

Gouvernement du Québec

**O.C. 841-2007**, 26 September 2007

An Act respecting parental insurance  
(R.S.Q., c. A-29.011)

**Regulation**  
— **Amendments**

Regulation to amend the Regulation under the Act respecting parental insurance

WHEREAS, under sections 4, 7, 21, 23, 38 and subparagraphs 3 and 6 of the first paragraph of section 88 of the Act respecting parental insurance (R.S.Q., c. A-29.011), the Conseil de gestion de l'assurance parentale may make regulations on the matters mentioned therein;

WHEREAS, under section 88 of the Act, the regulations of the Conseil de gestion require the approval of the Government, which may approve them with or without amendment;

WHEREAS the Regulation under the Act respecting parental insurance, approved by Order in Council 986-2005 dated 19 October 2005, was last amended by the regulation made by Order in Council 374-2006 dated 2 May 2006;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation under the Act respecting parental insurance, made by the Conseil de gestion, was published as a draft in the *Gazette officielle du Québec* of 20 June 2007 with a notice that it could be approved by the Government with or without amendment on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation to amend the Regulation under the Act respecting parental insurance, attached to this Order in Council, be approved with amendments.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation under the Act respecting parental insurance\***

An Act respecting parental insurance  
(R.S.Q., c. A-29.011, ss. 4, 7, 21, 23, 38 and 88,  
1st par., subpars. 3 and 6)

**1.** The table of contents of the Regulation under the Act respecting parental insurance is struck out.

**2.** Section 9 is amended by replacing subparagraph 2 of the first paragraph by the following:

“(2) employment in Québec of a Canadian resident by another government or by an international governmental organization, unless that government or international governmental organization agrees to the employment being included;”.

**3.** Section 19 is amended by inserting “, allocated in accordance with section 26.1” in paragraph 8 after “insurable earnings”.

**4.** The following is added after section 26:

“**26.1.** Where insurable earnings from employment are considered pursuant to section 22 of the Act, a person’s insurable earnings or eligible wages are allocated in accordance with the provisions in the Employment Insurance Regulations respecting the allocation of insurable earnings.”.

**5.** Section 27 is amended by replacing “For the purposes of section 21 of the Act, the average” by “The average”.

**6.** Subparagraph 3 of the first paragraph of section 34 is replaced by the following:

“(3) the person’s presence is required, because of a serious illness or a serious accident, with the person’s child, spouse, spouse’s child, father, mother, father’s or mother’s spouse or any other person who is a member of the family for the purposes of the provisions in the Employment Insurance Regulations respecting compassionate care benefits; or”.

\* The Regulation under the Act respecting parental insurance, approved by Order in Council 986-2005 dated 19 October 2005 (2005, *G.O.* 2, 4742), was last amended by the regulation made by Order in Council 374-2006 dated 2 May 2006 (2006, 2, 1461). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.

**7.** Subparagraph 2 of the first paragraph of section 36 is replaced by the following:

“(2) the person’s presence is required, because of a serious illness or a serious accident, with the person’s child, spouse, spouse’s child, father, mother, father’s or mother’s spouse or any other person who is a member of the family for the purposes of the provisions in the Employment Insurance Regulations respecting compassionate care benefits.”.

**8.** Section 42 is amended by striking out paragraphs 5 and 6.

**9.** The following is inserted after section 43:

“**43.1.** For the purposes of section 41, the earnings of a recipient are allocated as follows:

(1) earnings payable for the performance of services are allocated to the period in which the services were performed;

(2) earnings paid without the performance of services or without regard to the services are allocated to the period for which they are payable;

(3) earnings paid that are from commissions are allocated

i. if they arise out of a transaction, to the week in which the transaction occurred;

ii. to the period in which the services that gave rise to the commission were performed; and

iii. to the period for which the earnings are payable, in any other case;

(4) earnings paid for holidays, including vacation and statutory holidays, are allocated

i. if the earnings are paid for a specific period, to that period; and

ii. if the earnings are paid in a lump sum without regard to a specific period, to the period for which they are payable;

(5) income replacement indemnities referred to in paragraphs 3 to 4.1 of section 42 are allocated to the period for which they are payable, except indemnities that are paid following the realization of a right, which are allocated to the period for which they are paid; and

(6) any other earnings paid are allocated

i. to the period for which they are payable;

ii. if they are not paid for a specific period, to the week in which they are paid; and

iii. if they arise out of a transaction, to the week in which the transaction occurred.

Where the period for which earnings are payable does not coincide with a week, the earnings are allocated to any week that is wholly or partly in the period in the proportion that the number of days concerned during the week is of the number of days concerned during the period.”.

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

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## Notice

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001)

### Personalized rates, retrospective adjustment of the assessment and use of employer experience — Amendments

Notice is hereby given that the Commission de la santé et de la sécurité du travail, at its meeting of 20 September 2007, adopted the Regulation amending the Regulation respecting personalized rates, the Regulation respecting retrospective adjustment of the assessment and the Regulation respecting the use of employer experience.

In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation was published on page 1754 in the *Gazette officielle du Québec* of 4 July 2007 with a notice that it would be adopted by the Commission, with or without amendments, upon the expiry of 45 days following the publication of that notice.

RICHARD VERREAULT,  
*Interim chairman of the Board of Directors  
and Chief Executive Officer  
of the Commission de la santé  
et de la sécurité du travail*

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