



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 103

(1997, chapter 20)

**An Act to amend the Act to foster
the development of manpower training
and other legislative provisions**

Introduced 8 April 1997
Passage in principle 1 May 1997
Passage 4 June 1997
Assented to 5 June 1997

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EXPLANATORY NOTES

This bill amends the Act to foster the development of manpower training to establish an apprenticeship scheme, responsive to labour market needs, to assist young persons and adults in entering trades and professions. The scheme, which will allow the acquisition of training certified by the Minister of Education, will focus on in-plant training.

Under the bill, sector-based manpower committees constituted as legal persons and pursuing the aims and objects of the Act to foster the development of manpower training may be recognized.

The bill allows for the establishment of standards of ethics and professional conduct to apply to persons or bodies accredited or recognized in the area of vocational training and introduces a proceeding for contesting a refusal, suspension or revocation of accreditation or recognition.

Lastly, the bill contains technical and consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Act to foster the development of manpower training (R.S.Q., chapter D-7.1);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting administrative justice (1996, chapter 54).

Bill 103

AN ACT TO AMEND THE ACT TO FOSTER THE DEVELOPMENT OF MANPOWER TRAINING AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 8 of the Act to foster the development of manpower training (R.S.Q., chapter D-7.1) is amended by replacing the words “other body” in the second line by the words “another body constituted as a legal person and”.

2. Section 11 of the said Act is amended by inserting, after the first paragraph, the following paragraph :

“Where the business of an employer is transferred in a year to another employer following a winding-up to which Chapter VII of Title IX of Book III of Part I of the Taxation Act (chapter I-3) applies, the excess amount of the former employer is deemed to be eligible training expenditures of the latter employer for the year.”

3. Section 20 of the said Act is amended

(1) by inserting the words “or any part thereof” after the word “chapter” in the second line of subparagraph 3 of the first paragraph ;

(2) by adding, at the end of the first paragraph, the following subparagraph :

“(4) determine standards of ethics and professional conduct to apply to accredited or recognized persons or bodies.”

4. Section 21 of the said Act is amended by adding, at the end, the following paragraph :

“(5) determine the information to be sent by an employer to the Société concerning eligible training expenditures incurred by the employer, and the manner in which the information is to be sent.”

5. The said Act is amended by inserting, after section 21, the following section :

“21.1. A regulation made pursuant to subparagraph 4 of the first paragraph of section 20 may

(1) regulate or prohibit certain practices pertaining to the professional conduct of accredited or recognized persons or bodies ;

(2) establish the procedure governing examinations of and inquiries into conduct that may be in contravention of this Act and the regulations and determine the appropriate penalties.”

6. Section 22 of the said Act, amended by section 39 of chapter 29 of the statutes of 1996, is again amended by replacing the second sentence by the following sentence: “Before recommending the approval of a regulation made under subparagraphs 1 to 3 of the first paragraph of section 20, the minister designated by the Government shall obtain the opinion of the Minister of Revenue which he shall attach to his recommendation, unless the regulation deals solely with matters referred to in section 21.”

7. The said Act is amended by inserting, after section 22, the following section :

“**22.1.** The Société may, by a by-law adopted under section 13 of the Act respecting the Société québécoise de développement de la main-d’oeuvre (chapter S-22.001), and to the extent and on the conditions it determines, delegate to one of its members, vice-chairmen or employees the exercise of functions relating to decisions to grant, refuse, suspend or revoke accreditation or recognition or relating to examinations and inquiries pursuant to a regulation under section 21.1 of this Act .”

8. The said Act is amended by inserting, after section 23, the following division :

“DIVISION III.1

“PROCEEDINGS AND IMMUNITY RELATING TO ACCREDITATION AND RECOGNITION

“**23.1.** Any refusal, suspension or revocation of accreditation or recognition may be contested before the Administrative Tribunal of Québec within 30 days of notification of the decision.

“**23.2.** In no case may the Société or its members, vice-chairmen or employees be prosecuted for any omission or any act done in good faith in the exercise of their functions or of a delegated power relating to accreditation or recognition.”

9. Section 28 of the said Act is amended by replacing the first paragraph by the following paragraph :

“28. The sums required for the preparation and dissemination of information pertaining to Chapters II and III of this Act, for the remuneration of the persons assigned by the Société to the carrying out of those chapters and for the payment of expenses related to their social benefits and other conditions of employment shall be taken out of the Fund.”

10. Section 40 of the said Act is amended by replacing the words “30 June” by the words “31 March”.

11. The said Act is amended by inserting, after section 44, the following chapters :

“CHAPTER III.1

“APPRENTICESHIP SCHEME

“44.1. The Société shall, by regulation, establish an apprenticeship scheme, responsive to labour market needs, to assist young persons and adults in entering trades or professions.

The scheme shall focus on in-plant training, while maintaining the general education provided by educational institutions.

The scheme shall prepare apprentices to carry on a trade or profession through the acquisition of qualifying, combinable and transferable vocational training, certified by the Minister of Education.

To that end, the Société shall solicit and obtain the participation of educational institutions and employers.

“44.2. The Société is responsible for the planning, development, promotion, implementation, follow-up and assessment of the apprenticeship scheme, and shall decide how it is to be applied to a trade or profession, to a sector of economic activity or to a region.

The Société shall, to that end, encourage the participation of recognized sector-based manpower committees, parity committees, associations of employees and other associations, councils, committees or commissions in which management, union or social partners are involved.

“44.3. The regulation establishing the apprenticeship scheme may

- (1) determine the general requirements for admission to the apprenticeship ;
- (2) determine the general conditions to be fulfilled by and the qualities and skills required of journeymen ;

(3) determine the general conditions governing employer participation, including the conditions to be adhered to where the employees of an employer or a group of such employees are represented by an association or union certified pursuant to an Act for that purpose ;

(4) determine the general responsibilities of employers as regards training in relation to those of educational institutions ;

(5) determine the terms and conditions under which the scheme is to be applied to a trade or profession ;

(6) prescribe the use of an apprenticeship booklet, the content of which shall be determined by the Société ;

(7) determine the content of the contract of apprenticeship, including the obligations of the employer and the apprentice, and prescribe the form thereof ;

(8) divide the duration of apprenticeship into periods ;

(9) determine, for each apprenticeship period, but only for the in-plant portion, the wage rate of apprentices in relation to the wage paid by the employer to a qualified entry-level employee in the trade or profession concerned or, in the cases provided for in the regulation, in relation to the wage of any other employee ;

(10) provide that the Société may, by agreement with a recognized sector-based manpower committee or a parity committee, determine, for a specific sector of economic activity, special conditions governing employer participation and special terms and conditions under which the scheme is to be applied to a trade or profession ;

(11) provide that a recognized sector-based manpower committee or a parity committee may, for its sector of economic activity and for each trade or profession, participate in defining the content of the apprenticeship booklet and a journeyman's handbook, in determining the length of the apprenticeship and the apportionment of the training between educational institutions and enterprises, as well as in determining special conditions for admission to the apprenticeship and special conditions to be fulfilled to act as a journeyman ;

(12) determine any other related or supplementary measure considered necessary to give effect to or facilitate the application of the scheme.

“44.4. A regulation of the Société under section 44.1 requires the approval of the Government.

“CHAPTER III.2**“SECTOR-BASED MANPOWER COMMITTEES**

“44.5. The Société may recognize any sector-based manpower committee constituted as a legal person and the objects of which include identifying manpower development needs in a sector of economic activity and devising and implementing action plans and training plans to meet those needs.

Only one sector-based manpower committee may be recognized for a sector of economic activity.

“44.6. A recognized sector-based manpower committee may propose to the Société special conditions governing employer participation as well as special terms and conditions under which the apprenticeship scheme is to be applied in the committee’s sector of economic activity.

The committee shall participate in the implementation, follow-up and assessment of the scheme in its sector.”

12. Section 66 of the said Act is amended by replacing the words “on 30 June” by the word “in”.

13. The Act respecting collective agreement decrees (R.S.Q., chapter D-2) is amended by inserting, after section 12, the following section:

“12.1. For the purposes of this Act, a wage determined in accordance with a regulation under section 44.3 of the Act to foster the development of manpower training (chapter D-7.1) in respect of an employee taking part as an apprentice in an apprenticeship scheme established under that Act is deemed to be fixed by the decree.”

14. Section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 13 of chapter 46 of the statutes of 1994, section 213 of chapter 1 of the statutes of 1995, section 14 of chapter 36 of the statutes of 1995, section 50 of chapter 43 of the statutes of 1995, section 277 of chapter 63 of the statutes of 1995, section 22 of chapter 69 of the statutes of 1995, section 18 of chapter 12 of the statutes of 1996, section 4 of chapter 33 of the statutes of 1996 and section 104 of chapter 3 of the statutes of 1997, is again amended by replacing the words “and his contribution to the Fonds national de formation de la main-d’oeuvre” at the end of subparagraph *h* of the second paragraph by the words “, his contribution to the Fonds national de formation de la main-d’oeuvre, the economic activity code assigned to him by the Minister, the number of returns pertaining to his employees sent to the Minister and the registration number assigned to him pursuant to the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45)”.

15. The Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by inserting, after section 40, the following section :

“**40.1.** Section 40 does not apply to an apprentice who participates in an apprenticeship scheme established under the Act to foster the development of manpower training (chapter D-7.1).”

The minimum wage payable to such an employee is the wage determined in his respect pursuant to a regulation under that Act.”

16. Schedule IV to the Act respecting administrative justice (1996, chapter 54) is amended by adding, at the end, the following paragraph :

“(28) section 23.1 of the Act to foster the development of manpower training (R.S.Q., chapter D-7.1).”

17. Until the coming into force of section 23.1 of the Act to foster the development of manpower training, enacted by section 8 of this Act, in the case of a refusal, suspension or revocation of accreditation or recognition by a delegate of the Société québécoise de développement de la main-d’oeuvre, an application for review may be made within 30 days of notification of the decision.

The application must be in writing, give reasons and be sent to the Société.

The decision of the Société on the review is final.

18. Notwithstanding section 11 of the Regulations Act (R.S.Q., chapter R-18.1), the first regulation made under section 44.1 of the Act to foster the development of manpower training, enacted by section 11 of this Act, may be made on the expiry of 30 days from the date on which it is published in the *Gazette officielle du Québec*. The regulation comes into force, notwithstanding section 17 of the Regulations Act, on the day on which it is approved by the Government.

19. The provisions of this Act come into force on 5 June 1997, except the provisions of section 10 which come into force on 1 July 1997 and the provisions of section 23.1 of the Act to foster the development of manpower training, enacted by section 8 of this Act, and of sections 13, 15 and 16 which come into force on the date or dates to be fixed by the Government.