

WHEREAS the Commission de la santé et de la sécurité du travail adopted the draft Regulation, with amendments, at its meeting of 20 May 2010;

WHEREAS, under section 224 of the Act respecting occupational health and safety, the draft Regulation must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### **Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium**

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, ss. 170 and 223, 1st par., subpar. 39)

**1.** Benefits under the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) and the regulations thereunder are extended to all persons referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium, signed on 28 March 2006 and appearing as Schedule 1 to the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium, made by Order in Council 561-2010 dated 23 June 2010.

**2.** The benefits apply in the manner prescribed in the Agreement and in the Administrative Arrangement and the Supplemental Administrative Arrangement appearing respectively as Schedules 2 and 3 to that Regulation.

**3.** This Regulation comes into force on 1 November 2010.

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### **M.O., 2010**

#### **Order of the Minister of Public Security concerning the Regulation under the Private Security Act**

Private Security Act  
(R.S.Q., c. S-3.5)

THE MINISTER OF PUBLIC SECURITY,

CONSIDERING paragraphs 1 to 5 of section 107 of the Private Security Act (R.S.Q., c. S-3.5), which provide that the Bureau de la sécurité privée must make regulations determining the matters set forth therein;

CONSIDERING section 108 of the Act, which provides that the Bureau de la sécurité privée may make regulations on the matters set forth therein;

CONSIDERING the first paragraph of section 109 of the Act, which provides that regulations made by the Bureau under those paragraphs and that section must be submitted to the Minister of Public Security, who may approve them with or without amendments;

CONSIDERING that a draft of the Regulation under the Private Security Act was published in Part 2 of the *Gazette officielle du Québec* of 10 February 2010, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), with a notice that it could be approved by the Minister on the expiry of 45 days following that publication;

CONSIDERING that the 45-day period has expired;

CONSIDERING the making of the proposed Regulation under the Private Security Act by the Bureau de la sécurité privée on 13 May 2010;

CONSIDERING that it is expedient to approve the said proposed Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation under the Private Security Act, attached to this Order in Council, is hereby approved.

Québec, 28 May 2010

JACQUES P. DUPUIS,  
*Minister of Public Security*

## Regulation under the Private Security Act

Private Security Act  
(R.S.Q., c. S-3.5, ss. 107 and 108)

### DIVISION I AGENCY LICENCE

**1.** An agency licence application is filed by the enterprise's representative on the form provided by the Bureau de la sécurité privée.

The application contains

- (1) the name, date of birth and residence and work addresses of the enterprise's representative;
- (2) the name under which the enterprise carries on activities;
- (3) the addresses of the enterprise's head office and of each of its establishments;
- (4) the name, date of birth and residence address of the enterprise's owner, any partner or shareholder having a major interest in the enterprise, within the meaning of section 8 of the Private Security Act (R.S.Q., c. S-3.5), and any director, as well as their status and interest in the enterprise; and
- (5) the class of licence applied for.

**2.** An agency licence application is accompanied by

- (1) a copy of the constituting act, contract of partnership or declaration of registration made to the enterprise registrar, as the case may be;
- (2) proof that the enterprise and its representative are solvent;
- (3) a document certifying that the enterprise holds a liability insurance policy in accordance with section 5;
- (4) proof of the security required in section 6; and
- (5) a declaration from the representative that he or she is engaged full-time in the enterprise's activities.

**3.** An agency licence application is also accompanied by the following fees, depending on the class of licence, which are reimbursed to the applicant if the licence is not issued or renewed:

- (1) security guard agency: \$2,400;
- (2) investigation agency: \$1,700;
- (3) locksmith and electronic security systems agency: \$1,100 for each of those activities;
- (4) valuables transport agency: \$1,100;
- (5) security consulting agency: \$1,700.

A non-reimbursable fee of \$102 is also included in the application for each person referred to in sections 7 and 8 of the Act who must undergo verification under section 27 of the Act.

**4.** The representative of the enterprise applying for an agency licence must be solvent, in addition to meeting the conditions of section 7 of the Act.

**5.** The holder of an agency licence must hold a civil liability insurance policy providing the licence holder with at least \$1,000,000 coverage per incident throughout the term of the licence against the financial liability arising from an incident occurring in the course of its activities, for bodily injury, moral damage or material damage.

**6.** An agency licence holder must furnish security to the Bureau in the form of a pledge of money or bonds or an insurance policy in the amount of \$10,000.

**7.** An application to renew an agency licence must be filed at least 60 days before the date of expiry of the licence.

It is filed on the form provided by the Bureau, which contains the information determined in section 1 and is accompanied by the documents and fees determined in sections 2 and 3.

**8.** An agency licence holder must pay the fees provided for in section 3 on the anniversary dates of the licence's issue or renewal. The fee in the first paragraph of that section is reimbursed to the licence holder should the licence be cancelled consequently to the verification under section 27 of the Act.

**9.** The fee for a copy or the replacement of an agency licence is \$25.

### DIVISION II AGENT LICENCE

**10.** An agent licence application is filed on the form provided by the Bureau.

The application contains

- (1) the name, date of birth and residence address of the applicant;
- (2) the name of the applicant's employer or of the person having recourse to his or her services;
- (3) any other employment held by the applicant; and
- (4) the class of licence applied for.

**11.** An agent licence application is accompanied by

- (1) a copy of the document certifying that the applicant meets the conditions of training required under paragraph 1 of section 19 of the Act;
- (2) a certificate of birth;
- (3) a declaration from the applicant that he or she is aware of the responsibilities and obligations incumbent upon him or her under the Act and its regulations; and
- (4) 2 identical colour photographs measuring 50 by 70 millimetres, taken during the 6 months preceding the application, on a white background, showing the person facing front, from the shoulders up and bare headed, dated on the back with a date stamp, one of which is authenticated by a respondent able to confirm the applicant's identity.

**12.** An agent licence application is also accompanied by the following fees:

- (1) a fee of \$38, reimbursed to the applicant if the licence is not issued or renewed; and
- (2) a non-reimbursable fee of \$102 to cover the expenses required to do the verification referred to in section 27 of the Act.

**13.** A person who applies for a security consulting agent licence must, in addition to meeting the conditions provided for in section 19 of the Act, demonstrate to the satisfaction of the Bureau that he or she has the practical knowledge and professional skills necessary for that activity. For that purpose, the Bureau may require the person to come to an interview, to pass an examination, or both.

**14.** An application to renew an agent licence must be filed at least 45 days before the date of expiry of the licence.

It is filed on the form provided by the Bureau, which contains the information determined in section 10 and is accompanied by 2 photographs complying with the requirements of paragraph 4 of section 11 and by the fees determined in section 12.

**15.** An agent licence holder must pay an annual fee of \$80, on the anniversary dates of the licence's issue or renewal.

**16.** The fee for the replacement of an agent licence is \$25.

### DIVISION III TEMPORARY AGENT LICENCE

**17.** The Bureau may issue a temporary agent licence to a person, for the purposes of carrying on a private security activity, in the following cases:

- (1) while the person is receiving training that may qualify the person for the issue of an agent licence under section 21 of the Act, in particular during a training period;
- (2) where the special needs of an investigation justify retaining that person's services, in particular to act as an undercover or double agent; or
- (3) where an enterprise needs to hire temporary labour on the occasion of special events, such as sports or cultural activities, a labour dispute, a disaster or a pandemic.

Sections 10 to 12 apply to an application for a temporary agent licence. Such an application must be supported by a declaration from the person on whose behalf the holder of a temporary licence will carry on the private security activity, attesting to the purpose for which that person needs to retain the services of the temporary licence holder.

**18.** Paragraph 1 of section 19 of the Act does not apply to a person who applies for a temporary agent licence. Paragraph 4 of that section does not apply to a person who applies for a temporary licence for the purposes set out in subparagraph 1 of the first paragraph of section 17.

**19.** The holder of a temporary agent licence must remain at all times under the responsibility of the person on whose behalf the private security activity is carried on. The temporary licence holder must also remain under the supervision of an agent licence holder, issued in accordance with section 21 of the Act, when carrying on that activity.

**20.** The holder of a temporary agent licence may not carry on a private security activity for a purpose other than that for which the licence was issued.

**21.** The person on whose behalf the holder of a temporary agent licence carries on a private security activity must inform the Bureau where the person no longer uses the licence holder's services.

**22.** A temporary agent licence may be renewed as long as the holder needs it for the purpose for which the licence was issued. In case of renewal, the fees prescribed in section 12 are paid once a year.

#### **DIVISION IV** PAYMENT AND ANNUAL ADJUSTMENT OF FEES

**23.** The fees required under this Regulation are paid by certified cheque or postal money order made out to the Bureau de la sécurité privée, by credit card or in cash at the Bureau's head office.

**24.** The fees provided for in sections 3, 12 and 15 are adjusted on 1 January of each year based on the rate of increase in the general Consumer Price Index for Canada, as determined by Statistics Canada, for the 12-month period ending on 30 September of the preceding year.

The adjusted fees are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

The Bureau is to publish the results of the adjustment by means of a notice in the *Gazette officielle du Québec* or by any other appropriate means.

#### **DIVISION V** REGISTER

**25.** An agency licence holder must set up and maintain, at its principal establishment in Québec, a register of the persons in its employ who carry on a private security activity.

The names of those persons, the activities they carry on as well as the dates on which they are hired and on which their employment is terminated are entered in that register.

#### **DIVISION VI** FINAL

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