

Draft Regulation

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Men's and boy's shirt industry — Amendments

Notice is hereby given, in accordance with the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the "Association des manufacturiers de sous-vêtements du Québec" has petitioned the Minister of Labour to recommend to the Government that it make the Decree to amend the Decree respecting the men's and boy's shirt industry. In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Decree, the text of which appears below, may be made by the Government at the expiry of the 45 days from this publication.

The purpose of this draft regulation is to amend the industrial jurisdiction of the above-mentioned Decree.

To achieve that purpose, the draft regulation proposes to exclude "boxer shorts and underwear" from the jurisdiction.

To date, a study of this matter has revealed that the Decree respecting the men's and boy's shirt industry governs, according to the statistics in the 1995 Annual Report of the Parity Committee, 18 employers and 857 employees. Of that number, three enterprises, comprising about twenty employees, produce boxer shorts. As for the underwear industry, it is not included in the statistics, as the Decree was never actually applied to that industry. Its exclusion, therefore, does not modify its present situation. Consultation will serve to clarify the impact of the proposed amendments.

Further information may be obtained by contacting Mr. Gilles Fleury, Direction des décrets, Ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec), G1R 5S1 (telephone: (418) 643-4415; Fax: (418) 528-0559).

Any interested person having comments to make concerning this matter is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec), G1R 5S1.

JEAN-MARC BOILY,
Deputy Minister

Decree to amend the Decree respecting the men's and boy's shirt industry

Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 8)

1. The Decree respecting the men's and boy's shirt industry (R.R.Q., 1981, c. D-2, r. 11), amended by Orders in Council 1841-82 dated 12 August 1982, 2239-82 dated 29 September 1982, 673-84 dated 21 March 1984, 2611-85 dated 4 December 1985, 1124-87 dated 22 July 1987, 904-88 dated 8 June 1988, 513-91 dated 10 April 1991, 1620-92 dated 4 November 1992, 254-95 dated 1 March 1995 and 810-95 dated 14 June 1995, is further amended in the first paragraph of section 1.01:

1° in the French version, by deleting the words "caleçons boxeurs et sous-vêtements";

2° in the English version, by substituting the words "shirts and pyjamas" for the words "shirts, pyjamas, boxer shorts and underwear".

2. Section 1.04 of the Decree is amended by adding the following after paragraph *c*:

"(d) boxer shorts and underwear."

3. Section 7.02 of the Decree is amended by deleting the words ", boxer shorts" from the first paragraph.

4. Section 7.02.1 of the Decree is amended by deleting the words "boxer shorts" from the first paragraph.

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

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Draft Regulation

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

Agreement regarding the programs of the Canada Employment and Immigration Commission

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and with section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that upon the expiry of a 60-day period following the publication of this notice, the Regulation respecting the implementation of the Agreement regarding the programs of the Canada

Employment and Immigration Commission, may be made by the Commission de la santé et de la sécurité du travail, with or without amendments, and submitted to the Government for approval.

The purpose of the draft regulation is to grant protection under the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) to persons participating in certain programs of the Canada Employment and Immigration Commission.

To that end, it proposes that the Canada Employment and Immigration Commission be considered as the employer of those persons as regards the statement of the contributions it pays for the persons participating in the programs, the payment of the assessments established by the Commission de la santé et de la sécurité du travail and the imputation of the cost of benefits paid by the Commission by reason of an employment injury.

To date, study of the matter has revealed the following impacts on the public and on enterprises, particularly small and medium-sized businesses:

— protection against industrial accidents and occupational diseases is granted to persons participating in certain programs of the Canada Employment and Immigration Commission;

— the Canada Employment and Immigration Commission is considered to be the employer of those persons for the purposes mentioned above and therefore pays the relevant assessments.

Further information may be obtained by contacting Mr. Pierre Gingras, Commission de la santé et de la Sécurité du travail, 1199, rue Bleury, 2^e étage, Montréal (Québec), H3B 3J1, tel.: (514) 873-0679, fax: (514) 864-9985.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to Mr. Donald Brisson, Vice-Chairman Clients and Partner Relations, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec), G1R 7E2.

PIERRE SHEDLEUR,
*Chairman of the Board and
Chief Executive Officer of the
Commission de la santé et de
la sécurité du travail*

Regulation respecting the implementation of the Agreement regarding the programs of the Canada Employment and Immigration Commission

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpar. 39)

1. The Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) applies to persons participating in the programs of the Canada Employment and Immigration Commission on the conditions and to the extent provided for in the Agreement between the Commission and the Commission de la santé et de la sécurité du travail appearing in Schedule 1.

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

SCHEDULE 1

WHEREAS under subsection 15(1) of the Employment and Immigration Department and Commission Act (R.S.C. (1985), c. E-5), the CEIC is a body corporate;

WHEREAS under subsection 15(2) of that Act, the CEIC may on behalf of Her Majesty in right of Canada enter into contracts in its own name;

WHEREAS the Commission is, under section 138 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), a legal person within the meaning of the Civil Code of Québec and has the general powers of such a legal person and the special powers conferred upon it by that Act;

WHEREAS under section 170 of that Act, the Commission may make agreements in accordance with the Act with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it;

WHEREAS the CEIC has requested that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) apply to participants and members of the administrative personnel and it intends to assume, for administrative purposes only, the obligations prescribed for employers as regards the statement of the contributions paid by the CEIC for participants and members of the administrative personnel, the payment of the assessments due to the Commission and the imputation of the cost of benefits payable by reason of an employment injury;

WHEREAS under section 16 of the Act respecting industrial accidents and occupational diseases, a person doing work under a project of any government, whether or not the person is a worker, may be deemed to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS under section 16 of that Act, the second paragraph of section 170 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1) applies to such agreement, the effect of that section 16 being that the Commission must proceed by way of a regulation in order to give effect to an agreement extending benefits arising out of Acts or regulations administered by it;

THEREFORE, THE PARTIES HEREBY AGREE TO THE FOLLOWING:

CHAPTER 1.00 ENABLING PROVISIONS

Enabling provisions

1.01 This Agreement is entered into under section 16 of the Act respecting industrial accidents and occupational diseases, subsection 15(2) of the Employment and Immigration Department and Commission Act (R.S.C. (1985), c. E-5) and section 170 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1).

CHAPTER 2.00 PURPOSES OF AGREEMENT

Purposes of agreement

2.01 The purposes of this Agreement are to provide for the application of the Act respecting industrial accidents and occupational diseases to participants and members of the administrative personnel and to determine the respective obligations of the CEIC and of the Commission, on the conditions and to the extent set forth herein.

Other purpose

Another purpose of this Agreement is to provide for the non-application of the provisions concerning the re-assignment or the protective re-assignment of a pregnant or breast-feeding worker in the Act respecting occupational health and safety.

CHAPTER 3.00 DEFINITIONS

“CEIC”

(a) CEIC means the Employment and Immigration Commission established by section 9 of the Employment and Immigration Department and Commission Act (R.S.C. (1985), c. E-5) or any other agency that might be substituted for it by an Act of Parliament;

“Commission”

(b) Commission means the Commission de la santé et de la sécurité du travail established under section 137 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1);

“contribution”

(c) contribution means the contribution paid for a participant or a member of the administrative personnel in the form of, as the case may be,

- i. any amount paid by the CEIC as wages or as an allowance;
- ii. any unemployment insurance benefits paid for a participant, to which any amount paid as an allowance may be added, where applicable.

This definition excludes additional allowances paid for day-care expenses, transportation costs or any other amount that may not be considered as employment income;

“employment injury”

(d) employment injury means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation;

“Act”

(e) Act means the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001);

“participant”

(f) participant means any person registered, in particular, in a program appearing in Schedule I;

“member of the administrative personnel”

(g) member of the administrative personnel means any person registered, in particular, in a program mentioned in Schedule I;

“promoter”

(h) promoter means a municipal administration, a Native band council, a health institution, a public educational institution, a business or any other organization that has entered into an agreement with the CEIC for the purposes of implementing and carrying out a program administered by the CEIC and covered by this Agreement.

**CHAPTER 4.00
OBLIGATIONS OF THE CEIC****Employer**

4.01 The CEIC is deemed to be the employer of any participant or any member of the administrative personnel covered by this Agreement, for the exclusive purposes of the statement of the contributions paid by it for participants or members of the administrative personnel who are registered in the programs subject to this Agreement, the payment of the assessment calculated by the Commission and the imputation of the cost of the benefits paid by the Commission by reason of an employment injury.

Exclusions

It is understood that participants and members of the administrative personnel covered by this Agreement are neither employees, officers or servants of Her Majesty in right of Canada or of the CEIC for the purposes of any Act and, in particular, the Crown Liability and Proceedings Act (R.S.C. (1985), c. C-50), nor employees of the State for the purposes of the Government Employees Compensation Act (R.S.C. (1985), c. G-5).

Transportation costs

4.02 The CEIC shall assume the transportation costs referred to in section 190 of the Act where those costs are impossible to recover from the promoter.

Promoter's obligations

4.03 The CEIC shall inform promoters that they are bound by all the other employers' obligations provided for in the Act, except for the obligations set out in section 32 pertaining to the dismissal, suspension or transfer of a worker, the practice of discrimination or the taking of reprisals against him, sections 179 and 180

concerning temporary assignment and Chapter VII respecting the right to return to work, which do not apply to them.

Other exception

Likewise, Subdivision 4 of Division I of Chapter III of the Act respecting occupational health and safety does not apply to promoters.

Confirmation of participation

4.04 If the Commission so requests, the CEIC shall confirm the name of a participant, member of the administrative personnel or promoter subject to this Agreement.

Payment of assessments

4.05 The CEIC shall pay the assessment calculated by the Commission on the basis of the general rate of the unit corresponding to the economic activities in the “Programme d'aide à la création d'emploi” unit or, should amendments be made after this Agreement is signed, in a unit corresponding to those activities, in accordance with the Act and the regulations made thereunder.

Fixed administrative costs

The foregoing also applies to the fixed administrative costs associated with the opening of each financial record.

Minimum

4.06 For assessment purposes, the CEIC is deemed to pay wages that correspond to the contributions paid by it for participants or for members of the administrative personnel who are registered in a program subject to this Agreement.

Contributions paid

4.07 The CEIC shall forward to the Commission, not later than 30 June of each year, the final amount of the contributions paid for participants or members of the administrative personnel registered in a program during the period between 1 April of the preceding year and 31 March of the current year and shall pay, where applicable, any balance on the assessment calculated by the Commission.

Overpayment

The Commission shall apply any assessment amount overpaid by the CEIC to the assessment due for a subsequent year.

Estimation of contributions

The CEIC shall also forward to the Commission, not later than 1 September of each year, an estimation of the contributions paid for participants or members of the administrative personnel registered or likely to be registered in a program during the period between 1 April of the current year and 31 March of the following year.

Description of programs

4.08 The CEIC shall forward to the Commission, upon the coming into force of this Agreement, a description of every program appearing in Schedule I.

New program or amendment

Every new program and every subsequent amendment to a program appearing in Schedule I shall be forwarded so that it may be evaluated and a decision may be made whether to include or to retain it under this Agreement.

CHAPTER 5.00 OBLIGATIONS OF THE COMMISSION

Worker status

5.01 The Commission shall consider a participant or a member of the administrative personnel who is registered in any of the programs subject to this Agreement to be a worker within the meaning of the Act.

Indemnity

5.02 A participant or a member of the administrative personnel who suffers an employment injury is entitled to an income replacement indemnity from the first day following the beginning of his inability to carry on the remunerated employment he is holding at the time the employment injury appears.

If the participant or member of the administrative personnel has no remunerated employment at the time his employment injury appears, he is entitled, from the first day following the beginning of his inability, to the income replacement indemnity if he becomes unable, by reason of that injury, to carry on his usual employment or, if he does not carry on such employment usually, the employment that could have been his usual employment, considering his training, work experience and physical and intellectual capacity before his injury appeared.

Payment

5.03 Notwithstanding section 60 of the Act, the Commission shall pay to the participant or to the member of the administrative personnel the income replacement indemnity to which he is entitled.

Calculation of the indemnity

5.04 For the purposes of calculating the income replacement indemnity, the gross annual employment income of the participant or member of the administrative personnel is the amount of the contribution paid by the CEIC.

Recurrence, relapse or aggravation

In the event of a recurrence, a relapse or an aggravation, where the participant or the member of the administrative personnel has a remunerated employment, the gross annual income is, for the purposes of calculating the income replacement indemnity, established in accordance with section 70 of the Act. However, if he is unemployed at the time of the recurrence, relapse or aggravation, the gross annual employment income is that which he derived from the employment out of or in the course of which he suffered his employment injury; that gross income is revalorized on 1 January of each year from the date he ceased to hold the employment.

Exception

However, entitlement to an income replacement indemnity and the calculation thereof for a participant or a member of the administrative personnel who is considered to be a worker under this Agreement and who is a full-time student shall be determined according to sections 79 and 80 of the Act.

Financial records

5.05 The Commission shall open a financial record in respect of each program and shall charge the related fixed administrative costs to the CEIC.

Penalties

5.06 The Commission shall not impose any penalty on the CEIC for an underestimation of the contributions paid for participants or members of the administrative personnel or for a delay in filing the statement of the final amount of the contributions paid for participants or members of the administrative personnel.

CHAPTER 6.00

MISCELLANEOUS

Monitoring of progress of Agreement

6.01 Within 15 days following the coming into force of this Agreement, both the CEIC and the Commission shall designate a person who will be responsible for monitoring the progress of this Agreement.

Addresses for notices

6.06 Every notice provided for in this Agreement shall be sent to the following addresses:

(a) Director of Employment and Skills Development
Human Resources Development Canada
1441, rue Saint-Urbain, 3^e étage
Montréal (Québec)
H2X 2M6

(b) Le Secrétaire de la Commission
Commission de la santé et de la sécurité du travail
1199, rue De Bleury, 14^e étage
Montréal (Québec)
H3C 4E1.

CHAPTER 7.00

COMING INTO FORCE, TERM AND AMENDMENTS

Taking effect

7.01 This Agreement takes effect on the date of coming into force of the Regulation adopted for that purpose by the Commission under section 170 of the Act respecting occupational health and safety.

Term

7.02 It shall remain in force until 31 March 1997.

Tacit renewal

7.03 It shall subsequently be renewed tacitly for successive 12-month periods, unless one of the parties sends to the other party, by registered or certified mail, at least 90 days before the term expires, a notice in writing to the effect that it intends to terminate the Agreement or make amendments thereto.

Amendments

7.04 In the latter case, the notice shall contain the amendments that the party wishes to make.

Renewal

7.05 The sending of the notice provided for in section 7.04 shall not preclude the tacit renewal of this Agreement for a period of 1 year. If the parties do not agree on the amendments to be made to the Agreement, the Agreement shall be terminated, without further notice, at the expiry of that period.

CHAPTER 8.00

CANCELLATION OF THE AGREEMENT

Non-compliance

8.01 If the CEIC fails to comply with any of its obligations, the Commission may send a notice in writing to request that the CEIC remedy that failure within a period fixed by the Commission. Should the failure not be remedied within the period fixed, the Commission may cancel this Agreement unilaterally by giving notice in writing.

Date

8.02 The Agreement shall then be cancelled on the date on which the notice of cancellation provided for in section 8.01 is sent.

Financial adjustments

8.03 In the event of cancellation, the Commission shall make financial adjustments on the basis of the amounts payable under this Agreement.

Sum due

8.04 Any sum due after such financial adjustments have been made shall be payable on the due date appearing on the notice of assessment.

Mutual agreement

8.05 The parties may, by mutual agreement, cancel this Agreement at any time.

Damages

8.06 In the event of cancellation, neither party shall be required to pay damages, interest or any other form of indemnity or charges to the other party.

SCHEDULE I TO THE AGREEMENT

List of programs subject to the Agreement

- Youth Employment and Learning Strategy:
 - (a) program “Student Summer Job Action”:
 - option “Summer Career Placements”;
 - option “Summer Youth Service Canada”;
 - (b) “Youth” component:
 - program “Youth Service Canada”;
 - program “Youth Internship Canada”;
- Employability Improvement:
 - (a) “Project-Based Training” component;
 - (b) “Employment Assistance” component;
- Community Futures:
 - (a) “Local Projects” component:
 - “Job Development Projects” measure (regulars and social assistance recipients);
 - “Job Creation Projects” measure;
- Atlantic Groundfish Strategy:
 - (a) “Labour Market Adjustment” component:
 - “Environmental Projects” measure;
 - “Community Opportunities” measure.

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Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Notaries

— Procedure for conciliation and arbitration of accounts

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation respecting the procedure for conciliation and arbitration of accounts of notaries”, adopted by the Bureau of the Chambre des notaires du Québec, the text of which appears below, may be submitted to the government for approval upon the expiry of forty-five days following the present publication. The government may approve it with or without amendment.

The Chambre des notaires du Québec believes that this regulation has for purpose to improve and bring up to date the procedure for conciliation and arbitration of accounts of notaries. Among other ameliorations, there is the nomination of a conciliator of accounts, the creation of an arbitration committee and the nomination of a secretary of that committee within the order. Also, the delays provided in the regulation for the application of the procedure for conciliation and arbitration of accounts of notaries have been entirely revised to better organize the procedure for conciliation and arbitration of accounts of notaries.

The Chambre des notaires du Québec believes that this regulation will have positive impacts towards citizens and enterprises, particularly for small and medium size companies, by favouring a higher efficiency of the procedure for conciliation and arbitration of accounts of notaries. It will also permit more flexibility in its application by a better organization of the procedure for conciliation and arbitration of accounts of notaries facilitating by then its use.

Additional information may be obtained by contacting M^e Michel Poulin, secretary of the Chambre des notaires du Québec, 630, boulevard René-Lévesque Ouest, local 1700, Montréal (Quebec), H3B 1T6, telephone no: (514) 879-2908; fax no: (514) 879-1923.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the order professional that made the Regulation as well as to the persons, departments and agencies concerned.

ROBERT DIAMANT,
*Chairman of the Office
des professions du Québec*

Regulation respecting the procedure for conciliation and arbitration of accounts of notaries

Professional Code
(R.S.Q., c. C-26, s. 88)

DIVISION I GENERAL PROVISIONS

I. The conciliator of accounts of notaries or the secretary of the committee for the arbitration of accounts of