

- for public utility works;
- for mining activities;
- for a wildlife and recreational development project;
- the management of public forest reserves and the sale of timber. Notwithstanding the provisions of the Act, the marketing of timber may be assumed by each RCM on its own terms;
- the conclusion of forest management contracts;
- the granting of permits for the construction or improvement of forest roads and authorizations regarding the width of the right-of-way and the destination of timber harvested during the construction or improvement of roads other than forest roads;
- control of the access to forest roads for reasons of public interest, particularly in cases of fire, during the thaw period or for safety reasons;
- the application of forest management standards, in accordance with the Regulation respecting standards of forest management for forests in the public domain made by Order in Council 498-96 dated 24 April 1996, or prescribing standards according to sections 25.2 and 25.3 of the Forest Act;
- the collection of duties payable by holders of authorizations, permits or rights granted by the RCMs in accordance with the applicable regulations. The duties, minus the administration expenses incurred in the exercise of the delegated powers, shall be paid by the RCM into a development fund set up by the RCM in accordance with the provisions of the laws governing municipalities; the sums paid into the fund shall be used primarily to support development activities for the intramunicipal public territory;
- the supervision and control of forest management activities, in accordance with the Forest Act and the regulations thereunder. The RCM shall advise the Minister of Natural Resources of any offence against the Forest Act or the regulations in force and shall send the relevant record, including technical evidence needed to describe the offence;
- the determining of the forest management activities and silvicultural treatments authorized as payment of dues under section 73.1 of the Forest Act, as amended by section 6 of Chapter 33 of the Statutes of 1997; the determining of their value in accordance with the rules of calculation established by the Government by regula-

tion (s. 73.3 of the Forest Act). Any resolution adopted for those purposes by the RCM shall be approved by the Minister of Natural Resources before its coming into force.

3161

Gouvernement du Québec

### **O.C. 1178-99, 13 October 1999**

An Act to foster the development of manpower training (R.S.Q., c. D-7.1)

#### **Exemptions to the application of Division II of Chapter II of the Act**

Regulation respecting exemptions to the application of Division II of Chapter II of the Act to foster the development of manpower training

WHEREAS under subparagraph 3 of the first paragraph of section 20 of the Act to foster the development of manpower training (R.S.Q., c. D-7.1), amended by section 3 of Chapter 20 of the Statutes of 1997 and by section 77 of Chapter 63 of the Statutes of 1997, the Commission des partenaires du marché du travail may make regulations to exempt classes of employers or enterprises from the application of Chapter II of the Act or any part thereof on such conditions as may be prescribed therein;

WHEREAS under section 22 of that Act, amended by section 6 of Chapter 20 of the Statutes of 1997 and by section 79 of Chapter 63 of the Statutes of 1997, such regulations require the approval of the Government;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 22 October 1997 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period is expired;

WHEREAS the Commission des partenaires du marché du travail has examined the comments received;

WHEREAS the Commission des partenaires du marché du travail adopted the Regulation respecting exemptions to the application of Division II of Chapter II of the Act to foster the development of manpower training, with amendments, at its meeting of 24 February 1999;

WHEREAS it is expedient to approve the Regulation ;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Labour and Employment and Minister responsible for Employment :

THAT the Regulation respecting exemptions to the application of Division II of Chapter II of the Act to foster the development of manpower training, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

### **Regulation respecting exemptions to the application of Division II of Chapter II of the Act to foster the development of manpower training**

An Act to foster the development of manpower training (R.S.Q., c. D-7.1, s. 20, 1st par., subpar. 3 ; 1997, c. 20, s. 3 ; 1997, c. 63, s. 77)

**1.** Any employer may be exempted from the application of Division II of Chapter II of the Act to foster the development of manpower training (R.S.Q., c. D-7.1) for three consecutive calendar years. To that end, he must submit an application to Emploi-Québec during the first calendar year covered by the application, using the form supplied by Emploi-Québec.

**2.** The Minister responsible for the administration of that Act shall grant an exemption if the following conditions are met :

(1) the employer's expenditures within the meaning of the Regulation respecting eligible training expenditures, made by Order in Council 1586-95 dated 6 December 1995, for the training of personnel, including apprentices, trainees and teachers undergoing refresher training in the workplace, represent an average of at least 2 % of its total payroll over the three calendar years preceding the employer's application, excluding the amounts carried forward in accordance with section 11 of the Act ;

(2) the employer has a training service accredited by the Minister under the Regulation respecting the accreditation of training bodies, training instructors and training services, approved by Order in Council 764-97 dated 11 June 1997 and, where the training is carried out within the institution or firm, training is provided by professional training instructors, or by qualified personnel of such employer or of a supplier of material, equip-

ment or software ; for the purposes of this subparagraph, an employer whose total payroll is \$500 000 or less may have only one professional training instructor ; and

(3) for the three years covered by the application, the employer has developed a comprehensive training plan covering the needs of all categories of personnel, and an agreement on such plan has been reached with personnel representatives ; any agreement reached with an association or union accredited under a statute to represent employees or a group of employees shall be signed by a representative of the association or union.

For the purposes of this Regulation, a professional training instructor is a natural person employed by the employer who, although not accredited as such under the Regulation respecting the accreditation of training bodies, training instructors and training services, meets accreditation requirements.

**3.** The employer shall also undertake, under a memorandum of agreement with the Minister,

(1) to continue to participate in the development of training for his personnel during the period covered by the exemption, in accordance with section 2 ;

(2) to ensure the competence of his professional training instructors, in particular through training or upgrading activities ;

(3) to provide on the form supplied by Emploi-Québec the information required under section 3 of the Regulation respecting eligible training expenditures ;

(4) to allow a representative of the Minister to meet with his representative or professional training instructors if the Minister considers it necessary.

**4.** The Minister may cancel an exemption if the conditions stipulated in this Regulation or the undertakings stated in the memorandum of agreement provided for in section 3 are not complied with. Such cancellation takes effect on 31 December of the current year.

**5.** The exemption may be renewed for three calendar years provided that the employer complies with all the conditions stipulated in this Regulation and renews the undertakings stated in the memorandum of agreement.

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