

Gouvernement du Québec

O.C. 393-2009, 1 April 2009

Professional Code
(R.S.Q., c. C-26)

Conseillers en ressources humaines et en relations industrielles agréés
— Standards for equivalence of diplomas or training for the issue of a permit by the Ordre
— Amendments

Regulation amending the Regulation respecting the Standards for Equivalence of Diplomas or Training for the Issue of a Permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26, amended by chapter 11 of the Statutes of 2008), the board of directors of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, amended by paragraph 2 of section 61 of chapter 11 of the Statutes of 2008, the board of directors must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it;

WHEREAS the board of directors of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec made the Regulation amending the Regulation respecting the Standards for Equivalence of Diplomas or Training for the Issue of a Permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec;

WHEREAS, pursuant to section 95 of the Code and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation amending the Regulation respecting the Standards for Equivalence of Diplomas or Training for the Issue of a Permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec was published in Part 2 of the *Gazette officielle du Québec* of 3 December 2008 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation amending the Regulation respecting the Standards for Equivalence of Diplomas or Training for the Issue of a Permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation amending the Regulation respecting the standards for equivalence of diplomas or training for the issue of a permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec*

Professional Code
(R.S.Q., c. C-26, s. 93, para. *c* and *c. 1*;
2008, c. 11, s. 1, par. 1), s. 61, par. 2) and s. 212)

1. The Regulation respecting the standards for equivalence of diplomas or training for the issue of a permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec is amended by replacing paragraphs (2) and (3) of section 2 by the following:

* The Regulation respecting the standards for equivalence of diplomas or training for the issue of a permit by Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec, approved by Order in Council 910-2004 dated September 30, 2004 (2004, *G.O.* 2, 4391) has not been amended since its approval.

“(2) “diploma equivalence” means the acknowledgement by the Order that a diploma issued by an educational institution outside Québec certifies that its holder has acquired a level of knowledge and skills equivalent to the level attained by the holder of a diploma recognized, by regulation of the government enacted pursuant to the first paragraph of section 184 of this Code, as giving access to the permit issued by the Order;

“(3) “training equivalence” means the acknowledgement by the Order that a candidate’s training demonstrates that the latter has attained a level of knowledge and skills equivalent to the level attained by the holder of a diploma, recognized by regulation of the government enacted in accordance with the first paragraph section 184 of this Code, as giving access to the permit issued by the Order”.

2. Section 4 of this Regulation is replaced by the following:

“4. Notwithstanding section 3, where the diploma in respect of which an equivalence application had been filed was issued 3 or more years prior to the application and the knowledge which it evidences no longer corresponds, in light of the development of the profession, to the knowledge which, at the time of the application, is taught as part of a curriculum leading to the issue of a diploma recognized as giving access to the permit issued by the Order, the candidate shall be credited a trading equivalence in accordance with section 5 if he or she has, since the issue of his or her diploma, acquired the required level of knowledge and skills”.

3. Section 6 of this Regulation is amended:

(1) by replacing, in the first paragraph, the word “Board of Directors” by the word “Order”;

(2) by replacing, in the second paragraph, the phrase “resolution of the Board of Directors” by “the Order”.

4. Section 8 of this Regulation is amended by adding, in paragraph (3) of the first paragraph and after the word “obtained”, the phrase “or an attestation of studies”.

5. Section 11 of this Regulation is amended by replacing the phrase “If it does not grant the diploma or training equivalence, the Board of Directors shall inform” by the phrase “Where the Board of Directors of the Order refuses to recognize the equivalence requested or decides to only recognize it in part, it shall inform”.

6. Section 12 of the Regulation is replaced by the following:

“12. A candidate may apply for a review of the decision of the Board of Directors of the Order not to grant the equivalence requested or only recognizing it in part, provided that the candidate applies therefor in writing to the secretary of the Order within 30 days following the date on which such decision was received.

The committee established by the Board of Directors of the Order, in accordance with paragraph 2 of section 86.0.1 of the Professional Code, which shall be made up of persons other than the members of the Board of Directors of the Order or of the committee referred to in section 9, shall have 60 days from the date it receives the application for review to decide whether to review the decision. The committee shall notify the candidate beforehand of the date of its meeting with respect to the application so as to allow the candidate to submit arguments.

A candidate who wishes to attend in order to submit arguments shall notify the secretary of the Order thereof in writing at least 10 days prior to the date scheduled for the meeting. The candidate may also submit written arguments at any time prior to such date”.

7. Section 13 of the Regulation is amended by replacing the word “Board of Directors of the Order” by the word “committee”.

8. The provisions replaced by this Regulation shall apply to an application for diploma or training equivalence which, on April 30th 2009, was subject to a recommendation made pursuant to section 9 of the Regulation respecting the standards for equivalence of diplomas or training for the issue of a permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec.

Section 12, as introduced by section 6 of this Regulation, shall apply to a decision handed down prior to April 30th 2009 pursuant to section 10 of the Regulation respecting the standards for equivalence of diplomas or training for the issue of a permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec, if the deadline for review has not expired upon such date.

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