

Regulation respecting the participation of Indians in the Québec Pension Plan

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9, s. 81, pars. *a* and *k*)

DIVISION I INTERPRETATION

1. In this Regulation, unless the context indicates otherwise,

“Act” means the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

“employment” means employment within the meaning assigned to that expression by paragraph *c* of section 1 of the Act;

“Indian” means an Indian within the meaning of the Indian Act (R.S.C., 1985, c. I-5);

“pensionable employment” means pensionable employment within the meaning assigned to that expression by paragraph *e* of section 1 of the Act;

“pensionable salary and wages” means the pensionable salary and wages referred to in section 45 of the Act;

“worker” means a worker within the meaning assigned to that expression by paragraph *h* of section 1 of the Act.

DIVISION II RULES RELATING TO THE PARTICIPATION OF INDIANS IN THE QUÉBEC PENSION PLAN

2. Where the employment in Québec of a worker who is an Indian is excepted employment solely because of paragraph *j* of section 3 of the Act, the employment is not considered to be excepted employment if

(*a*) the worker is resident in Canada; and

(*b*) the employer of the worker has made an irrevocable election in the prescribed form containing the prescribed information that the employer sent to the Minister of Revenue, so that the employment of each worker resident in Canada who is an Indian employed by the employer that would, if no reference were made to this section, be excepted employment solely because of paragraph *j* of section 3 of the Act, is not considered to be excepted employment as of the date the employer indicated on the prescribed form, which must be later than 30 June 2006 and not earlier than the date on which the prescribed form is filed.

3. Section 47.1 of the Act does not apply for the purpose of determining the self-employed earnings for a year of a worker who is an Indian if the worker so elects by notifying the Minister of Revenue in writing on or before the fifteenth day of the month of June in the second year following that year.

4. If, in a year, a worker who is an Indian performs employment in Québec that is excepted employment solely because of paragraph *j* of section 3 of the Act, in respect of which the employer has not made the election in paragraph *b* of section 2, the amount to which subparagraph *a* of the second paragraph of section 55 of the Act refers is equal to the amount that the worker’s pensionable salary and wages for the year would be if the employment were pensionable employment and no other pensionable employment had been performed by the worker during the year to the extent that, during the year, the worker is resident in Québec pursuant to section 8 of the Act or is deemed to be employed in Québec under the Taxation Act (R.S.Q., c. I-3).

Section 7 of the Act applies for the purpose of determining if employment is performed in Québec.

5. This Regulation comes into force on 1 January 2006.

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Gouvernement du Québec

O.C. 1028-2007, 21 November 2007

An Act respecting the Ministère du Travail (R.S.Q., c. M-32.2)

Signing of certain deeds, documents and writings

Signing of certain deeds, documents and writings of the Ministère du Travail

WHEREAS, under the second paragraph of section 7 of the Act respecting the Ministère du Travail (R.S.Q., c. M-32.2), no deed, document or writing binds the Minister or may be attributed to the Minister unless it is signed by the Minister, by the Deputy Minister, by a member of the personnel of the department or by the holder of a position, and in the last two cases, only so far as determined by the Government;

WHEREAS, under section 9 of the Act, every document or copy of a document emanating from the department or forming part of its records, if signed or certified true by a person referred to in the second paragraph of section 7, is authentic;

WHEREAS, under section 9.1 of the Act respecting the Centre de services partagés du Québec (R.S.Q., c. C-8.1.1), enacted by section 52 of chapter 3 of the Statutes of 2007, a public body may enter into an agreement with another public body by which it agrees to provide services to that other public body and the public body to which services are provided may, in the manner set out in its constituting Act, designate a member of the personnel of or the holder of a position within the body providing the services so that that person's signature may bind the public body to which services are provided and any document signed by that person may be attributed to the public body to which services are provided;

WHEREAS it is expedient to replace the Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère du Travail, made by Order in Council 475-2001 dated 25 April 2001;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère du Travail, attached to this Order in Council, be made;

THAT this Order in Council replace Order in Council 475-2001 dated 25 April 2001;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

SCHEDULE
TERMS AND CONDITIONS RESPECTING THE
SIGNING OF CERTAIN DEEDS, DOCUMENTS
AND WRITINGS OF THE MINISTÈRE DU
TRAVAIL

DIVISION I
GENERAL

1. Subject to other conditions of validity that may be prescribed by law, members of the personnel of the Ministère du Travail who hold the positions listed hereafter are authorized to sign alone and with the same authority as the Minister of Labour the deeds, documents and writings listed after their respective positions.

The same applies when those deeds, documents and writings are signed by a person authorized in writing to perform the duties on an interim or temporary basis or as a temporary replacement.

2. An assistant deputy minister is authorized to sign, for the sector of activity under the assistant deputy minister's responsibility, except contracts pertaining to the information technologies sector,

- (1) supply contracts; and
- (2) services contracts.

3. A director general is authorized to sign, for the administrative entity under the director general's responsibility, except contracts pertaining to the information technologies sector,

- (1) supply contracts; and
- (2) services contracts.

4. The secretary general of the department is authorized to sign, for the administrative entity under the secretary general's responsibility, except contracts pertaining to the information technologies sector,

- (1) supply contracts; and
- (2) services contracts.

In addition to the authorizations referred to in the first paragraph, the secretary general of the department is authorized to sign,

- (1) for all the department's activities,
 - (a) construction contracts; and
 - (b) leases;

(2) for all the department's activities in the information technologies sector,

- (a) supply contracts for less than \$25,000; and
- (b) services contracts for less than \$25,000.

5. A director, including the Director of the Direction des communications, is authorized to sign, for the administrative entity under the director's responsibility, except contracts pertaining to the information technologies sector,

- (1) supply contracts for less than \$5,000; and
- (2) services contracts for less than \$25,000.

6. An assistant to the Deputy Minister, to an assistant deputy minister or to a director general is authorized to sign, for the administrative entity under his or her superior's responsibility, except contracts pertaining to the information technologies sector,

- (1) supply contracts for less than \$2,500; and
- (2) services contracts for less than \$10,000.

7. The secretary general of the department is authorized to certify as true any document or copy of a document emanating from the department or forming part of its records.

8. The Assistant Deputy Minister responsible for the labour relations sector, the Director of the Bureau d'évaluation médicale, the Assistant Director or the Medical Director of that Bureau and the physician responsible for assignments are authorized to sign

(1) a writing designating a member of the Bureau d'évaluation médicale under the first paragraph of section 218 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001); and

(2) a writing notifying the parties to the contestation, the Commission de la santé et de la sécurité du travail and the health professionals concerned of the name and address of the designated member, in accordance with the third paragraph of section 218 of the Act.

9. The Assistant Deputy Minister responsible for the labour relations sector, the director general who performs duties in matters of labour relations, mediation-conciliation, prevention and arbitration and a director under the latter's responsibility are authorized to sign

(1) a writing designating a person to promote the establishment or the maintenance of harmonious relations between an employer and his or her employees or the association representing them under paragraph 1 of section 13 of the Act respecting the Ministère du Travail (R.S.Q., c. M-32.2);

(2) a writing designating a person to act as an arbitrator under section 47.5 of the Labour Code (R.S.Q., c. C-27);

(3) a writing designating a person to act as a conciliation officer under section 54 of the Code;

(4) a writing notifying the parties that the dispute is being referred to arbitration, in accordance with section 75 of the Code;

(5) a writing designating a person to act as an arbitrator under the first paragraph of section 77 or the first paragraph of section 80 of the Code;

(6) a writing granting an extension to an arbitrator and a writing extending that time limit, in accordance with section 90 of the Code;

(7) a writing designating a person to act as an arbitrator or a mediator-arbitrator under the second paragraph of section 98 of the Code;

(8) a writing designating a person to act as a grievance arbitrator under section 100 of the Code;

(9) a writing designating a person to act as an arbitrator under section 11.4 of the Act respecting collective agreement decrees (R.S.Q. c. D-2);

(10) a writing designating a person to act as a mediator under the second paragraph of section 81.20 or section 123.10 of the Act respecting labour standards (R.S.Q., c. N-1.1);

(11) a writing designating a person to act as a mediator under section 176.15 of the Act respecting municipal territorial organization (R.S.Q., c. O-9);

(12) a writing designating a person to act as a mediator under the first paragraph of section 46 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2);

(13) a writing designating a person to act as a mediator-arbitrator under section 62 of that Act;

(14) a writing designating a person to act as a mediator-arbitrator under section 128 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (S.Q., 2003, c. 14);

(15) a writing designating a person to act as a mediator-arbitrator under the second paragraph of section 39 or the second paragraph of section 91 of the Act respecting bargaining units in the social affairs sector (R.S.Q., c. U-0.1);

(16) a writing designating a person to act as a conciliation officer under section 43 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., c. R-20); and

(17) a writing designating a person to act as a conciliation officer under section 12.2 of the Act respecting the collective bargaining plan of criminal and penal prosecuting attorneys (R.S.Q., c. S-35).

10. The Assistant Deputy Minister responsible for the labour relations sector is authorized to sign

(1) any document concerning the appointment of an investigator under section 109.4 of the Labour Code; and

(2) a writing designating a person to act as a director under section 79.21 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

11. The Assistant Deputy Minister responsible for the labour relations sector, the director general who performs duties in matters of labour relations, mediation-conciliation, prevention and arbitration and a director under the latter's responsibility are authorized to sign

(1) a writing designating a person to act, upon a joint application by the parties, as a mediator under the first paragraph of section 94 of the Labour Code;

(2) a writing granting an extension to a mediator, in accordance with the second paragraph of section 94 of the Code;

(3) a writing notifying the parties that the dispute shall be referred to an arbitrator or a mediator-arbitrator according to the form of arbitration selected in accordance with the first paragraph of section 97 of the Code;

(4) a writing enabling a copy of the mediator's report to be forwarded to the arbitrator, in accordance with the third paragraph of section 98 of the Code; and

(5) a writing notifying the parties of the date on which the Minister of Labour received the notice according to which a report was made public, in accordance with the second paragraph of section 50 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors.

12. The Assistant Deputy Minister responsible for the labour relations sector, the director general who performs duties in matters of labour relations, mediation-conciliation, prevention and arbitration and a director under the latter's responsibility are authorized to sign a writing designating a person to act as a mediator under section 99.10 of the Labour Code.

13. The director general who performs duties in the sector of research, policies, construction, work data and collective agreement decrees and the director of the branch responsible for collective agreement decrees are authorized to sign

(1) a writing requiring any document or information, in accordance with sections 4.1 and 6.1, the first paragraph of section 6.2 and section 23.1 of the Act respecting collective agreement decrees; and

(2) a writing notifying the applicant of the Minister of Labour's intention to declare the application inadmissible and the reasons therefor and giving the applicant an opportunity to present observations and, where appropriate, to produce documents, in accordance with the second paragraph of section 4.2 of that Act.

14. The director general who performs duties in the sector of research, policies, construction, work data and collective agreement decrees is authorized to sign

(1) a writing approving a security in the form of an insurance policy under subparagraph *e* of the first paragraph of section 22 of the Act respecting collective agreement decrees;

(2) a writing giving members of a parity committee the opportunity to present observations in writing, in accordance with the first paragraph of section 26.2 of that Act; and

(3) a writing designating a person to act as a mediator under section 99 of the Regulation respecting the guarantee plan for new residential buildings approved by Order in Council 841-98 dated 17 June 1998.

DIVISION II

PROVISIONS RELATING TO THE SUPPLY OF SERVICES BY A PUBLIC BODY

15. The Assistant Deputy Minister of the Direction générale des services à la gestion of the Ministère de l'Emploi et de la Solidarité sociale is authorized to sign, in connection with the supply of services to the Ministère du Travail,

(1) supply contracts;

(2) services contracts; and

(3) leases.

16. The Assistant Director General of the Direction générale adjointe des ressources budgétaires, financières et matérielles of the Ministère de l'Emploi et de la Solidarité sociale is authorized to sign, in connection with the supply of services to the Ministère du Travail,

- (1) supply contracts;
- (2) services contracts; and
- (3) leases.

17. The Director of the Direction de la gestion des espaces et des services auxiliaires of the Ministère de l'Emploi et de la Solidarité sociale is authorized to sign, in connection with the supply of services to the Ministère du Travail, for all the activities pertaining to the physical reorganization of administrative units,

- (1) supply contracts for less than \$25,000;
- (2) services contracts for less than \$25,000; and
- (3) leases.

18. The Director of the Direction des opérations financières et contractuelles of the Ministère de l'Emploi et de la Solidarité sociale is authorized to sign, in connection with the supply of services to the Ministère du Travail,

- (1) supply contracts for less than \$25,000; and
- (2) services contracts for less than \$25,000.

19. The person responsible for the Division des opérations contractuelles of the Service des opérations financières et contractuelles of the Ministère de l'Emploi et de la Solidarité sociale is authorized to sign, in connection with the supply of services to the Ministère du Travail,

- (1) supply contracts for less than \$10,000; and
- (2) services contracts for less than \$10,000.

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M.O., 2007

Order number 2007-05 of the Minister of Transport dated 20 November 2007

Highway Safety Code
(R.S.Q., c. C-24.2)

CONCERNING the approval of weigh scales

CONSIDERING section 467 of the Highway Safety Code (R.S.Q., c. C-24.2) under which the axle load and the total loaded mass of a road vehicle or combination of road vehicles are determined by means of devices designed for that purpose, approved by the Minister of Transport and used in the manner he determines;

1. The Minister of Transport approves the following wheel-load scales:

Make	Model	Serial No.
Haenni	WL-101	29684
Haenni	WL-101	29685
Haenni	WL-101	29970
Haenni	WL-101	29971
Haenni	WL-101	30365
Haenni	WL-101	30366
Haenni	WL-101	30375
Haenni	WL-101	30376
Haenni	WL-101	30381
Haenni	WL-101	30382
Haenni	WL-101	30383
Haenni	WL-101	30384
Haenni	WL-101	30385
Haenni	WL-101	30386
Haenni	WL-101	30387
Haenni	WL-101	30388

2. Schedule V of the Minister of Transport's Order dated May 22, 1990, published on March 29, 1995, in the *Gazette officielle du Québec*, amended by the Orders published on April 26, 1995, November 22, 1995, March 13, 1996, May 8, 1996, January 22, 1997, February 26, 1997, June 4, 1997, February 18, 1998, December 30, 1998, February 17, 1999, February 7, 2001, January 23, 2002, August, 28, 2002, November 13, 2002, September 3, 2003, April 7, 2004, March 23, 2005, July 13, 2005, May 17, 2006 and July 11, 2007, in the *Gazette officielle du Québec*, is further amended: