

“(8) no part of an expenditure referred to in paragraphs 1 to 3 and 6 of section 1 corresponding to the amount paid or to be paid by the training instructor, in connection with the training given by the training instructor for the benefit of the employer or a person with whom the employer does not deal at arm’s length within the meaning of section 18 of the Taxation Act for the use of premises, facilities or material, or as a consideration for the disposal of property, unless that consideration pertains to the part of the property that was consumed in the training process, is to be calculated;”;

(8) by replacing “expenditure referred to in subparagraphs 1 to 19, 21, 23, 24 and 26 of the first paragraph of section 1” in paragraph 13 by “eligible training expenditure” and by replacing “a day care centre with a permit from the Minister of Families, Seniors and the Status of Women by virtue of section 3 of the Act respecting childcare centres and childcare services (R.S.Q., c. C-8.2)” by “a person holding a childcare centre permit or a day care centre permit issued respectively under section 7 and section 11 of the Educational Childcare Act (R.S.Q., c. S-4.1.1) or accredited as a home childcare coordinating office pursuant to section 40 of that Act”;

(9) by replacing paragraph 14 by the following:

“(14) an eligible training expenditure may not be declared for a year prior to the year for which the training activity was completed.”.

6. Schedule 1 to the Regulation is revoked.

7. This Regulation comes into force on 1 January 2008.

8296

Draft Regulation

An Act to promote workforce skills development and recognition
(R.S.Q., c. D-7.1)

Training initiative quality certificate — Exemption applicable

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 exemption applicable to a holder of a training initiative quality certificate, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation is incidental to the implementation of the Act to amend the Act to foster the development of manpower training and other legislative provisions (2007, c. 3), which seeks to promote workforce skills development and recognition.

The draft Regulation proposes to allow an employer to be exempted from the requirement to participate in workforce skills development if 1% of the employer’s payroll is allocated to eligible training expenditures. To that end, the draft Regulation determines the conditions for the issue of a training initiative quality certificate, which entitles an employer to be exempted from the application of Divisions I and II of Chapter II of the Act to promote workforce skills development and recognition (R.S.Q., c. D-7.1).

The draft Regulation also determines the conditions for the issue, renewal and revocation of a certificate, its effective period, the issue and renewal fees, the related verifications and the administrative penalties applicable in a case of revocation.

The draft Regulation will also provide employers with means of participating in workforce skills development other than accounting for eligible training expenditures. It does not impose any new requirement on enterprises and therefore has no negative impact on them.

Further information may be obtained by contacting Danielle Amyot, Secretariat of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28^e étage, C.P. 100, Montréal (Québec) H4Z 1B7; telephone: 514 864-8218; fax: 514 864-8005; e-mail: danielle.amyot@mess.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Marjolaine Loiselle, Chair of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28^e étage, C.P. 100, Montréal (Québec) H4Z 1B7.

SAM HAMAD,
*Minister of Employment
and Social Solidarity*

Regulation respecting the exemption applicable to a holder of a training initiative quality certificate

An Act to promote workforce skills development and recognition
(R.S.Q., c. D-7.1, s. 20, 1st par., subpar. 3 and 2nd par.; 2007, c. 3, s. 14)

DIVISION I TRAINING INITIATIVE QUALITY CERTIFICATE

§1. Object and publicity

1. An employer who holds a training initiative quality certificate is exempt from the application of Divisions I and II of Chapter II of the Act. The employer is presumed to participate in workforce skills development for the effective period of the certificate.

2. The Minister is to make the list of employers holding a training initiative quality certificate public by any means the Minister considers appropriate.

§2. Conditions for issue

3. A training initiative quality certificate is issued by the Minister to an employer who applies therefor in writing, using the form provided, if the following conditions are met:

(1) the employer undertakes, for the effective period of the certificate, to engage in continuous training of its employees by implementing and applying a skills development process in keeping with the strategy of the enterprise, department or body, which includes

(a) an analysis of the situation of the enterprise, department or body, its perspectives as regards skills improvement and development and identification of its training needs;

(b) a plan of the proposed training activities, including a mechanism to follow up on their implementation; and

(c) mention of the method chosen to assess the effects of the training given to employees;

(2) the skills development process is prepared within the enterprise, department or body, within the framework of a formal cooperation structure requiring the participation of representatives of both the employer and the employees;

(3) the skills development process involves the participation of representatives of both the employer and the employees at every step of its implementation; and

(4) the employer undertakes to allow verification in accordance with section 7

4. For the purposes of paragraphs 2 and 3 of section 3, each certified association of employees representing the employees of the employer, and the employees who are not represented by a certified association may designate at least one representative.

§3. Term, conditions for renewal and revocation

5. A training initiative quality certificate is effective for three calendar years, including the calendar year of the application.

It may be renewed thereafter for periods of 3 calendar years, provided that the employer applying for renewal complies with all the conditions set out in this Regulation and maintains the skills development process.

6. Following verification or a complaint, or on the Minister's own initiative, the Minister may revoke a training initiative quality certificate in a case of fraud or misrepresentation, or if the Minister becomes aware that the conditions and undertakings set out in this Regulation were not or are no longer being complied with.

Before making such a decision, the Minister must notify the certificate holder in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., c. J-3) and grant the certificate holder at least 10 days to present observations.

For the calendar year in which the certificate is revoked, the employer is required to participate in workforce training development by allocating an amount for eligible training expenditures that is at least 1% of its payroll.

In addition, as an administrative penalty, such an employer must pay an amount equal to 1% of its payroll into the Workforce Skills Development and Recognition Fund for the years in which the employer was exempted without entitlement. The employer may, however, deduct from that amount the eligible training expenditures that the employer can justify in accordance with the Act for that period. The employer may not apply for another training initiative quality certificate before the expiry of a 5-year period.

DIVISION II VERIFICATION

7. The Minister may verify or cause to be verified the manner in which the skills development process of an employer holding a training initiative quality certificate is implemented and applied. The verification pertains to the application of this Regulation, in particular compliance with the conditions and undertakings under section 3.

On request, the person conducting the verification must produce identity and the certificate signed by the Minister attesting to the person's status.

DIVISION III FEES

8. The fees for the issue or renewal of a training initiative quality certificate are \$1,000.

DIVISION IV TRANSITIONAL AND FINAL

9. This Regulation replaces the Regulation respecting exemptions to the application of Division II of Chapter II of the Act to foster the development of manpower training, made by Order in Council 1178-99 dated 13 October 1999. However, an exemption granted under that Regulation remains valid for its remaining term.

10. This Regulation comes into force on 1 January 2008.

8293

Draft Regulation

An Act to promote workforce skills development and recognition
(R.S.Q., c. D-7.1)

Training mutuals

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 training mutuals, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation is incidental to the implementation of the Act to amend the Act to foster the development of manpower training and other legislative provisions (2007, c. 3), which seeks to promote workforce skills development and recognition.

Pursuant to section 8 of the Act to promote workforce skills development and recognition (R.S.Q., c. D-7.1), the draft Regulation determines the conditions on which the Minister will recognize training mutuals that are to structure, develop and implement a training services offer adapted to the workforce characteristics and needs in a sector of economic activity or a region, to their socio-economic environment and to technological or structural changes in the market.

The draft Regulation determines the duration of a training mutual's recognition, the attendant financial provisions, a mechanism for accountability, and the fees for the processing of a recognition application. It also provides for the revocation or suspension of recognition for non-compliance with the Act or Regulation.

The draft Regulation restates or simplifies various conditions currently required for a collector organization to be recognized, in addition to offering employers the possibility of incurring eligible training expenditures with a recognized training mutual. In that perspective, the impact on enterprises will be beneficial because it opens new avenues of participation in workforce skills development.

Further information may be obtained by contacting Danielle Amyot, Secretariat of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28^e étage, C.P. 100, Montréal (Québec) H4Z 1B7; telephone: 514 864-8218; fax: 514 864-8005; e-mail: danielle.amyot@mess.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Marjolaine Loiselle, Chair of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28^e étage, C.P. 100, Montréal (Québec) H4Z 1B7.

SAM HAMAD,
*Minister of Employment
and Social Solidarity*
