

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Scale of fees and duties related to the development of wildlife

— 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 draft Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation revokes sections that will be reintroduced into the Regulation respecting trapping activities and the fur trade (R.R.Q., c. C-61.1, r. 3). Those amendments are necessary given the amendments made to the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) by chapter 49 of the Statutes of 2009, which transferred to the Minister several regulatory powers previously exercised by the Government.

Study of the matter has shown no negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Gaétan Roy, Service de la réglementation, de la tarification et des permis, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 2^e étage, Québec (Québec) G1S 4X4; telephone: 418 521-3888, extension 7394; fax: 418 646-5179; e-mail: gactan.roy@mrf.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nathalie Camden, Associate Deputy Minister, Faune Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

SERGE SIMARD,
*Minister for Natural
Resources and Wildlife*

NATHALIE NORMANDEAU,
*Minister of Natural
Resources and Wildlife*

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 163, 1st par., subpar. 4)

1. The Regulation respecting the scale of fees and duties related to the development of wildlife (R.R.Q., c. C-61.1, r. 32) is amended in section 11 by striking out paragraph 1.

2. Section 12 is amended

(1) by striking out “1,” in the part preceding paragraph 1;

(2) by striking out paragraph 1.

3. Section 14.1 is revoked.

4. 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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Draft Regulation

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

Selection of foreign nationals

— Amendments

Notice is hereby given that the Regulation to amend the Regulation respecting the selection of foreign nationals, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation better protects temporary workers and makes employers who hire them accountable. It also lightens for enterprises the steps for the recruitment of temporary foreign workers.

The draft Regulation makes amendments to harmonize Québec regulations with the amendments made in the federal regulations, which come into force on 1 April 2011. These amendments enrich the requirements relating to the employment offer made to the temporary worker, which will have to come from an employer able to comply with the conditions of the offer and having not committed any violation of the legislation respecting labour relations.

The draft Regulation adds little to the administrative burden of enterprises, including small and medium-sized businesses. On the financial level, there will be no new costs. However, certain of the proposed measures will simplify the provisions relating to the examination of employment offers presented by employers, in terms of effects on the labour market.

Further information may be obtained by contacting Robert Baril, Assistant Deputy Minister for Immigration, 360, rue McGill, 4^e étage, Montréal (Québec) H2Y 2E9; telephone: 514 873-0706, extension 21262; fax: 514 873-0453.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Immigration and Cultural Communities, 360, rue McGill, 4^e étage, Montréal (Québec) H2Y 2E9.

KATHLEEN WEIL,
*Minister of Immigration
and Cultural Communities*

Regulation to amend the Regulation respecting the selection of foreign nationals

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2, s. 3.3, 1st par., subpars. *e, f, f.1.0.1, f.1.0.2, f.2 and f.3*)

1. The Regulation respecting the selection of foreign nationals (c. I-0.2, r. 4) is amended by striking out paragraph *a* in section 15.1.

2. Section 15.2 is replaced by the following:

“**15.2.** A certificate of acceptance lapses

(*a*) if the foreign national’s work or study permit is rejected, invalidated or if the application for a permit is considered withdrawn, in accordance with the Immigration and Refugee Protection Regulations;

(*b*) if the foreign national staying temporarily in Québec for medical treatment is not admitted as a temporary resident, in accordance with the Immigration and Refugee Protection Regulations;

(*c*) if the foreign national obtains a new certificate for the same reason for the temporary stay.”.

3. Section 50 is replaced by the following:

“**50.** The Minister issues, on request, a certificate of acceptance to a foreign national wishing to stay temporarily in Québec to work and who meets the following conditions:

(*a*) the foreign national has an employment offer that complies with the conditions set out in sections 51 and 51.1 or with paragraph *d* of section 52, as a live-in caregiver, to provide without supervision home care to a child, an elderly person or a handicapped person;

(*b*) the foreign national undertakes to hold that employment;

(*c*) the foreign national undertakes to work for the employer indicated in the foreign national’s application, except if the foreign national is a farm worker;

(*d*) the foreign national meets the conditions of access provided for in the National Occupational Classification to hold that employment and, where applicable, the special conditions specified in the employment offer.

51. The employment offered to the foreign national must comply with the following conditions:

(*a*) the employment does not and is not likely to adversely affect the settlement of any labour dispute at the workplace where the foreign national would carry on the employment, or the employment of any person involved in the dispute, or to contravene the application of the Labour Code (R.S.Q., c. C-27);

(*b*) the employment comes directly from the employer who made the offer and corresponds to the enterprise’s legitimate labour needs;

(*c*) the employment comes from an employer who is able to comply with the conditions offered, financially and physically;

(*d*) the employment does not come from an employer on the list of employers provided for in subsection 6 of section 203 of the Immigration and Refugee Protection Regulations;

(*e*) the employment does not come from an employer who, during the two years preceding the application for a certificate of acceptance, committed an offence against the legislation respecting labour relations, applicable in Québec; and

(f) the employment will likely result in a positive or neutral effect on the labour market in Québec, the Minister's assessment being based on direct employment creation or employment retention, the development or transfer of skills or knowledge, or the filling of a labour shortage in the profession or trade concerned.

51.1. Where the employment offered requires that the foreign national have a skill level lower than "B" within the meaning of the National Occupational Classification, and where the period of temporary stay in Québec for work purposes is more than 30 days, that employment must also be accompanied by a written employment contract with the employer. The contract must contain the following:

(a) the duration of the contract, the place where the foreign national will be employed, a description of the foreign national's duties, hourly wage, work schedule, vacation and holidays, the deadlines the foreign national and the employer must meet with respect to any notice of resignation or termination of contract, an undertaking on the part of the employer to pay the fees prescribed by law and, in the case of a live-in caregiver who does not understand or speak French, to facilitate the foreign national's access to French courses, outside working hours;

(b) a provision stipulating that the standards set forth in the Act respecting labour standards (R.S.Q., c. N-1.1) with respect to the terms and conditions of wage payment, the computation of overtime, mealtimes, statutory general holidays, annual leave, absences from work for family reasons, and the indemnities and recourses provided for in that Act are applicable to the foreign national, and that the employer will pay the contributions necessary for the employee to benefit from the protection under the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), to the extent provided by that Act;

(c) if applicable, the social benefits offered, such as health and hospital insurance, the conditions of the foreign national's residence offered by the employer and the terms and conditions of payment by the employer of the foreign national's travel costs for a round trip between the country of residence and the place of employment.

51.2. For the purpose of determining if the employment offered will likely result in a positive or neutral effect on the labour market in Québec within the meaning of paragraph *f* of section 51, the Minister must take into account that it might be a single employment offer or an aggregate of employment offers from an employer or a group of employers, and the following factors:

(a) the employer has made or has agreed to make reasonable efforts to hire or train Québec residents;

(b) the working conditions and the wages offered meet the requirements of the Act respecting labour standards, even in the cases where the Act does not apply to certain categories of employees;

(c) the working conditions and the wages offered are such as to attract Québec residents into holding and continuing to hold the employment; and

(d) an improvement in the working conditions or in the wages offered would attract Québec residents into holding and continuing to hold the employment.

52. A foreign national who wishes to stay temporarily in Québec to work as a live-in caregiver must, in addition to the conditions provided for in section 50, meet the following conditions:

(a) the foreign national has successfully completed 11 years of elementary and secondary school;

(b) the foreign national had for one year, in the three years preceding the application for a certificate of acceptance, a full-time remunerated employment in that field of employment, including at least six consecutive months with the same employer, or the foreign national has successfully completed, in the same field, full-time vocational training of at least six months in a vocational school;

(c) the foreign national understands and speaks French or English; and

(d) the foreign national has an employment offered that complies with the conditions of paragraphs *c* to *f* of section 51 and of section 51.1.

52.1. A certificate of acceptance is issued for the employment and the employer indicated in the offer, for a duration not exceeding the duration of the employment offered, but not over 48 months.

A foreign national who wishes to modify the conditions of the undertakings made under paragraphs *b* and *c* of section 50 must file a new application for a certificate of acceptance.

On the expiry of the period of validity of a certificate of acceptance, a new certificate may be issued, on request, to a foreign national who meets the conditions provided for in section 50.

The Minister may refuse the foreign national's application if, during the period of validity of a certificate previously issued, the foreign national failed to comply with the undertakings made under paragraphs *b* and *c* of section 50, unless more than six months have elapsed since the Minister became aware of the failure.”

4. Section 53 is replaced by the following:

“**53.** For the purposes of this Subdivision, a foreign national who is staying temporarily in Québec to work for 30 days or less or to work while the foreign national's admission to Canada is not governed by the requirements concerning the determination of the positive or neutral effect on the labour market, according to Part 11 of the Immigration and Refugee Protection Regulations, is exempt from the application of section 3.2 of the Act.”

5. Section 57 is amended by striking out the third paragraph.

6. Section 57.1 is amended by adding the following paragraph at the end:

“The fees must be paid when the application is filed.”

7. This Regulation comes into force on 1 April 2011.

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Draft Regulation

An Act respecting international financial centres (R.S.Q., c. C-8.3)

Tariff of fees and annual contribution payable under the Act — 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 the tariff of fees and the annual contribution payable under the Act respecting international financial centres, appearing below, may be submitted to the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting the tariff of fees and the annual contribution payable under the Act respecting international financial centres to add to it a tariff for the issue of a certified true copy of a certificate or an annual certificate and to provide, for the first year, a reduced annual contribution in respect of an international financial centre that continues a business having already held a certificate qualifying the business as an international financial centre during the preceding calendar year.

Further information on the draft Regulation may be obtained by contacting Martin Landry, Director, Développement du secteur financier et des personnes morales, Ministère des Finances, 8, rue Cook, 4^e étage, Québec (Québec) G1R 0A4; telephone: 418 646-7537; fax: 418 646-5744 or email: martin.landry@finances.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

RAYMOND BACHAND,
Minister of Finance

Regulation to amend the Regulation respecting the tariff of fees and the annual contribution payable under the Act respecting international financial centres

An Act respecting international financial centres (R.S.Q., c. C-8.3, ss. 35, 36 and 111)

1. The Regulation respecting the tariff of fees and the annual contribution payable under the Act respecting international financial centres (R.R.Q., c. C-8.3, r. 1) is amended in the first paragraph of section 1

(1) by replacing “Act or for the amendment of such qualification certificate or certificate are established as follows” in the introductory part by “Act, for the amendment of such qualification certificate or certificate and for the issue of a certified true copy of the documents are established as follows”;

(2) by adding the following after subparagraph 6:

“(7) the fees for the issue of a certified true copy of a certificate or an annual certificate issued under the Act are \$25.”

2. Section 2 is amended

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

“(1) for the first year,

(a) the contribution is \$10,000;

(b) despite subparagraph *a*, if the corporation or partnership carries on a business which is the continuation of a business or part of a business in respect of which a