

The Chair of the Commission shall inform the public, by means of a notice published in the *Gazette officielle du Québec* or by such other means as he considers appropriate, of the results of the indexing applied pursuant to this section.”.

3. The second, third, fourth and fifth paragraphs of Section 7 of Schedule I of the Rules of practice and rules for the internal management of the Commission des transports du Québec are revoked.

4. This Regulation shall come 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 on the professional dance training program — Implementation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the Regulation respecting the implementation of the agreement on the professional dance training program, the text of which appears below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to extend the protection of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) to persons registered in the professional dance training program appearing in the Schedule to the Agreement.

To that end, it proposes that the Minister of Culture and Communications be considered as the employer of those persons for the purposes of compensation payable to them, payment of the assessment established by the Commission de la santé et de la sécurité du travail and imputation of the costs of benefits paid by the Commission by reason of an employment injury.

Study of the matter shows no impact on the public and on enterprises. Assessments to the Commission de la santé et de la sécurité du travail will be paid by the Minister of Culture and Communications.

Further information may be obtained by contacting Pierre Gingras, Commission de la santé et de la sécurité du travail, 1199, rue de Bleury, 2^e étage, Montréal (Québec) H3C 4E1 ; telephone (514) 906-3020, extension 2078 ; fax : (514) 906-3021.

Any interested person having comments to make the matter is asked to send them in writing, before the expiry of the 45-day period, to Alain Albert, Vice-chair, Relations avec les partenaires et à l'expertise conseil, Commission de la santé et de la sécurité du travail, 1199, rue de Bleury, 14^e étage, Montréal (Québec) H3B 3J1.

GÉRARD BIBEAU,
*Chair of the board of directors and
chief executive officer of the
Commission de la santé et de la sécurité du travail*

Regulation respecting the implementation of the agreement on the professional dance training program

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 170 and 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 who participate in the professional dance training program to the extent and on the conditions provided in the agreement entered into by the Minister of Culture and Communications and the Commission de la santé et de la sécurité du travail appearing in Schedule I.

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

SCHEDULE I

AGREEMENT BETWEEN THE MINISTER OF CULTURE AND COMMUNICATIONS AND THE COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL

WHEREAS, under section 1 of the Act respecting the Ministère de la Culture et des Communications (R.S.Q., c. M-17.1), the Minister of Culture and Communications shall have charge of the direction of the Ministère de la Culture et des Communications ;

WHEREAS, under section 10 of that Act, the Minister shall perform duties in the field of heritage, the arts, literature and cultural industries and the Minister's duty in those fields is to support primarily activities of creation,

animation, production, promotion, diffusion, training, research and conservation and to contribute to their development;

WHEREAS, under section 11 of that Act, the Minister shall develop a cultural policy having for object, in particular, to foster the development of artistic creation and, in the development of the cultural policy, shall ensure the cooperation of the government departments and bodies or agencies concerned;

WHEREAS the Minister has published an action plan entitled *Pour mieux vivre de l'art* to improve the socio-economic conditions of artists, providing particularly for the protection of dancers during training activities not covered in an employment contract;

WHEREAS, under section 138 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail is a legal person;

WHEREAS the Minister requests that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) be applicable to workers covered by the Agreement and the Minister intends to assume the obligations prescribed for employers;

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

WHEREAS section 16 of that Act provides that the second paragraph of section 170 of the Act respecting occupational health and safety applies to such an agreement; the Commission must accordingly make a regulation to give effect to an agreement extending benefits arising out of Acts and regulations administered by the Commission;

THEREFORE, THE PARTIES AGREE AS FOLLOWS:

CHAPTER 1.00 ENABLING PROVISION

Enabling provision 1.01 This Agreement is entered into under section 16 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), (the Act).

CHAPTER 2.00 PURPOSES

Purposes 2.01 The purposes of this Agreement is to provide to what extent and on what conditions the Act is to apply to the workers and to determine the respective obligations of the Minister of Culture and Communications and the Commission de la santé et de la sécurité du travail.

CHAPTER 3.00 DEFINITIONS

For the purposes of this Agreement,

“employment” (a) “employment” means the employment of a worker as an interpreter in an artistic dance production;

“employment injury” (b) “employment injury” means a 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 within the meaning of the Act;

“worker” (c) “worker” means a person who, under the program appearing in the Schedule, performs training activities not included in an employment contract for the purpose of maintaining professional competencies. These activities must be structured and supervised by a qualified professional and they do not include activities performed at home, in gymnasiums or fitness centres.

CHAPTER 4.00 MINISTER'S OBLIGATIONS

Employer 4.01 The Minister is deemed to be the employer of any worker covered by this Agreement.

Restrictions Despite the foregoing, the employer-employee relationship shall be recognized as such only for the purposes of compensation, assessment and imputation of the cost of benefits under the Act and shall not be deemed to be an admission of a factual situation lending itself to interpretation in other fields of activity.

Exclusions		The workers covered by this Agreement are neither employees, public servants or officers of the Gouvernement du Québec, including the Ministère de la Culture et des Communications.			(2) an estimate of gross wages that will be deemed paid to the workers during the current calendar year.
General obligations	4.02	As the employer, the Minister is bound by all the obligations imposed by the Act, with the necessary modifications, including the obligation to keep a register of occupational accidents.	Register	4.07	The Minister shall keep a detailed register of the workers' names and addresses and, upon request by the Commission, shall provide it with the information it needs for the purposes of this Agreement.
Register of accidents		However, the Minister is required to put the register at the disposal of the Commission only.	Description of programs	4.08	The Minister shall send the Commission, on the coming into force of this Agreement, a description of the program appearing in the Schedule.
Information		Upon request by the Commission, the Minister shall send a description of the activities performed by the worker when the employment injury occurred.	New programs		Any subsequent amendment to the program or amendment appearing in the Schedule shall also be sent so as to determine whether it should remain under this Agreement.
Exceptions	4.03	Despite section 4.02, section 32 of the Act concerning the dismissal, suspension or transfer of a worker, discriminatory measures or reprisals, sections 179 and 180 concerning temporary assignment and Chapter VII concerning the right to return to work do not apply to the Minister.	CHAPTER 5.00 COMMISSION'S OBLIGATIONS		
First aid		The Minister shall see that first aid is given to a worker suffering an employment injury, in accordance with sections 190 and 191 of the Act, and pay the related costs.	Worker status	5.01	The Commission shall consider a worker covered by this Agreement as a worker within the meaning of the Act.
Payment of assessment	4.04	The Minister undertakes to pay the assessment determined by the Commission as well as the fixed administration expenses related to each financial envelope.	Indemnity	5.02	A worker suffering an employment injury is entitled to an income replacement indemnity as of the first day following the day the worker became unable to carry on the employment by reason of the injury.
Assessment	4.05	For assessment purposes, the Minister is deemed to pay to each worker annual gross wages, rounded to the next highest multiple of one hundred dollars, established on the basis of the minimum wage in effect on 31 December of the year in which the training activities are performed.	Payment		Despite section 60 of the Act, the Commission shall pay that worker the income replacement indemnity to which the worker is entitled.
Annual statement	4.06	Each year before 15 March, the Minister shall send the Commission a statement indicating	Computation of indemnity	5.03	For the purposes of computing the income replacement indemnity, the worker's annual gross income is the income determined on the basis of the minimum wage provided for in section 3 of the Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3) and the regular workweek provided for in section 52 of the Act respecting labour standards (R.S.Q., c. N-1.1), as they read on the day they must be applied when the employment injury occurs.
		(1) the amount of gross wages deemed paid to the workers during the preceding calendar year; and	Financial envelope	5.04	Upon request by the Minister, the Commission shall allocate a specific financial envelope to the program covered by this Agreement.

Program referred to		The program shall be classified in the unit of operation "Operating a television station; producing or distributing motion pictures or other audio and video material; operating a motion picture or a drive-in theatre; operating an orchestra, a discomobile, a singing group, a theatre company or a theatrical agency; leasing or renting halls; installing equipment for social dances" or subsequent amendments made to that unit of operation following the signing of this Agreement, in a unit corresponding to those program activities.	Terms		It shall remain in force until 31 December 2006.
			Tacit renewal	7.02	This Agreement will be renewed tacitly from one calendar year to another, unless one of the parties sends the other a notice by registered or certified mail indicating that it intends to terminate the Agreement or to make amendments thereto, at least 90 days before the Agreement expires.
			Amendments	7.03	In the latter case, the notice shall include the amendments that the party intends to make.
Applicable rate	5.05	The Commission shall determine for the program appearing in the Schedule either the specific assessment rate of the unit in which the program is classified, or a personalized assessment rate, provided in the latter case that the Minister satisfies the conditions set out in the Act and its regulations for each assessment year.	Renewal		Sending such a notice does not prevent the tacit renewal of this Agreement for one year. If the parties disagree on the amendments to be made, the Agreement shall come to an end, without further notice, at the end of that renewal period.

CHAPTER 6.00 MISCELLANEOUS

Follow-up	6.01	Both the Commission and the Minister shall each designate, within 15 days of the coming into force of this Agreement, a person responsible for the follow-up.
Addresses of notices	6.02	Any notice required by this Agreement shall be sent to the Commission or Minister at the following addresses : (a) 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; (b) Le Secrétaire du Ministère Ministère de la Culture et des Communications 225, Grande Allée Est, bloc C, 1 ^{er} étage Québec (Québec) G1R 5G5.

CHAPTER 7.00 COMING INTO FORCE, TERM AND TERMINATION

Effective date	7.01	This Agreement takes effect on the date of coming into force of the Regulation made for that purpose by the Commission under section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety.
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CHAPTER 8.00 AMENDMENT AND TERMINATION OF THE AGREEMENT

Default	8.01	If the Minister fails to respect any of the Minister's obligations, the Commission may ask the Minister to remedy the default within the time set by the Commission. If the situation is not remedied within the prescribed time, the Commission may terminate this Agreement unilaterally, upon written notice.
Date	8.02	The Agreement shall then be terminated on the date on which the written notice is sent.
Financial adjustments	8.03	In the event of termination, the Commission shall make the financial adjustments taking into account the amounts payable under this Agreement.
Amount due		Any amount due following those financial adjustments shall be payable on the due date specified on the notice of assessment.
Common agreement	8.04	The parties may amend or terminate this Agreement at any time if they both agree thereto.
Damages	8.05	In the event of termination, neither party may be required to pay damages, interest or any other form of indemnity or fees to the other party.

IN WITNESS WHEREOF, the parties have signed

at _____ on this _____ at _____ on this _____
day of _____, 2005 day of _____, 2005

CHRISTIANE BARBE,
*Deputy Minister
Ministère de la Culture
et des Communications*

GÉRARD BIBEAU,
*Chair of the board of
directors and chief
executive officer
Commission de la santé
et de la sécurité du travail*

SCHEDULE TO THE AGREEMENT

Program governed by the Agreement

Professional dance training program.

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Draft Regulation

An Act respecting income security
(R.S.Q., c. S-3.1.1)

Income security — Amendments

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 to amend the Regulation respecting Income Security, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting Income Security, made pursuant to the Act respecting income security (R.S.Q., c. S-3.1.1), in order to introduce amendments consequential to the amendments made to the Act respecting income security (R.S.Q., c. S-3.1.1) by section 178 of the Individual and Family Assistance Act (2005, c. 15) for periods subsequent to 30 August 1998 and prior to 1 October 1999.

The purpose of the amendments is to prescribe the methods and criteria to be used to set the amount of increase in benefits for families eligible for the Parental Wage Assistance Program that had been required to pay a contribution for childcare expenses under the Education Act (R.S.Q., c. I-13.3) during the above-stated period.

The draft Regulation has no financial impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Nikolas Ducharme, Director, Income Security Policies, Ministère de l'Emploi et de la Solidarité sociale, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1; telephone: (418) 644-9035; fax: (418) 643-0019.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Employment and Social Solidarity, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1.

MICHELLE COURCHESNE,
Minister of Employment and Social Solidarity

Regulation to amend the Regulation respecting Income Security*

An Act respecting income security
(R.S.Q., c. S-3.1.1, s. 91, 1st par., subpar. 33.0.1;
2005, c. 15, ss. 178 and 179)

- 1.** Section 100.2 of the Regulation respecting Income Security is amended by adding “or the Education Act (R.S.Q., c. I-13.3)” at the end.
- 2.** Section 1 has effect in respect of periods subsequent to 30 August 1998 and prior to 1 October 1999.
- 3.** This Regulation comes into force on 1 January 2006.

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* The Regulation respecting Income Security, made by Order in Council 922-89 dated 14 June 1989 (1989, *G.O.* 2, 2443), was last amended by the regulation made by Order in Council 1518-2001 dated 12 December 2001 (2001, *G.O.* 2, 6937). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Official Québec Publisher, 2005, updated to 1 March 2005.