solutions where required. The mediator must create an atmosphere conducive to the amicable settlement of the conflict.

The mediator may ask the parties to provide documents supporting the claim.

**8.** Within 30 days after the mediation session, the mediator sends to the mediation and arbitration service the report provided for in the second paragraph of article 556 of the Code of Civil Procedure (chapter C-25.01), the bill indicating the professional fees under section 14 and informs the parties of their obligation, provided for in the third paragraph of article 556 of the Code, to file with the court office a notice that the case has been settled or the signed settlement agreement.

**9.** If the mediator does not comply with this Regulation, the court clerk may terminate the mediator's mandate. Before doing so, the court clerk notifies the mediator in

writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allows the mediator at least 10 days to present observations.

If the mandate is terminated, the court clerk must inform the parties and the mediator and the mediation and arbitration service must designate another mediator.

**10.** On being notified by the certifying body, person or association that the mediator has had the certification cancelled or has, pursuant to the Professional Code (chapter C-26), been temporarily or permanently struck off the roll of a professional order, had his or her permit revoked or the right to carry on the duties of mediator restricted or the right to carry on professional activities suspended, the court clerk removes the mediator's name from the register of mediators and arbitrators certified to recover small claims, notifies the certifier, and, if a mandate had been awarded to that mediator, the court clerk informs the parties and the mediation and arbitration service must designate another mediator.

**11.** The court clerk may, on serious grounds, in particular repeated failures to comply with this Regulation, remove the name of a mediator from the register of mediators and arbitrators certified to recover small claims. Before doing so, the court clerk notifies the mediator in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allows the mediator at least 10 days to present observations.

The mediator may, at their request, have their name entered on the register again at the expiry of a period of six months following the removal.

**12.** Mediators who cease performing mediation functions or practising their profession must ask the certifying body, person or association to inform the Minister of Justice, without delay, of the cessation.

## DIVISION III AWARDING OF MEDIATION MANDATES

**13.** The mediation and arbitration service offers one or more mandates, in turn, to a mediator whose name appears in the register of mediators and arbitrators certified to recover small claims.

## DIVISION IV PROFESSIONAL FEES

**14.** The professional fees payable to a mediator for the carrying out of a mediation mandate are \$130 per hour for a maximum of 3 hours, including any work performed outside the sessions in connection with the mediation.



**15.** Where a mediation session may not be held owing to a failure by a party, the mediator is entitled to professional fees for the work performed outside the sessions in connection with the mediation.

**16.** The mediator may work hours in addition to the 3 hours offered under section 14 to carry out a mediation mandate, including any work performed outside the sessions in connection with the mediation, at the parties' expense. In such a case, the professional fees payable to a mediator are \$130 per hour.

**17.** A mediator who goes to a courthouse at the request of the court and to whom no mediation mandate has been given is entitled to professional fees equivalent to 1 hour of mediation.

**18.** Travel, research, communications and any other expenses, costs or charges are borne by the mediator. The mediator may not claim, directly or indirectly, payment or reimbursement of such expenses, costs or charges from the parties.

**19.** The fees provided for in sections 14 and 16 are adjusted on 1 April each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the 12-month period ending on 31 December of the preceding year, as determined by Statistics Canada.

The fees, thus indexed, are reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50 or increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister of Justice is to inform the public, through Part 1 of the *Gazette officielle du Québec* and by such other means as the Minister considers appropriate, of the adjustment calculated under this section.

## CHAPTER II COMPULSORY MEDIATION

### DIVISION I GENERAL

**20.** This Chapter applies only in the following judicial districts:

- (1) the judicial district of Laval;
- (2) the judicial district of Longueuil;
- (3) the judicial district of Québec;
- (4) the judicial district of Richelieu;
- (5) the judicial district of Saint-Hyacinthe.

**21.** An application for recovery of a small claim where the value in dispute is not more than \$5,000, excluding interest, must be referred to mediation before the case may be heard by the court.

An application is not referred to mandatory mediation in the following cases:

(1) one of the parties has filed with the court office, in accordance with the second paragraph of section 570 of the Code of Civil Procedure (chapter C-25.01), a certificate confirming that the party has gone to an assistance organization for persons who are victims that is recognized by the Minister of Justice for help as a person who is a victim of domestic or sexual violence on the part of the other party;

(2) the parties have requested that judgment be rendered on the face of the record;

(3) the application questions the operability, the constitutionality or the validity of a provision of an Act of the Parliament of Québec or the Parliament of Canada, of any regulation made under such an Act, of a government or ministerial order or of any other rule of law;

(4) the application concerns reparation for an infringement or denial of fundamental rights and freedoms under the Charter of human rights and freedoms (chapter C-12) or 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).

**22.** A party may be exempted, at the party's request, from participating in the mandatory mediation where serious grounds justify the exemption, including

(1) the existence of an order preventing one party from being in the presence of another party or from communicating with them;

(2) the fact that mediation may not be held at a distance and therefore travel expenses for the party's participation in the mediation session exceed the probable advantages; and

(3) the fact that the parties have already participated in a mediation session for the same dispute, attested in writing by the mediator or by a body offering mediation in civil matters.

In the case referred to subparagraph 1 of the first paragraph, the case is referred to the court. In other cases, the case is referred to the arbitration at no cost provided for in this Regulation. The court clerk informs the parties.

**23.** Where a case is subject to mandatory mediation, the court clerk notifies the parties and informs them of their right to be exempted from mediation for a reason referred to in section 22.

A party that wishes to be exempted from mandatory mediation must apply in writing to the court not later than 20 days after having been notified by the service that the case is subject thereto. This is a strict time limit. The court clerk informs the other parties of the application; they have 15 days to submit observations in writing. If the party invokes a ground referred to in the second paragraph of article 570 of the Code of Civil Procedure or if the party invokes as serious grounds being a victim of domestic or sexual violence by another party, the court clerk informs the other parties that the case is not subject to mandatory mediation without specifying the reason and without indicating that observations are expected.

The application is decided by the special clerk or by the judge in chambers. The decision must give reasons. The court clerk informs the parties of the decision rendered.

**24.** The initial decision of the mediation and arbitration service to subject a case to mandatory mediation, made under section 21, and the decision of the special clerk on the application for exemption of a party, referred to in section 22, may be reviewed by a judge in chambers.

## **DIVISION II** RIGHTS AND DUTIES OF PARTIES AND MEDIATOR

**25.** The parties must participate in the mediation session to which they are convened by the mediator.

They are required to participate in the process in good faith, to be transparent with each other, including as regards the information in their possession, and to cooperate actively in searching for a solution.

**26.** The mediator and mediation participants must preserve the confidentiality of anything said, written or done during the mandatory mediation process, subject to any agreement between them on the matter or to any special provisions of the law.

## **DIVISION III** FAILURE TO PARTICIPATE IN MEDIATION

**27.** The failure of a party to agree to a mediation session within the 45-day period provided for in section 5 constitutes a failure to participate in the mediation.

**28.** In the absence of a party in the mandatory mediation session, the mediator must wait at least 30 minutes after the time set for the beginning of the session before recording the party's failure and cancelling the session. The mediator is entitled to professional fees equal to 30 minutes in addition to the time spent outside the sessions as part of the mediation.

If the absence of a party is justified on serious grounds, the mediator may set a new session. Where the mediator holds another session, the mediator may also receive professional fees for that session in addition to those the mediator may receive for the cancelled session.

**29.** Where the mediator ascertains the absence of a party to a mandatory mediation session or the failure of a party to agree to the time of such a session, the mediator files with the court office, within 10 days, a report stating that it was impossible to proceed with the mandatory mediation and specifying which party is in default.

The case may then be referred to arbitration. The court clerk notifies the parties in accordance with section 31.

**30.** The court or the arbitrator may, at the request of a party, punish the failure of a party to participate in the mandatory mediation ascertained by the mediator.

The court or the arbitrator may in particular order the party to pay damages to the other parties, including for any loss and expense incurred owing to their participation in the mandatory mediation session. If the faulty party is the creditor, the court or the arbitrator may also reduce or cancel the interest owing. Only the court may order a party to pay legal costs.

## **DIVISION IV** END OF MEDIATION

**31.** If the mandatory mediation does not put an end to the dispute, the case is referred to the arbitration at no cost provided for in this Regulation. The court clerk then notifies to the parties a notice of arbitration using the form prescribed by the Minister of Justice.

The notice must indicate, in clear and concise terms, that

(1) failure to respond to the notice within 30 days of its notification constitutes a free and enlightened waiver to submit the dispute to a judge of the Court of Québec and an acceptance to submit it to another private mode of dispute resolution, namely arbitration;

(2) failure to appear before the arbitrator allows the arbitrator to make an award by default; and

(3) the arbitration award binds the parties and may only be annulled by a court on the following grounds:

- (a) a party lacked the capacity to consent to arbitration;
- (b) the arbitration agreement is invalid under the law chosen by the parties or, failing any indication in that regard, under Québec law;
- (c) the rules for designating the arbitrator or the applicable arbitration proceedings have not been complied with;
- (d) the party against which the award or measure is invoked was not given proper notice of the designation of an arbitrator or of the arbitration proceedings, or it was for another reason impossible for that party to present its case;
- (e) the award pertains to a dispute not covered by the arbitration.

Within 10 days of the last mediation session, the mediator notifies the mediation and arbitration service that the mediation has not put an end to the dispute.

### CHAPTER III ARBITRATION AT NO COST OF SMALL CLAIMS

#### DIVISION I GENERAL

**32.** This Chapter applies only in the following judicial districts:

- (1) the judicial district of Laval;
- (2) the judicial district of Longueuil;
- (3) the judicial district of Québec;
- (4) the judicial district of Richelieu;
- (5) the judicial district of Saint-Hyacinthe.

**33.** Lawyers and notaries who meet the following conditions may be certified as arbitrators for the arbitration of small claims:

- (1) have been a member of their professional order for at least 5 years;
- (2) take out a professional liability insurance with their professional order;

(3) have completed at least 35 hours of training in arbitration of small claims, provided under the responsibility of the certifying body, person or association, and including the following subjects:

- (a) conduct of arbitration;
- (b) the rules of evidence and procedure;
- (c) the duties and obligations of arbitrators, including ethics and professional conduct;
- (d) the main matters brought before the Small Claims Division;
- (e) the arbitration award, including the rules respecting drafting;
- (f) the special rules of arbitration in small claims;
- (g) information technologies;

(4) comply with the requirements on continuing education in arbitration of the certifying body, person or association.

**34.** The following bodies may certify as arbitrators for arbitration of small claims:

- (1) the Barreau du Québec, in the case of lawyers;
- (2) the Chambre des notaires du Québec, in the case of notaries.

**35.** The body, person or association that certified an arbitrator must forward the following information on the arbitrator to the Minister of Justice without delay:

- (1) the arbitrator's name;
- (2) the address of the arbitrator's professional domicile and, where applicable, the identification of the borough in which the professional domicile is located;
- (3) the name of the judicial district or judicial districts in which the arbitrator practises;
- (4) the arbitrator's telephone numbers and, where applicable, fax number;
- (5) the arbitrator's email address;
- (6) the arbitrator's membership number;

- (7) the date of the arbitrator's certification;
- (8) the arbitrator's interest in distance arbitration using a technological means;
- (9) the matters in which the arbitrator wishes to obtain arbitration mandates, if applicable.

The Minister enters the arbitrator's name on the register of mediators and arbitrators certified to recover small claims, which is held by the Minister.

Any change to the information must be forwarded to the Minister by the certifying body, person or association without delay.

## DIVISION II DUTIES AND OBLIGATIONS OF ARBITRATOR IN ARBITRATION AT NO COST

**36.** An arbitration mandate is given to only one arbitrator in an individual capacity per dispute and the arbitrator may under no circumstances transfer the mandate to another arbitrator.

In the case of an impediment, the arbitrator must inform the mediation and arbitration service that must designate another arbitrator.

**37.** The arbitrator must disclose without delay to the court office and the parties any ground for recusation.

**38.** A party may ask for an arbitrator's recusation by notifying a document stating its reasons to the other party and to the arbitrator within 10 days after becoming aware of the designation or of the cause for recusation.

The arbitrator is required to rule on the recusation request without delay, unless the arbitrator withdraws or, the other party supporting the request, is compelled to withdraw.

If the arbitrator does not recuse himself or herself, a party may, within 10 days after being advised of it, ask the court to rule on the recusation. The arbitrator may nonetheless continue the arbitration proceedings and make an award for so long as the court has not made its ruling.

**39.** Arbitrators who cease performing their functions or practising their profession must ask the certifying body, person or association to inform the Minister of Justice, without delay, of the cessation.

**40.** If an arbitrator does not comply with this Regulation, the court clerk may terminate the arbitrator's mandate. Before doing so, the court clerk notifies the arbitrator in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allows the arbitrator at least 10 days to present observations.

If the mandate is terminated, the clerk must inform the parties and the arbitrator, and the mediation and arbitration service must designate another arbitrator.

## DIVISION III PROFESSIONAL FEES

**41.** The professional fees payable to an arbitrator for the carrying out of an arbitration mandate under this Chapter are \$500 per mandate, including any work performed outside the sessions in connection with the arbitration, the arbitration session and the drafting of the arbitration award.

The professional fees are \$200 if, for serious grounds, the arbitrator is unable to make the award.

**42.** Travel, research, communications and any other expenses, costs or charges are borne by the arbitrator. The arbitrator may not claim, directly or indirectly, payment or reimbursement of such expenses, costs or charges from the parties.

## DIVISION IV PROCEEDINGS RELATED TO ARBITRATION AT NO COST

### §1. *General*

**43.** A case for the recovery of a small claim that was the subject of mediation is admissible to arbitration at no cost.

A case whose parties are exempted from mandatory mediation is also admissible.

**44.** Arbitration of the following is not admissible:

(1) a dispute concerning a matter referred to in article 2639 of the Civil Code;

(2) a dispute to which the State is a party;

(3) an application that questions the operability, the constitutionality or the validity of a provision of an Act of the Parliament of Québec or the Parliament of Canada, of any regulation made under such an Act, of a government or ministerial order or of any other rule of law;

(4) an application concerning reparation for an infringement or denial of fundamental rights and freedoms under the Charter of human rights and freedoms (chapter C-12) or 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).

**45.** A party that receives the notice of arbitration provided for in section 31 may refuse that the case be referred to an arbitrator.

To do so, the party must send to the court office, within 30 days of notification of the notice of arbitration, a notice of refusal of arbitration using the form prescribed by the Minister of Justice; the case is then submitted to the court. This is a strict time limit.

A party that does not send the notice of refusal is deemed to agree to arbitration.

Where the court clerk does not receive a notice of refusal within 30 days of the notification of the notice of arbitration, the mediation and arbitration service refers the case to an arbitrator.

**46.** A case that has already been the subject of a mediation but a party of which has refused that it be referred to an arbitrator may be referred to arbitration at anytime thereafter if all the parties agree thereto.

They notify the court clerk; the mediation and arbitration service must designate an arbitrator.

## §2. Arbitration mandates

**47.** The mediation and arbitration service offers one or more mandates, in turn, to an arbitrator whose name appears in the register of mediators and arbitrators certified to recover small claims.

**48.** On being notified by the certifying body, person or association that the arbitrator has had the certification cancelled or has, pursuant to the Professional Code (chapter C-26), been temporarily or permanently struck off the roll of a professional order, had his or her permit revoked or the right to carry on the duties of arbitrator restricted or the right to carry on professional activities suspended, the clerk removes the arbitrator's name from the register of mediators and arbitrators certified to recover small claims and, if a mandate had been given to that arbitrator, the clerk informs the parties and the mediation and arbitration service offers the mandate to another arbitrator.

**49.** The court clerk may, on serious grounds, in particular repeated failures to comply with this Regulation, remove the name of an arbitrator from the register of mediators and arbitrators certified to recover small claims. Before doing so, the clerk notifies the arbitrator in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allows the arbitrator at least 10 days to present observations. The court clerk notifies the certifier of the removal.

The arbitrator may, at their request, have their name entered on the register again at the expiry of a period of six months following the removal.

## §3. Conduct of arbitration

**50.** An arbitrator must hold the arbitration session within 45 days after the date on which the mandate has been awarded to the arbitrator by the mediation and arbitration service.

The arbitrator communicates with the parties within 15 days after the date on which the mandate has been awarded by the mediation and arbitration service to agree on the date and time of the arbitration session.

Where the arbitration session has not been held within that period, the arbitrator must notify the service of the grounds for the delay and indicate the date scheduled for the session, which may not exceed 15 additional days. Failing that, the mandate is withdrawn and is offered to another arbitrator.

**51.** The arbitration session is held at the place determined by the arbitrator or, with the parties' consent, at a distance using a technological means.

**52.** The arbitrator must, within the time limit provided for in the second paragraph of section 50, make sure that the parties agree to the arbitration. The arbitrator must inform them of the process, including the fact that the award binds the parties and may only be annulled by the court on the grounds listed in section 31, and on the arbitrator's role and powers.

**53.** The arbitration session may be recorded by the arbitrator, at the parties' request or on the arbitrator's own initiative.

The recording may not be made public without the authorization of the court.

**54.** The arbitrator is required to explain to the parties, at the beginning of the arbitration process, the procedure the arbitrator determines.

**55.** The arbitrator may require each party to send the arbitrator, within a time specified by the arbitrator, a statement of its contentions and any exhibits mentioned, and to send them to the other party, if not already done.

**56.** Testimony is by written affidavit. The arbitrator may however allow oral testimony, at the request of a party.

**57.** The parties may ask the arbitrator to make the award on the face of the record.

**58.** Arbitration decides the dispute in accordance with the rules of law. The arbitrator may not act as *amiable compositeur*.

**59.** If an arbitrator rules on the arbitrator's own jurisdiction, a party, within 15 days after being advised of the decision, may ask the court to rule on the matter. A decision of the court recognizing the jurisdiction of the arbitrator cannot be appealed. For so long as the court has not made its ruling, the arbitrator may continue the arbitration proceedings and make an award.

#### *§4. Failure to participate in arbitration*

**60.** In the case of the absence of a party in the arbitration session, the arbitrator may make an award by default.

If the absence of a party is justified on serious grounds, the arbitrator may set a new session.

#### *§5. End of arbitration*

**61.** An arbitrator must make the award within 30 days after the last arbitration session.

**62.** The arbitration award must be made on the form prescribed by the Minister of Justice. No page or schedule may be added.

In addition to the rules provided for in articles 642 to 644 of the Code of Civil Procedure, the award is written in clear and concise terms. The arbitrator may order a party to pay the legal costs.

**63.** Within 30 days after the last arbitration session, the arbitrator sends to the court office the arbitration award and to the mediation and arbitration service the bill on which the professional fees under section 41 are indicated.

The arbitrator sends the arbitration award to the parties within the same period.

## CHAPTER IV TRANSITIONAL AND FINAL

**64.** Lawyers and notaries certified as mediator as of 16 October 2003 are deemed to have received the training provided for in section 1.

**65.** Lawyers and notaries certified as mediator on the date of coming into force of this Regulation are deemed to be certified under this Regulation.

**66.** Lawyers and notaries certified to act as arbitrator in civil cases by the Barreau du Québec or by the Institut de médiation et d'arbitrage du Québec on the date of coming into force of Chapters II and III of this Regulation are deemed to be certified to act as certified arbitrator by their professional order for the recovery of small claims for a period of 2 years from that date. To maintain that certification after that period, the lawyers and notaries must have completed refresher training of at least 10 hours on arbitration of small claims recognized by the certifying body, provided under the responsibility of their professional order, on special rules for arbitration in small claims.

**67.** Proceedings pending that have already been the subject of mediation that has not put an end to the dispute on the date of coming into force of Chapters II and III of this Regulation in a judicial district may be referred to an arbitrator if the parties agree and ask for it to the mediation and arbitration service.

**68.** Chapters II and III apply in a judicial district only to proceedings instituted after the date of coming into force of those Chapters with respect to the district.

**69.** This Regulation replaces the Regulation respecting the mediation of small claims (chapter C-25.01, r. 0.6).

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

(1) paragraph 2 of section 20 and paragraph 2 of section 32, which come into force 1 December 2023;

(2) paragraphs 4 and 5 of section 20 and paragraphs 4 and 5 of section 32, which come into force on 1 February 2024;

(3) paragraph 3 of section 20 and paragraph 3 of section 32, which come into force on 1 March 2024.

106537

Gouvernement du Québec

## O.C. 1599-2023, 1 November 2023

Code of Civil Procedure  
(chapter C-25.01)

### Family mediation — Amendment

Regulation to amend the Regulation respecting family mediation

WHEREAS, under the third paragraph of section 619 of the Code of Civil Procedure (chapter C-25.01), the Government, by regulation, may in particular determine what services are payable by the Family Mediation Service, set the tariff of professional fees the Service may pay certified family mediators, and determine the tariff of professional fees the parties may be charged for services not covered by the Family Mediation Service;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting family mediation was published in Part 2 of the *Gazette officielle du Québec* of 5 July 2023 with a notice that it may be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting family mediation, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting family mediation

Code of Civil Procedure  
(chapter C-25.01, art. 619)

**1.** The Regulation respecting family mediation (chapter C-25.01, r. 0.7) is amended in section 10

- (1) by replacing “110” in the first paragraph by “130”;
- (2) in the second paragraph

- (a) by replacing “225” by “330”;
- (b) by replacing “2½ hours” by “3 hours”.

**2.** Section 10.3 is amended

- (1) in the first paragraph
  - (a) by replacing “110” in subparagraph 1 by “130”;
  - (b) by replacing “110” in subparagraph 2 by “130”;
- (2) by replacing “110” in the second paragraph by “130”.

**3.** Section 10.4 is amended

- (1) by replacing “110” in the first paragraph by “130”;
- (2) in the fourth paragraph
  - (a) by replacing “110” in subparagraph 1 by “130”;
  - (b) by replacing “110” in subparagraph 2 by “130”.

**4.** Section 11 is amended by replacing “110” in the first paragraph by “130”.

**5.** Mediation in progress before the coming into force of this Regulation remains governed by the former provisions.

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

106536

### M.O., 2023

#### Order 2023-002 of the Minister of Immigration, Francization and Integration dated 27 October 2023

Québec Immigration Act  
(chapter I-0.2.1)

Regulation to amend various provisions relating to immigration

THE MINISTER OF IMMIGRATION, FRANCIZATION AND INTEGRATION,

CONSIDERING that, under section 27 of the Québec Immigration Act (chapter I-0.2.1), the weighting of the selection criteria referred to in section 26 of the Act, the

passing score and, as applicable, the cut-off score for a selection criterion are set by regulation of the Minister of Immigration, Francization and Integration;

CONSIDERING that, under section 31 of the Act, if the number of selection applications the Minister intends to receive is determined by a decision made under section 50 of the Act, the Minister may, by regulation, require a person or partnership referred to in section 30 of the Act who or that participates in the management of an investment of a foreign national to hold a quota and may also, in the same manner, set the minimum quota of the person or partnership; determine the terms and conditions for assigning a quota to the person or partnership, in particular by establishing a quota calculation formula and determining the value of the parameters; prescribe the monetary administrative penalties applicable to a person who or a partnership that does not comply with the quota assigned by the Minister, set their amount and determine the applicable conditions; and determine conditions relating to the transfer of a quota;

CONSIDERING that, under the first paragraph of section 32 of the Act, for the purpose of developing new economic immigration programs, the Minister may, by regulation, implement a permanent immigration pilot program lasting up to five years;

CONSIDERING that, under the third paragraph of section 32 of the Act, the Minister determines, by regulation, the conditions, selection criteria and required fees applicable under such a program;

CONSIDERING that, under section 41 of the Act, the conditions relating to the filing of any application made under the Act are determined by ministerial regulation;

CONSIDERING that, under section 106 of the Act, a regulation made under the Act may apply to an application according to the date on which it was filed or to the application examination stage and may apply to an expression of interest according to the date on which it was submitted;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 7 June 2023, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), of a draft Regulation to amend various provisions relating to immigration with a notice that it could be made by the Minister on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

#### ORDERS AS FOLLOWS:

The Regulation to amend various provisions relating to immigration, attached to this Order, is hereby made.

Montréal, 27 October 2023

CHRISTINE FRÉCHETTE

*Minister of Immigration, Francization and Integration*

### **Regulation to amend various provisions relating to immigration**

Québec Immigration Act  
(chapter I-0.2.1, ss. 27, 31, 32, 41 and 106)

#### REGULATION RESPECTING QUOTAS OF BROKERS AND TRUST COMPANIES

**1.** The Regulation respecting quotas of brokers and trust companies (chapter I-0.2.1, r. 2) is revoked.

#### REGULATION RESPECTING THE WEIGHTING APPLICABLE TO THE SELECTION OF FOREIGN NATIONALS

**2.** The Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2.1, r. 4) is revoked.

Despite the foregoing, it continues to have effect insofar as it is necessary for the purposes of sections 118, 118.8, 118.9 and 118.12 to 118.14 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3).

#### IMMIGRATION PROCEDURE REGULATION

**3.** The Immigration Procedure Regulation (chapter I-0.2.1, r. 5) is amended in section 1 by

(1) replacing “regular skilled worker” in subparagraph 3 of the second paragraph by “skilled worker selection”;

(2) adding the following subparagraph at the end:

“(5) any program referred to in section 118.15 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3).”

**4.** Section 1.1 is amended

(1) by replacing “the international student program, the Québec experience program or a permanent immigration pilot program” in the first paragraph by “a program referred to in the second paragraph of section 1”;

(2) by striking out the second paragraph.



**5.** Section 5 is replaced by the following:

“5. An application for selection pursuant to the skilled worker selection program must be filed by a foreign national not later than 60 days after the Minister’s invitation.

However, the first paragraph does not apply to an application filed by a foreign national who has already been selected as permanent resident under the program and who files an application to add or remove a family member.”

**6.** The heading of Division III is amended by replacing “DE DÉCLARATION” in the French text by “DES DÉCLARATIONS”.

**7.** The heading of Division IV is replaced by the following:

“TRANSITIONAL AND FINAL”.

**8.** The following sections are inserted after the heading of Division IV:

“7.1. Subject to section 7.2, the conditions for filing an application pursuant to the regular skilled worker program are the same as those provided for in this Regulation as it read on 28 November 2024.

7.2. To file an application for selection pursuant to the regular skilled worker program, a foreign national referred to in section 118 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3) must have filed an application for permanent resident status in Canada considered admissible under the live-in caregiver class by the Minister responsible for the Immigration and Refugee Protection Act (S.C. 2001, c. 27).

For the purposes of this section, the live-in caregiver class has the meaning assigned by the Immigration and Refugee Protection Regulations (SOR/2002-227) as they read on 4 May 2017.”

PERMANENT IMMIGRATION PILOT PROGRAM FOR ORDERLIES

**9.** The Permanent immigration pilot program for orderlies (chapter I-0.2.1, r. 7) is amended in section 2 by replacing “3413” by “33102”.

**10.** Section 5 is amended

(1) by striking out paragraph 1;

(2) by adding “that is not with an enterprise on which the foreign national exercises control” at the end of paragraph 2;

(3) by replacing paragraph 3 by the following:

“(2) have a level 7 oral knowledge of French or above according to the *Échelle québécoise des niveaux de compétence en français*”;

(4) by replacing paragraph 4 by the following:

“(4) undertake, for 3 months from the date the foreign national obtains the status of permanent resident, to provide for his or her basic needs, those of accompanying family members and those of his or her dependent children who are Canadian citizens, and to have for that purpose financial resources at least equal to the amount required according to the scale in Schedule C to the Québec Immigration Regulation (chapter I-0.2.1, r. 3).”

**11.** Section 6 is amended by inserting “that is not for an enterprise on which the foreign national exercises control” in paragraph 2 after “have held employment as orderly in Québec”.

**12.** Section 7 is amended by inserting “that is not for an enterprise on which the foreign national exercises control” in paragraph 2 after “Québec”.

PERMANENT IMMIGRATION PILOT PROGRAM FOR WORKERS IN THE ARTIFICIAL INTELLIGENCE, INFORMATION TECHNOLOGIES AND VISUAL EFFECTS SECTORS

**13.** The Permanent immigration pilot program for workers in the artificial intelligence, information technologies and visual effects sectors (chapter I-0.2.1, r. 8) is amended in section 4 by striking out “The number is divided in equal parts between each component.”

**14.** Section 6 is amended

(1) by striking out paragraph 1;

(2) by replacing “show an oral knowledge of French, level 7 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent” in paragraph 2 by “have a level 7 oral knowledge of French or above according to the *Échelle québécoise des niveaux de compétence en français*”;

(3) by replacing paragraph 3 by the following:

“(3) undertake, for 3 months from the date the foreign national obtains the status of permanent resident, to provide for his or her basic needs, those of accompanying family members and those of his or her dependent children who are Canadian citizens, and to have for that purpose

financial resources at least equal to the amount required according to the scale in Schedule C to the Québec Immigration Regulation (chapter I-0.2.1, r. 3).”

**15.** Section 7 is amended in the first paragraph

(1) by replacing “level 0, A or B employment within the meaning of the National Occupational Classification full time” in subparagraph 3 by “full-time employment in TEER Category 0, 1 or 2 within the meaning of the National Occupational Classification, in a sector other than an inadmissible sector referred to in section 1 or 2 of Schedule E to the Québec Immigration Regulation (chapter I-0.2.1, r. 3).”;

(2) by adding “except an inadmissible sector referred to in section 1 or 2 of Schedule E to the Québec Immigration Regulation, that is not employment with an enterprise on which the foreign national exercises control” after “in the artificial intelligence sector” in the portion before subparagraph *a* of subparagraph 4.

**16.** The following section is added after section 7:

“7.1. For the purposes of subparagraph 3 of section 7, an employment held in Québec must not be employment with an enterprise on which the foreign national exercises control.”

**17.** Section 9 is amended

(1) by replacing “level 0, A or B employment within the meaning of the National Occupational Classification full time in Québec,” in paragraph 4 by “full-time employment in Québec in TEER Category 0, 1 or 2 within the meaning of the National Occupational Classification, in a sector other than an inadmissible sector referred to in section 1 or 2 of Schedule E to the Québec Immigration Regulation (chapter I-0.2.1, r. 3), and that is not with an enterprise on which the foreign national exercises control”;

(2) in paragraph 5

(a) by inserting “that is not with an enterprise on which the foreign national exercises control” after “Québec”;

(b) by inserting “, except an inadmissible sector referred to in section 1 or 2 of Schedule E to the Québec Immigration Regulation,” after “in the artificial intelligence sector”.

**18.** Section 10 is amended

(1) by inserting “in a sector other than an inadmissible sector referred to in section 1 or 2 of Schedule E to the Québec Immigration Regulation (chapter I-0.2.1, r. 3)” in paragraph 3 after “full-time eligible employment”;

(2) by inserting “, in a sector other than an inadmissible sector referred to in section 1 or 2 of Schedule E to the Québec Immigration Regulation and that is not with an enterprise on which the foreign national exercises control,” in paragraph 4 after “in Québec”.

**19.** The following section is added after section 10:

“10.1. For the purposes of subparagraph 3 of section 10, eligible employment held in Québec must not be employment with an enterprise on which the foreign national exercises control.”

**20.** Section 12 is amended

(1) by replacing paragraph 1 by the following:

“(1) database analysts and data administrators (code 21223);

(1.1) web designers (code 21233).”;

(2) by replacing “5241” in paragraph 2 by “52120”;

(3) by inserting the following after paragraph 2:

“(2.1) software developers and programmers (code 21232);

(2.2) computer systems developers and programmers (code 21230);

(2.3) web developers and programmers (code 21234).”;

(4) by replacing “0213” in paragraph 3 by “20012”;

(5) by replacing “2173” in paragraph 4 by “21231”;

(6) by replacing “2133” in paragraph 5 by “21310”;

(7) by replacing “5131” in paragraph 6 by “51120”;

(8) by inserting the following paragraph after paragraph 6:

“(6.1) university professors and lecturers (code 41200) but only if it is carried out in the Information technologies or visual effects sectors.”;

(9) by replacing paragraph 7 by the following:

“(7) data scientists (code 21211);

(7.1) cybersecurity specialists (code 21220);

(7.2) information systems specialists (code 21222);

(7.3) business systems specialists (code 21221);”;

(10) by replacing “5225” in paragraph 8 by “52113”;

(11) by inserting the following after paragraph 8:

“(8.1) graphic arts technicians (code 52111), but only if it is carried out in the visual effects sector;”;

(12) by replacing “technicians (code 2281)” in paragraph 9 by “and web technicians (code 22220)”;

(13) by replacing “electrical and electronics engineering technologists and technicians (code 2241)” in paragraph 10 by “electronics and electrical engineering technologists and technicians (code 22310)”.

#### PERMANENT IMMIGRATION PILOT PROGRAM FOR FOOD PROCESSING WORKERS

**21.** The Permanent immigration pilot program for food processing workers (chapter I-0.2.1, r. 9) is amended in section 3

(1) by striking out paragraph 1;

(2) by inserting “that is not for an enterprise on which the foreign national exercises control” in paragraph 3 after “Québec”;

(3) by replacing paragraph 4 by the following:

“(4) have an oral knowledge of French at level 7 or above according to the *Échelle québécoise des niveaux de compétence en français*;”;

(4) by replacing paragraph 5 by the following:

“(5) undertake, for 3 months from the date the foreign national obtains the status of permanent resident, to provide for his or her basic needs, those of accompanying family members and those of his or her dependent children who are Canadian citizens, and to have for that purpose financial resources at least equal to the amount required according to the scale in Schedule C to the Québec Immigration Regulation (chapter I-0.2.1, r. 3).”.

**22.** Section 5 is amended in paragraph 1

(1) by replacing “9462” in subparagraph *a* by “94141”;

(2) by replacing “9617” in subparagraph *b* by “95106”;

(3) by replacing “9618” in subparagraph *c* by “95107”;

(4) by replacing “6732” in subparagraph *d* by “65311”;

(5) by replacing “9461” in subparagraph *e* by “94140”;

(6) by replacing “general farm workers (code 8431)” in subparagraph *f* by “livestock labourers (code 85100)”;

(7) by replacing “9463” in subparagraph *g* by “94142”.

#### TRANSITIONAL AND FINAL

**23.** Until 29 November 2024, section 5 of the Immigration Procedure Regulation (chapter I-0.2.1, r. 4) as replaced by section 5 of this Regulation must be read by replacing “Skilled Worker Selection Program” by “Regular Skilled Worker Program”.

**24.** This Regulation comes into force on 23 November 2023, except

(1) section 1 which comes into force on 1 January 2024; and

(2) section 2, paragraph 1 of section 3, section 4, and section 8 insofar as it enacts section 7.1. of the Immigration Procedure Regulation (chapter I-0.2.1, r. 5), which come into force on 29 November 2024.

106539



## Draft Regulations

### Draft Regulation

Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (chapter B-7.1)

#### **Apprentice fisherman's, fisherman's helper's and fisherman's certificates — Recognition of the professional qualification of fishermen, fisherman's helpers and apprentice fishermen**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting apprentice fisherman's, fisherman's helper's and fisherman's certificates, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation falls under the transition initiated by the Department of Fisheries and Oceans Canada toward a new qualification program for new fishermen in Québec. It modernizes the criteria for the issue of apprentice fisherman's, fisherman's helper's and fisherman's certificates by the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec provided for in the Regulation respecting recognition of the professional qualification of fishers and assistant fishers (chapter B-7.1, r. 1), which it replaces, and increases the fee payable for the issue and maintenance of those certificates. It also establishes equivalent qualifications to obtain a fisherman's helper's or fisherman's certificate. Lastly, the draft Regulation sets out obligations that certificate holders must fulfill.

The monetary impacts resulting from the draft Regulation are estimated at \$84,550 per year for fishermen, fisherman's helpers and apprentice fishermen. However, enterprises will not necessarily be directly concerned by all of those impacts. In accordance with the Politique gouvernementale sur l'allègement réglementaire et administratif – pour une réglementation intelligente, the draft Regulation was the subject of a regulatory impact analysis relating to the above repercussions that concern enterprises. The analysis is available for consultation on the website of the Ministère.

Further information on the draft Regulation may be obtained by contacting Olivier Nolleau, Bureau d'accréditation des pêcheurs et des aides-pêcheurs du

Québec, 167, Grande Allée Est, Grande-Rivière (Québec) G0C 1V0; telephone: 418 385-4000; email: direction.bapap@gmail.com.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Abdoul Aziz Niang, Assistant Deputy Minister for commercial fishing and aquaculture, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200 chemin Sainte-Foy, 12<sup>e</sup> étage, Québec (Québec) G1R 4X6; email: bapap.reglement@mapaq.gouv.qc.ca.

O'NEIL CLOUTIER

*Interim President, Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec*

### **Regulation respecting apprentice fisherman's, fisherman's helper's and fisherman's certificates**

Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (chapter B-7.1, s. 14, 1st par., subpars. 1 to 4, 2nd par., subpars. 1, 1.1 and 3, and s. 22)

#### **DIVISION I ISSUE OF CERTIFICATES**

**1.** This Division prescribes the criteria that must be met by any person who applies for a certificate to carry on a fishing activity for a tidal water species, with the exception of anadromous and catadromous species, seal or species fished exclusively for the purpose of aquaculture in tidal waters.

**2.** In this Regulation, unless the context indicates otherwise,

(1) “fishing licence” means a licence issued under the Fisheries Act (R.S.C. 1985, c. F-14) except the licence for seal, anadromous and catadromous species or species fished exclusively for the purpose of aquaculture in tidal waters;

(2) “commercial fishing season” means the longest fishing period for a specific species determined by the Minister of Fisheries and Oceans Canada during which it is permitted to fish in an area.

**3.** To obtain an apprentice fisherman's certificate, a person must hold a vocational training diploma or a secondary school diploma issued by the Minister of Education, Recreation and Sports or study full-time in order to obtain one of those diplomas.

**4.** To obtain a fisherman's helper's certificate, a person must hold a professional fishery studies diploma issued by the Minister of Education, Recreation and Sports or have one of the equivalent qualifications set out in section 6.

Where the vocational training diploma was obtained more than 12 months prior to the application for a certificate, the applicant must have participated full-time in at least 1 commercial fishing season in the year preceding the application.

**5.** To obtain a fisherman's certificate, a person must

(1) hold a professional fishery studies diploma issued by the Minister of Education, Recreation and Sports or have one of the equivalent qualifications set out in section 6; and

(2) hold a fishing licence.

Where the vocational training diploma was obtained more than 12 months prior to the application for a certificate, the applicant must have participated full-time in at least 1 commercial fishing season in the year preceding the application.

**6.** To have a qualification equivalent to a professional fishery studies diploma referred to in the first paragraph of sections 4 and 5, the person must have

(1) participated full-time in a commercial fishing season in the 3 years preceding the application for a certificate and completed a training course of 630 hours that included 250 hours of training on safety, 160 hours on piloting and 220 hours on net mending;

(2) participated full-time in 2 commercial fishing seasons in the 3 years preceding the application for a certificate and completed a training course of 335 hours that included 155 hours of training on safety, 120 hours on piloting and 60 hours on net mending; and

(3) participated full-time in a commercial fishing season in the 3 years preceding the application for a certificate and hold a Fishing Master certificate issued by the Minister of Transport of Canada.

The training courses referred to in this section must have been taken in an institution that offers a professional fishery studies program leading to the issue of a professional fishery studies diploma.

**7.** An apprentice fisherman's, fisherman's helper's or fisherman's certificate is issued to a person who

(1) meets the applicable issuance criteria, as applicable, set out in any of sections 3 to 6;

(2) submits an application in writing using the form prescribed by the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec;

(3) pays the fee set out in section 15.

**8.** An application for a certificate must contain the following information and documents:

(1) the applicant's name;

(2) the applicant's home address;

(3) the category of the certificate being applied for;

(4) a photograph of the applicant;

(5) the name and contact information of a person to contact in case of an emergency;

(6) in the case of an application for an apprentice fisherman's certificate, a copy of a diploma referred to in section 3 or proof of registration in an institution referred to in that section;

(7) in the case of an application for a fisherman's helper's certificate, a copy of the professional fishery studies diploma or documents that make it possible to establish that the applicant meets one of the equivalent qualification requirements set out in section 6, as the case may be, such as

(a) a transcript indicating that one of the training courses set out in subparagraphs 1 or 2 of the first paragraph of section 6 was completed;

(b) a copy of the certificate referred to in subparagraph 3 of the first paragraph of section 6;

(8) in the case of an application for a fisherman's certificate, a copy of the diploma or documents set out in subparagraph 6 and a copy of the fishing licences.

In addition, where the applicant must have participated full-time in 1 or 2 commercial fishing seasons, the applicant must also attach to the application a signed statement certifying that the applicant completed the number of commercial fishing seasons required to obtain the issue of the certificate and indicating the number of weeks of fishing and the species fished.

**9.** A certificate contains in particular the following information:

- (1) the holder's name;
- (2) the holder's home address;
- (3) the category;
- (4) the date of issue.

**10.** The certification board issues to the certificate holder a booklet containing the certificate and the following information:

- (1) the total number of years of fishing carried out by the holder;
- (2) the commercial fishing seasons carried out by the holder, in number of weeks, except those carried out before 16 years of age;
- (3) the list of each training course taken by the holder indicating the number of hours, the year it was taken and the name of the organization offering it.

## **DIVISION II** OBLIGATIONS OF CERTIFICATE HOLDERS

**11.** Certificate holders must have their booklets with them when carrying on their fishing activities and must allow the authority holding jurisdiction for applying the Fisheries Act (R.S.C., 1985, c. F-14) to verify their validity.

**12.** Holders of a fisherman's helper's or fisherman's certificate must, during the 2 years following the date of issue of their certificate and every 2 years thereafter, participate full-time in a commercial fishing season, unless they demonstrate to the certification board that it was impossible to do so in particular due to a moratorium imposed by the commercial fishery authority, an illness or an accident.

Holders of a fisherman's helper's or fisherman's certificate must, every 2 years following the date of issue of their certificate, submit to the certification board a statement certifying that they complied with the first paragraph or that it was impossible to do so.

**13.** Holders of a fisherman's helper's or fisherman's certificate must, during the year following the date of issue of their certificate and every 3 years thereafter, update their knowledge and skills in basic first aid at sea by successfully completing a continuing training course on the subject, offered by a body recognized by the Commission des

normes, de l'équité, de la santé et de la sécurité du travail under the authority of the Act respecting occupational health and safety (chapter S-2.1).

Holders of a fisherman's helper's or fisherman's certificate must, during the first year following the date of issue of their certificate and every 3 years thereafter, submit to the certification board the supporting documents certifying that they successfully completed a training course referred to in the first paragraph.

**14.** The holder of an apprentice fisherman's certificate who is registered full-time in an institution referred to in section 3 must, every year following the year in which the certificate was issued, submit to the certification board proof of registration at that institution.

This requirement ends when the holder submits to the certification board a copy of the diploma referred to in section 3.

## **DIVISION III** PAYABLE FEES AND RETENTION OF THE CERTIFICATE

**15.** The fee for the issue or replacement of a certificate or booklet is \$100.

**16.** Certificate holders must update the information about them referred to in sections 8 to 10 by filing an annual updating declaration not later than 15 November each year.

The declaration must include the payment of the annual fee set out in section 17.

**17.** The annual fee payable for the retention of a certificate and to update a booklet is fixed at \$100 if the fee is paid not later than 15 November of the current year, or \$125 if the fee is paid after that date.

**18.** Certificate holders must, within a period of 30 days, notify the certification board of any change in the information provided to the board pursuant to this Regulation or of any other change concerning their fishing activities.

## **DIVISION IV** TRANSITIONAL AND FINAL

**19.** Despite the provisions set out in Division I, a person who, upon the coming into force of this Regulation, holds a valid apprentice fisherman's, fisherman's helper's or fisherman's certificate issued in compliance with the Regulation respecting recognition of the professional qualification of fishers and assistant fishers (chapter B-7.1, r. 1) is deemed to be qualified under this Regulation for the certificate corresponding to the same activity.

**20.** Despite sections 3 and 4, a person who, upon the coming into force of this Regulation, acts as an apprentice fisherman or a fisherman's helper may obtain a certificate for the corresponding activity where the person is sponsored by the holder of the fishing licence for whom the person worked full-time during a commercial fishing season.

The application for a certificate must be filed in writing using the form prescribed by the certification board, and include the fees set out in section 15 and a statement, signed by the sponsorer, certifying that the applicant will be sponsored in accordance with the first paragraph.

The sponsorship requirement ends when the certificate holder has participated full-time in a commercial fishing season. The holder must then submit to the certification board a statement certifying that fact signed by the sponsor.

**21.** Despite section 5, a person who, upon the coming into force of this Regulation, holds a fishing licence and participated full-time in at least 1 commercial fishing season in the 3 years preceding the application may obtain a fisherman's certificate.

The application for a certificate must be filed in writing using the form prescribed by the certification board and include the fees set out in section 15.

The certification board issues a fisherman's certificate to the person who meets the criteria set out in the first and second paragraphs and who still holds a fishing licence.

**22.** Despite section 17, a person who, upon the coming into force of this Regulation, is a certificate holder must update the information referred to in sections 8 to 10 by filing an annual updating declaration no later than 31 January for the commercial fishing season starting in 2024.

The declaration must include the payment of the annual fee set out in section 16.

**23.** This Regulation replaces the Regulation respecting recognition of the professional qualification of fishers and assistant fishers (chapter B-7.1, r. 1).

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

106530

## Draft Regulation

Hydro-Québec Act  
(chapter H-5)

### Rates for using the public fast-charging service for electric vehicles

#### — 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 rates for using the public fast-charging service for electric vehicles, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation prescribes the rates for using the public fast-charging service for electric vehicles that are fixed, as the case may be, on an hourly basis or based on the quantity of electricity supplied to the user, measured in kilowatt-hours (kWh). The new rates would be applicable, as of 2024, to the use of public fast-charging services with meters that have been verified and sealed in accordance with the Electricity and Gas Inspection Act (R.S.C., 1985, c. E-4) or that display a placard indicating that the meter has a dispensation from Measurement Canada. The hourly rates provided for in the draft Regulation are set taking into account the maintaining of uniformity in relation to the rates in force, which will be automatically adjusted on 1 January 2024 in accordance with section 2 of the Regulation respecting the rates for using the public fast-charging service for electric vehicles (chapter H-5, r. 1).

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

Further information on the draft Regulation may be obtained by contacting Philippe Doyon, Director, Expertise and regulation, Electricity sector, Ministère de l'Économie, de l'Innovation et de l'Énergie, 5700, 4<sup>e</sup> Avenue Ouest, bureau A-402.1, Québec (Québec) G1H 6R1; telephone: 418 627-6386, extension 708309; email: philippe.doyon@mern.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Étienne Chabot, Director General, Electricity, Ministère de l'Économie, de l'Innovation et de l'Énergie, 5700, 4<sup>e</sup> Avenue Ouest, bureau A-402, Québec (Québec) G1H 6R1, email: etienne.chabot@mern.gouv.qc.ca.

PIERRE FITZGIBBON

*Minister of Economy, Innovation and Energy*



## Regulation to amend the Regulation respecting the rates for using the public fast-charging service for electric vehicles

Hydro-Québec Act  
(chapter H-5, s. 22.0.2)

**1.** The Regulation respecting the rates for using the public fast-charging service for electric vehicles (chapter H-5, r. 1) is amended in section 1 by replacing the last sentence by the following: “The rates are fixed, as the case may be, on an hourly basis or based on the quantity of electricity supplied to the user in kilowatt-hours (kWh). The rates vary according to the power of the station used and, as the case may be, according to the conditions determined in the Schedule.”.

**2.** Schedule I to the Regulation is amended by inserting the following heading before section 1:

“HOURLY RATES”.

**3.** Section 3 of Schedule I to the Regulation, as amended by section 1 of the Regulation to amend the Regulation respecting the rates for using the public fast-charging service for electric vehicles, enacted by Order in Council 979-2023 dated 14 June 2023, is further amended by striking out “during charging” in the heading of the first column of the table in that section.

**4.** Section 4 of Schedule I to the Regulation, as enacted by section 2 of the Regulation to amend the Regulation respecting the rates for using the public fast-charging service for electric vehicles, enacted by Order in Council 979-2023 dated 14 June 2023, is amended by striking out “during charging” in the heading of the first column of the table in that section.

**5.** Schedule I to the Regulation is amended by adding the following at the end:

### “RATES BASED ON THE QUANTITY OF ELECTRICITY SUPPLIED TO THE USER IN KILOWATT-HOURS AND HOURLY RATES

**5.** For the use of a 24 kW fast-charging station whose meter has been verified and sealed in accordance with the Electricity and Gas Inspection Act (Revised Statutes of Canada, 1985, c. E-4) or that displays a placard indicating that the meter has a dispensation from Measurement Canada:

“

Power used	Vehicle battery charge level	Rate per kWh	Hourly rate
Less than 10 kW	Equal to or less than 90%	N/A	\$6.75
	Greater than 90%	N/A	\$6.75
Equal to or greater than 10 kW	N/A	\$0.31	N/A

**6.** For the use of a 50 kW fast-charging station whose meter has been verified and sealed in accordance with the Electricity and Gas Inspection Act (Revised Statutes of Canada, 1985, c. E-4) or that displays a placard indicating that the meter has a dispensation from Measurement Canada:

“

Power used	Vehicle battery charge level	Rate per kWh	Hourly rate
Less than 20 kW	Equal to or less than 90%	N/A	\$11.43
	Greater than 90%	N/A	\$22.87
Equal to or greater than 20 kW	N/A	\$0.31	N/A

**7.** For the use of a 100 kW fast-charging station whose meter has been verified and sealed in accordance with the Electricity and Gas Inspection Act (Revised Statutes of Canada, 1985, c. E-4) or that displays a placard indicating that the meter has a dispensation from Measurement Canada:

“

Power used	Vehicle battery charge level	Rate per kWh	Hourly rate
Less than 20 kW	Equal to or less than 90%	N/A	\$14.09
	Greater than 90%	N/A	\$28.17
Equal to or greater than 20 kW and less than 50 kW	N/A	\$0.41	N/A
Equal to or greater than 50 kW	N/A	\$0.36	N/A

**8.** For the use of a fast-charging station of more than 100 kW whose meter has been verified and sealed in accordance with the Electricity and Gas Inspection Act (Revised Statutes of Canada, 1985, c. E-4) or that displays a placard indicating that the meter has a dispensation from Measurement Canada:

“

Power used	Vehicle battery charge level	Rate per kWh	Hourly rate
Less than 20 kW	Equal to or less than 90%	N/A	\$15.93
	Greater than 90%	N/A	\$31.87
Equal to or greater than 20 kW and less than 50 kW	N/A	\$0.46	N/A
Equal to or greater than 50 kW and less than 90 kW	N/A	\$0.36	N/A
Equal to or greater than 90 kW and less than 180 kW	N/A	\$0.46	N/A
Equal to or greater than 180 kW	N/A	\$0.52	N/A

”.

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

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