

Gouvernement du Québec

**O.C. 431-2004, 6 May 2004**

Fire Safety Act  
(R.S.Q., c. S-3.4)

**Municipal fire safety service  
— Conditions governing the exercise of functions**

Regulation respecting the conditions governing the exercise of functions within a municipal fire safety service

WHEREAS section 38 of the Fire Safety Act (R.S.Q., c. S-3.4) sets forth that conditions governing the exercise of functions related to the areas of practice mentioned in section 53 of the Act in a fire safety service may be prescribed by regulation of the Government, that such conditions may be fixed according to classes of personnel and that the regulation may include exemptions or provisional conditions for the personnel in office;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the conditions governing the exercise of functions within a municipal fire safety service was published in Part 2 of the *Gazette officielle du Québec* of 11 February 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the conditions governing the exercise of functions within a municipal fire safety service, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

**Regulation respecting the conditions governing the exercise of functions within a municipal fire safety service**

Fire Safety Act  
(R.S.Q., c. S-3.4, s. 38)

**CHAPTER I  
MANAGEMENT**

**1.** A firefighter who manages a fire safety service must hold

(1) an Officier non urbain certificate awarded by the École nationale des pompiers du Québec if the fire safety service of which the firefighter is a member serves a population of fewer than 5,000 persons;

(2) an Officier I certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of 5,000 persons or more and of fewer than 25,000 persons; or

(3) an Officier II certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of 25,000 persons or more.

Despite the first paragraph, a firefighter may hold that function while obtaining the required officer certification provided that the training period does not exceed 48 consecutive months following the date on which the firefighter begins to hold the function requiring Officier non urbain or Officier I certification, or 24 months in the case of Officier II certification.

**CHAPTER II  
FIRE PREVENTION**

**2.** A person who acts as a fire prevention inspector, namely a firefighter hired to work in a fire safety service and whose main duties relate to detecting fire hazards and inspecting plans and specifications to ensure they comply with fire safety regulation, must hold an attestation of college studies (*Prévention en sécurité incendie*), a diploma of college studies (*Prévention en sécurité incendie*), an undergraduate studies certificate (*Technologie en prévention des incendies*) or a vocational studies diploma (*Prévention des incendies*) awarded by the Ministère de l'Éducation or its equivalent recognized by the Minister of Education.

### CHAPTER III EMERGENCY RESPONSE

#### DIVISION I BASIC FIREFIGHTER TRAINING

**3.** A firefighter in charge of rescue response or fire suppression must hold

(1) a vocational studies diploma (*Intervention en sécurité incendie*) or an attestation of vocational specialization (*Intervention en cas d'incendie*) awarded by the Ministère de l'Éducation or its equivalent recognized by the Minister of Education;

(2) a Pompier I certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of fewer than 25,000 persons; or

(3) a Pompier II certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of 25,000 to 200,000 persons.

Despite the first paragraph, a person may act as an apprentice firefighter under the supervision of a qualified firefighter while obtaining the required certification provided that the training period does not exceed 48 consecutive months following the date of hiring, except if the fire safety service of which the person is a member serves a population of more than 200,000 persons.

#### DIVISION II SPECIALIZED TRAINING

**4.** A firefighter who operates a pumper must hold an Opérateur d'autopompe certificate awarded by the school, except if the firefighter has successfully completed the training referred to in subparagraph 1 of the first paragraph of section 3.

**5.** A firefighter who operates an elevating device must hold an Opérateur de véhicule d'élévation certificate awarded by the school, except if the firefighter has successfully completed the training referred to in subparagraph 1 of the first paragraph of section 3.

**6.** A firefighter who performs extrications must hold a Désincarcération certificate awarded by the school, except if the firefighter has successfully completed the training referred to in subparagraph 1 of the first paragraph of section 3.

**7.** A firefighter who determines the causes and circumstances of fires must hold a Recherche des causes et des circonstances d'un incendie certificate awarded by the school.

### CHAPTER IV EMERGENCY MANAGEMENT

#### DIVISION I BASIC OFFICER TRAINING

**8.** A firefighter who acts as an officer in charge of response management, namely a firefighter who supervises and directs the work of firefighters at a fire scene, must hold

(1) an Officier I certificate awarded by the school; or

(2) an Officier non urbain certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of fewer than 5,000 persons.

Despite the first paragraph, a firefighter may hold that function while obtaining the required officer certification provided that the training period does not exceed 48 consecutive months following the date on which the firefighter begins to hold the function requiring Officier I or Officier non urbain certification, except if the fire safety service of which the firefighter is a member serves a population of more than 200,000 persons.

#### DIVISION II ADVANCED TRAINING FOR CHIEF OFFICERS

**9.** A firefighter whose main duty is to supervise and direct the work of other officers must hold

(1) an Officier non urbain certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of fewer than 5,000 persons;

(2) an Officier I certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of 5,000 persons or more and of fewer than 25,000 persons; or

(3) an Officier II certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of 25,000 persons or more.

Despite the first paragraph, a firefighter may hold that function while obtaining the required officer certification provided that the training period does not exceed 48 consecutive months following the date on which the firefighter begins to hold the function requiring Officier non urbain or Officier I certification, or 24 months in the case of Officier II certification.

## CHAPTER V TRANSITIONAL, INTERPRETATIVE AND FINAL

**10.** Persons who, on 1 September 2005, have successfully completed

(1) the first nine modules of the vocational studies diploma (*Intervention en sécurité incendie*) are deemed to be holders of a Pompier I certificate and an Opérateur d'autopompe certificate awarded by the school;

(2) the courses in the Gérer l'intervention profile forming part of the Gestionnaire en sécurité incendie attestation of college studies awarded by the Ministère de l'Éducation are deemed to be holders of an Officier I certificate awarded by the school;

(3) the Gestionnaire en sécurité incendie attestation of college studies awarded by the Ministère de l'Éducation are deemed to be holders of an Officier II certificate awarded by the school;

(4) module Number 6 entitled Matériel d'intervention relatif à l'eau forming part of the Intervention en sécurité incendie vocational studies diploma are deemed to be holders of an Opérateur d'autopompe certificate awarded by the school;

(5) module Number 15 entitled Véhicules d'élévation forming part of the Intervention en sécurité incendie vocational studies diploma are deemed to be holders of an Opérateur de véhicule d'élévation certificate awarded by the school;

(6) module Number 24 entitled Incendies et accidents de véhicules forming part of the Intervention en sécurité incendie vocational studies diploma are deemed to be holders of a Désincarcération certificate awarded by the school;

(7) the course entitled Recherche de causes et de circonstances d'un incendie in the Gérer l'intervention profile forming part of the Gestionnaire en sécurité incendie attestation of college studies are deemed to be holders of a Recherche des causes et des circonstances d'un incendie certificate awarded by the school.

**11.** As long as they do not change employment, the following persons may continue to exercise the same functions within a fire safety service without having to meet the new conditions prescribed by this Regulation:

(1) firefighters who, on 16 September 1998, held the function of director and managed a fire safety service;

(2) persons who, on that date, held the function of fire prevention inspector, namely firefighters hired to work in a fire safety service and whose main duties related to detecting fire hazards and inspecting plans and specifications to ensure they complied with fire safety regulation;

(3) persons who, on that date, held the function of firefighter, namely persons in charge of rescue response or fire suppression;

(4) persons who, on that date, were on the eligibility list of a local municipality for the hiring of full-time firefighters and who were hired for such a position by the municipality that drew up the list;

(5) firefighters who, on that date, performed the duties referred to in Division II of Chapter III of this Regulation;

(6) firefighters who, on that date, held the function of officer in charge of response management, namely firefighters supervising and directing the work of firefighters at a fire scene; and

(7) firefighters who, on that date, held the function of chief officer, namely firefighters whose main duty was to supervise and direct the work of other officers.

Firefighters who were members of a fire safety service that was the subject of an amalgamation, regrouping or integration after 16 September 1998 are deemed not to have changed employment for the purposes of this section.

**12.** A firefighter who acts as director and manages a fire safety service and who began to hold that function between 17 September 1998 and 31 August 2006 has 48 months from 1 September 2006 to obtain an Officier non urbain, Officier I or Officier II certificate in accordance with the requirements of section 1 of this Regulation.

A firefighter in charge of rescue response or fire suppression in a fire safety service who began to hold that function between 17 September 1998 and 31 August 2004 has 48 months from 1 September 2004 to obtain a Pompier I or Pompier II certificate and 24 months to obtain an Intervention en sécurité incendie vocational studies diploma in accordance with the requirements of section 3 of this Regulation.

A firefighter who acts as an officer in charge of response management, namely a firefighter who supervises and directs the work of firefighters at a fire scene and who began to hold that function between 17 September 1998 and 31 August 2006 has 48 months from 1 September 2006 to obtain an Officier I or Officier non urbain certificate in accordance with the requirements of section 8 of this Regulation.

A firefighter who acts as chief officer whose main duty is to supervise and direct the work of other officers and who began to hold that function between 17 September 1998 and 31 August 2006 has 48 months from 1 September 2006 to obtain an Officier non urbain, Officier I or Officier II certificate in accordance with the requirements of section 9 of this Regulation.

**13.** For the purposes of this Regulation, the population served by a fire safety service is considered to be the population of the local municipality having the largest population if two or more local municipalities are served by the fire safety service.

**14.** A firefighter who is a member of a fire safety service serving a population that has increased so that its service is subject to additional training requirements has 24 months to comply with the new requirements from the date of the Order in Council determining the population, made in accordance with section 29 of the Act respecting municipal territorial organization (R.S.Q., c. O-9).

**15.** Sections 1, 2, 4, 4.1 and 5 of the Regulation respecting the training of members of fire departments, made by Order in Council 1083-98 dated 21 August 1998, are revoked as of 1 September 2004 and section 3 of the Regulation is revoked as of 1 September 2006.

**16.** This Regulation comes into force on 1 September 2004, except sections 1, 8 and 9 which come into force on 1 September 2006 and sections 4 to 7 which come into force on 1 September 2007.

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Gouvernement du Québec

## O.C. 436-2004, 6 May 2004

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1)

### Plans exempted from the application of certain provisions of the Act — Amendments

IN THE MATTER OF the Regulation to amend the Regulation respecting plans exempted from the application of provisions of the Supplemental Pension Plans Act

WHEREAS in accordance with section 2 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), the Government may, by regulation and on the conditions it determines:

— exempt any pension plan or category of pension plan it designates from the application of all or part of the Act, particularly by reason of the special characteristics of the plan or category or by reason of the complexity of the Act in relation to the number of members in the plan;

— prescribe special rules applicable to the plan or category;

WHEREAS pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation attached hereto was published in Part 2 of the *Gazette officielle du Québec* on 10 September 2003 with a notice that it could be made by the Government upon expiry of a period of 45 days following that publication;

WHEREAS it is expedient to make the Regulation, with amendments to take into account comments made by interested parties;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Employment, Social Solidarity and Family Welfare:

THAT the Regulation to amend the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act attached hereto be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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