

- (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;

WHEREAS the 45-day period has expired;

WHEREAS, in accordance with section 22 of the Act to promote workforce skills development and recognition, the Minister of Employment and Social Solidarity obtained the opinion of the Minister of Revenue which is attached to the Minister's recommendation;

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 the exemption applicable to a holder of a training initiative quality certificate, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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, approved 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.

Gouvernement du Québec

O.C. 1064-2007, 28 November 2007

Individual and Family Assistance Act
(R.S.Q., c. A-13.1.1)

Individual and Family Assistance — Amendments

Regulation to amend the Individual and Family Assistance Regulation

WHEREAS, pursuant to the Individual and Family Assistance Act (R.S.Q., c. A-13.1.1), the Government made the Individual and Family Assistance Regulation by Order in Council 1073-2006 dated 22 November 2006;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as prescribed by section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of prior publication must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication:

— the amendments in the Regulation attached to this Order in Council are made to increase as soon as possible, as of 1 January 2008, the benefits granted under the Social Assistance Program and the Social Solidarity Program, in accordance with the government action plan to counter poverty and social exclusion made by Order in Council 416-2004 dated 28 April 2004, to adjust to the rate that applies to the personal income tax system and which was made public only on 15 November 2007;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to amend the Individual and Family Assistance Regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif