

6. Section 6 is revoked.

7. Section 7 is amended by replacing “to 6” by “and 5”.

8. Section 8 is amended

(1) by inserting “, du Loisir et du Sport” in paragraph 3 after “Éducation”;

(2) by replacing “, a municipality, an urban community” in paragraph 4 by “et des Régions, a municipality, a metropolitan community”.

9. Section 10 is amended

(1) by replacing the first paragraph by the following:

“**10.** Accredited training bodies and training instructors must inform the Minister without delay of any change in the conditions to be satisfied for accreditation or in the information provided in their initial application for accreditation or in their application for renewal.”;

(2) by replacing “stipulated in the 3rd sub-section” in the second paragraph by “required by the second paragraph”;

(3) by striking out “, at least every 6 months,” in the second paragraph.

10. Sections 16 and 17 are amended by striking out “actively” wherever it appears.

11. The following is inserted after section 17:

“**17.1.** The holder of an accreditation must give to any participant who so requests a detailed statement of the content of the training provided to the participant in the last 24 months.

The first paragraph is applicable to training provided as of 1 January 2008.”.

12. Section 20 is amended by replacing “board of directors of the Société can” by “Minister may” and by replacing “it” by “the Minister”.

13. The first paragraph of section 22 is replaced by the following:

“**22.** The holder of an accreditation wishing to renew the accreditation must apply to the Minister in writing, using the form provided, at least 30 days before the accreditation expires.”.

14. Sections 23 and 24 are replaced by the following:

“**23.** The fees for processing an application for accreditation or a renewal application are

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| (1) for a training body: | \$550; |
| (2) for a non-profit organization: | \$200; |
| (3) for a training instructor: | \$300; |
| (4) for a training service: | \$250; |
| (5) for a multi-employer training service: | \$500.”. |

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

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Gouvernement du Québec

O.C. 1062-2007, 28 November 2007

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

Training mutuals

Regulation respecting training mutuals

WHEREAS, under section 8 of the Act to promote workforce skills development and recognition (R.S.Q., c. D-7.1), replaced by section 7 of chapter 3 of the Statutes of 2007, payments made by an employer to a training mutual recognized by the Minister or expenditures incurred with such a mutual are eligible, on the conditions fixed by regulation of the Commission des partenaires du marché du travail as expenditures incurred for the benefit of personnel;

WHEREAS, under subparagraph 1 of the first paragraph of section 20 of the Act, the Commission may make regulations to define eligible training expenditures within the meaning of Chapter II of the Act and provide for exclusions, limits or deductions;

WHEREAS, under paragraph 2 of section 21 of the Act, a regulation made pursuant to subparagraph 1 of the first paragraph of section 20 may set out the principles, criteria or factors taken into account by the Minister for the purpose of granting accreditation or recognition or the conditions to be fulfilled for that purpose and, where expedient, determine the fees payable and the period for which the accreditation or recognition is valid;

WHEREAS, under paragraph 3 of section 21 of the Act, such a regulation may determine the conditions to be fulfilled by accredited or recognized persons or bodies including the documents and information to be sent to the Minister, related inspections and the conditions on which accreditation or recognition may be renewed, suspended or revoked;

WHEREAS, by Order in Council 874-97 dated 2 July 1997, the Government approved the Regulation respecting collector organizations;

WHEREAS it is expedient to replace the Regulation;

WHEREAS, on 27 June 2007, the Commission made the Regulation respecting training mutuals;

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 training mutuals was published in Part 2 of the *Gazette officielle du Québec* of 5 September 2007 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation respecting training mutuals, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting training mutuals

An Act to promote workforce skills development and recognition
(R.S.Q., c. D-7.1, ss. 8, 20, 1st par., subpars. 1 and 2 and 2nd par., and s. 21, pars. 1 to 3;
2007, c. 3, ss. 7 and 15)

DIVISION I OBJECT

1. The payments made by an employer to a training mutual or the expenditures incurred by an employer with such a mutual are eligible as training expenditures insofar as the training mutual is recognized by the Minister of Employment and Social Solidarity pursuant to this Regulation.

2. The purpose of a training mutual is 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.

DIVISION II RECOGNITION AS A TRAINING MUTUAL

3. Only a sectoral workforce committee, a parity committee constituted under the Act respecting collective agreement decrees (R.S.Q., c. D-2) or a regional grouping of employers constituted as a legal person under Part III of the Companies Act (R.S.Q., c. C-38), having a multiparty board of directors composed of a majority of representatives of employers and of representatives of the workforce of the employer members, may be recognized as a training mutual.

4. To be recognized as a training mutual, the applicant must show that the employers prepared to participate in the training mutual belong to the same sector of economic activity or are from the same region and share common problems associated with skills development and recognition.

The applicant must also show that the mutualisation of training services is an appropriate manner of addressing those problems and that a sufficient number of employers share a desire to work collaboratively to that end.

Problems are considered common if the employers have similar training or training management and organization needs, or the characteristics specific to a sector of economic activity or a region are such that it is difficult for the employers in that sector or region to allocate an amount for eligible training expenditures that is at least 1% of their payroll.

5. An application to have a training mutual recognized must contain the following information provided by the applicant:

(1) the applicant's name and address;

(2) the applicant's Québec business number assigned under section 21 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(3) the sector of economic activity or the region concerned;

(4) a description of the composition of its board of directors; and

(5) identification of the employers who are members of the group.

DIVISION III

DURATION, SUSPENSION AND REVOCATION OF RECOGNITION

6. A training mutual is recognized for a period of three years.

The recognition may be renewed thereafter for the same period provided that the applicant complies with the conditions set out in this Regulation.

7. The Minister may suspend or revoke a training mutual's recognition for fraud or misrepresentation or if the Minister becomes aware that the conditions set out in the Act or in this Regulation were not or are no longer being complied with.

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

8. The Minister is to give public notice of the suspension or revocation of a training mutual's recognition by any means the Minister considers appropriate.

DIVISION IV

FINANCIAL PROVISIONS, STATEMENT AND ATTESTATION

9. The sums received by a training mutual as employer payments or employer expenditures must be used in their entirety for

(1) the services or activities relating to skills development and recognition for the workforce of the employers having made a payment or incurred an expenditure, such as determination of personnel training needs, preparation of an adapted training offer, training planning, management and organization, training impact analyses or negotiation of agreements with service providers;

(2) training activities and their assessment; and

(3) the training mutual's expenses.

The same applies to interest earned on employer payments.

10. A training mutual must maintain a detailed statement of revenue and expenditure for the purposes of this Regulation and retain all relevant vouchers. It must forward to the Minister any voucher the Minister may request.

The accounting must be separate from that of its other activities.

11. Payments received by a training mutual must be deposited in a trust account, a chartered bank or other institution authorized by law to receive deposits.

12. When the activities of a training mutual cease by reason of a refusal to renew its recognition or because of a suspension or revocation of its recognition, or for any other reason, the sums collected by the training mutual and the interest earned on unexpended sums must be paid into the Workforce Skills Development and Recognition Fund.

If the training mutual's activities cease because of a revocation, the sums are maintained in the Fund for a period not exceeding three years after the date of the decision, to be used to train the personnel of the employers having made a payment to the training mutual whose recognition is revoked.

13. For each calendar year and for the purposes of the Act, a training mutual is to give each employer having participated in the training mutual a statement of the employer's expenditures that are eligible as payments made to or expenditures incurred with the training mutual.

14. A training mutual must ensure that employees participating in a training activity it organizes receive a participation voucher once their participation has ended. It must also be able to issue such a voucher at any subsequent time, at the request of a participant.

DIVISION V

ACCOUNTABILITY

15. A training mutual must maintain and make available to the Minister a record in which it enters, for each training activity,

(1) the title;

(2) a statement of the objectives, content and duration of the activity;

(3) the names of the recognized educational institution, instructor or training body;

- (4) the names of the employers involved;
- (5) the number of participating employees and the classes of employment involved;
- (6) the cost; and
- (7) the result of the assessment.

16. A training mutual must file with the Minister, on or before 31 March of each year, audited financial statements and an annual report of activities. The report must include

- (1) a list of employers having made a payment or incurred an expenditure;
- (2) the amount of the sums obtained from the employers referred to in paragraph 1;
- (3) a list of the activities held; and
- (4) the clientele to whom the activities were directed and the number of participation vouchers issued pursuant to section 14.

DIVISION VI FEES

17. The fees for the processing of a recognition application or renewal application are \$250, except for a sectoral committee.

DIVISION VII TRANSITIONAL AND FINAL

18. This Regulation replaces the Regulation respecting collector organizations approved by Order in Council 874-97 dated 2 July 1997.

A collector organization recognized by that Regulation has six months from the date of coming into force of this section to obtain recognition pursuant to this Regulation as a training mutual. If that recognition is not obtained, the sums collected by the organization and the interest earned on unexpended sums must be paid into the Workforce Skills Development and Recognition Fund. The second paragraph of section 12 of this Regulation applies, with the necessary modifications, to those sums.

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

Gouvernement du Québec

O.C. 1063-2007, 28 November 2007

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

Training initiative quality certificate — Exemption applicable

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

WHEREAS, under subparagraph 3 of the first paragraph of section 20 of the Act to promote workforce skills development and recognition (R.S.Q., c. D-7.1), replaced by section 14 of chapter 3 of the Statutes of 2007, the Commission des partenaires du marché du travail may make regulations to exempt employers or enterprises from Chapter II of the Act or any part of the chapter on specified conditions, including conditions for the issue of a certificate, and prescribe, as appropriate, the related inspections and verifications, the fees payable and the circumstances in which the exemption may be renewed, suspended or cancelled, as well as the administrative penalties applicable for a breach of the exemption conditions by an exempted employer or enterprise;

WHEREAS, by Order in Council 1178-99 dated 13 October 1999, the Government approved the Regulation respecting exemptions to the application of Division II of Chapter II of the Act to foster the development of manpower training;

WHEREAS it is expedient to replace the Regulation;

WHEREAS, on 27 June 2007, the Commission made the Regulation respecting the exemption applicable to a holder of a training initiative quality certificate;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation respecting the exemption applicable to a holder of a training initiative quality certificate was published in Part 2 of the *Gazette officielle du Québec* of 5 September 2007 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;