

Draft Regulation

An Act to promote workforce skills development and recognition
(R.S.Q., c. D-8.3)

Training mutuals — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting training mutuals, made by the Commission des partenaires du marché du travail, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to make the possibility of forming training mutuals more readily available to employers by increasing the number of groups of employers that may be recognized as training mutuals.

The draft Regulation also makes technical and consequential amendments.

To date, study of the matter has shown no impact on the public and enterprises, including small and medium-sized businesses.

Further information may be obtained on the draft Regulation by contacting André Bertoldi, Secretariat of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28^e étage, C.P. 100, Montréal (Québec) H4Z 1B7; telephone: 514 864-3682; fax: 514 864-8005; e-mail: andre.bertoldi@mess.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean-Luc Trahan, Chair of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28^e étage, C.P. 100, Montréal (Québec) H4Z 1B7.

SAM HAMAD,
Minister of Employment and Social Solidarity

Regulation to amend the Regulation respecting training mutuals*

An Act to promote workforce skills development and recognition
(R.S.Q., c. D-8.3, ss. 8, 20 and 21)

1. Section 2 of the Regulation respecting training mutuals is replaced by the following:

“**2.** The purpose of a training mutual is to structure, develop and implement training services adapted to the common problems and specific needs of the workforce in a sector of economic activity, a region, an industrial domain, or those of the workforce belonging to a specific clientele addressed by an integration and job retention committee, as well as to their socio-economic environment and to technological or structural changes in the market.”.

2. Section 3 is replaced by the following:

“**3.** A sectoral workforce committee or a parity committee constituted under the Act respecting collective agreement decrees (R.S.Q., c. D-2) may be recognized as a training mutual.

A regional group of employers, a sectoral group of employers, a group of employers, a group of employers that are clients and subcontractors in the same industrial domain or a group of employers with a workforce belonging to a specific clientele addressed by an integration and job retention committee, if the group is constituted as a legal person under Part III of the Companies Act (R.S.Q., c. C-38) and has a multiparty board of directors composed of a majority of employer representatives and representatives of the workforce of the employer members, may also be recognized as a training mutual.

For the purposes of this Regulation, an integration and job retention committee is an organization constituted as a legal person under Part III of the Companies Act and intended particularly to favour the integration and job retention of a specific clientele. For that purpose, the committee identifies the difficulties faced by those persons and develops strategies to facilitate access to employment and to the training necessary for their integration into the labour market.”.

* The Regulation respecting training mutuals, approved by Order in Council 1062-2007 dated 28 November 2007 (2007, G.O. 2, 3683), has not been amended since it was approved.

3. Section 4 is amended

(1) by replacing “belong to the same sector of economic activity or are from the same region” in the first paragraph by “form a type of group authorized by section 3”;

(2) by replacing “and that a sufficient number of employers share a desire to work collaboratively to that end” in the second paragraph by “, that the employers concerned share a desire to work collaboratively and that their number is sufficient to ensure the viability of the training mutual”;

(3) by replacing the third paragraph by the following:

“Problems are considered common where employers face difficulties of the same nature as to the improvement of their workforce qualifications and skills or to the management and organization of their workforce training.”

4. Section 5 is amended

(1) by inserting “and documents” in the part preceding paragraph 1 after “information”;

(2) by replacing paragraph 3 by the following:

“(3) the applicant’s sector of economic activity, region, industrial domain or the characteristic specific to the workforce concerned;”;

(3) by adding the following paragraphs after paragraph 5:

“(6) a resolution of the board of directors of the legal person applying for recognition;

(7) in the case of a sectoral group of employers for which a sectoral workforce committee exists, a resolution of the board of directors of the sectoral committee in support of the application; and

(8) in the case of a group of employers with a workforce belonging to a specific clientele addressed by an integration and job retention committee, a resolution of the board of directors of that committee in support of the application.”

5. Section 9 is amended

(1) by replacing the part preceding subparagraph 1 of the first paragraph by the following:

“9. The sums received by a training mutual as payments made by an employer or the expenditures incurred by the employer with the training mutual must be used in their entirety for”;

(2) by replacing “employers” in subparagraph 1 of the first paragraph by “employer members”.

6. Section 12 is replaced by the following:

“12. When a training mutual ceases its activities, the sum of the unexpended payments received by the mutual and the interest earned on those sums must be paid into the Workforce Skills Development and Recognition Fund.

The amounts paid into the Fund pursuant to the first paragraph are reserved, for a period not exceeding 3 years from the date on which the mutual ceases its activities, to be used to train the workforce for which the training mutual was recognized.”

7. Section 13 is amended by replacing “of the employer’s expenditures that are eligible as payments made to or expenditures incurred with the training mutual” by “of payments made to the training mutual or expenditures incurred with the training mutual”.

8. 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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