

(i) other wood processing industries manufacturing wooden articles, building and packing materials, torrefied wood, mulch and absorbents such as bedding;

(2) the following industries processing more than 2,000 m³ of timber annually, from forests in the domain of the State, except industries processing sawing by-products:

(a) industries processing wood for thermal energy production; and

(b) industries manufacturing products derived from biorefinery.”.

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

Training bodies, training instructors and training services

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 respecting training bodies, training instructors and training services, made by the Commission des partenaires du marché du travail and appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The changes made by the Regulation respecting training bodies, training instructors and training services are intended to ensure that the issue of an accreditation certificate is pertinent and in keeping with the purpose of the Act, which is to improve workforce qualifications and skills, and to reduce the regulatory requirements regarding accreditation and the ethics of training instructors and bodies by integrating the applicable provisions of the Regulation respecting the ethics of training instructors and training bodies.

The Regulation has no negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Maude Brisson, 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: 514 864-8216; fax: 514 864-8005; e-mail: maude.brisson@mess.gouv.qc.ca

Any person wishing to comment on the matter 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.

JULIE BOULET,
*Minister of Employment
and Social Solidarity*

Regulation respecting training bodies, training instructors and training services

An Act to promote workforce skills development and recognition
(R.S.Q., c. D-8.3, s. 20, 1st par., subpars. 1 and 4, s. 21, 1st par., subpars. 2 and 3, and s. 21.1)

CHAPTER I ACCREDITATION OF TRAINING BODIES, TRAINING INSTRUCTORS AND TRAINING SERVICES

DIVISION I CONDITIONS FOR THE ISSUE OF AN ACCREDITATION CERTIFICATE

1. A legal person, including a non-profit organization, or a partnership wishing to be accredited as a training body for the purposes of the Act to promote workforce skills development and recognition (R.S.Q., c. D-8.3) must apply in writing to the Minister of Employment and Social Solidarity using the form provided by the Minister, giving the following information:

(1) its Québec business number assigned under section 21 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(2) the professional fields in which training will be provided;

(3) the names of the training instructors, employees or contract workers, who are members of its personnel and, for all of them, their professional field and experience in such field, their training and experience as a training instructor;

(4) the résumé of the instructor or instructors; and

(5) the detailed content of any training already provided.

If an application does not include the names of the training instructors, it must be accompanied by a written statement by the representative authorized for this purpose whereby the training body undertakes to provide training only through training instructors who have been accredited by the Minister.

2. An applicant who satisfies the following conditions will be accredited by the Minister as a training body:

(1) its training instructors, employees or contract workers have an average experience of at least 3 years in each of the professional fields in which they will provide training;

(2) each of its training instructors has either received a minimum of 135 hours of training in teaching methods, or has at least 250 hours of experience as a training instructor or has received a minimum of 90 hours of training in teaching methods and has at least 100 hours of experience as a training instructor.

In this Regulation,

“experience as a training instructor” means any training activity provided to the personnel of an enterprise or in a recognized educational institution, in accordance with section 7 of the Act, enabling the transmission of knowledge in a structured manner;

“training in teaching methods” means any training enabling the participant to develop skills at structuring a training activity, carrying out a training activity favouring the transmission of the knowledge concerned and at reaching the objectives of the training activity.

3. The Minister will accredit as a training instructor a natural person who submits an application in writing to the Minister using the form provided by the Minister and who satisfies the following conditions:

(1) has at least 3 years of experience in each professional field for which the person seeks accreditation;

(2) satisfies one of the conditions set out in subparagraph 2 of the first paragraph of section 2.

The application must be accompanied by the documents specified in subparagraphs 4 and 5 of the first paragraph of section 1.

4. The Minister is to accredit the training service of an employer subject to the provisions of Division I of Chapter II of the Act if the Minister receives an application submitted in writing on the form provided by the Minister and the following information and documents are included:

(1) its address in Québec;

(2) the name of the person responsible for the training service;

(3) the nature of the training activities carried out in the last year or of those planned at the time of the application;

(4) a description of the skills and qualifications of the personnel of the service that enable it to fulfill its responsibilities.

5. An accredited training service must demonstrate that it assumes or coordinates the following responsibilities:

(1) identification of training needs;

(2) preparation of specific training plans, design and programming of activities;

(3) implementation of training activities for the personnel of the employer and provided by employees of the employer with the relevant skills or a supplier of material, equipment or software;

(4) recognition of the successful completion of an internal training activity by a member of the personnel;

(5) follow-up to training activities.

6. Sections 4 and 5 apply, with the necessary modifications, to a multi-employer training service.

An application for accreditation from such a service must include the names of the employers to which it applies.

In this Regulation, “multi-employer training service” means the administrative unit or legal person responsible for the organization of training for the personnel of employers belonging to a group identified with a common banner or a common trademark or a line of products or services.

7. The accredited multi-employer training service of an employer belonging to one of the following groups can assume or coordinate activities relating to the training of the personnel of other employers belonging to such group with which it shares a common mission:

(1) the Conseil du trésor, a department or organization whose personnel is appointed under the Public Service Act (R.S.Q., c. F-3.1.1) or any organization for which, by law, the Government sets or approves the working conditions or remuneration scales and standards of its employees;

(2) the Ministère de la Santé et des Services sociaux, an agency or an establishment covered by the Act respecting health services and social services (R.S.Q., c. S-4.2), a regional council or an establishment covered by the Act respecting health services and social services for Cree native persons (R.S.Q., c. S-5);

(3) the Ministère de l'Éducation, du Loisir et du Sport, a school board or educational institution covered by the Education Act (R.S.Q., c. I-13.3), a private educational institution covered by the Act respecting private education (R.S.Q., c. E-9), a general and vocational education college covered by the General and Vocational Colleges Act (R.S.Q., c. C-29) or a university level educational institution covered by the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1);

(4) the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire, a municipality, a metropolitan community or a regional county municipality.

8. The Minister may refuse to issue accreditation if, during the 5 years preceding the application for accreditation, the applicant or, as the case may be, one of its directors or officers, was found guilty of a criminal or penal offence which, in the Minister's opinion, is related to the practice of the profession or activity, unless pardon was granted.

The Minister may also refuse to issue accreditation to a person mentioned in the first paragraph if, during the 2 years preceding the application for accreditation, the person has knowingly claimed to be accredited or has acted in such a way as to let believe that the person was accredited when such was not the case.

DIVISION II

OBLIGATIONS OF ACCREDITATION HOLDERS

9. An accredited training body may only provide training through its training instructors, employees or contract workers.

10. Accredited training bodies and training instructors must inform the Minister without delay of any change in the conditions to be met for accreditation or in the information provided in their initial application for accreditation or in their application for renewal.

Unless it has filed the statement required by the second paragraph of section 1, the accredited training body must update the list of its training instructors, employees or contract workers.

11. The training provided by the accredited training service of an employer or by an accredited multi-employer training service must be provided solely by the personnel of such employer or of the employers mentioned in the accreditation, as the case may be. It can also be provided by the personnel of a supplier of material, equipment or software, provided the supply for which training is given is used by the personnel so trained.

12. An accredited multi-employer training service covered by section 7 may provide training only through a competent employee from the group to which it belongs.

A multi-employer training service of the group covered by paragraph 2 of section 7 may also provide training through a physician, a dentist or an optometrist.

13. Sections 9 and 11 do not apply in the case of an eligible training activity within the meaning of the Regulation respecting eligible training expenditures (c. D-8.3, r. 3) and held as part of a symposium, conference or seminar or any other activity organized in partnership with an educational institution recognized in accordance with section 7 of the Act, an accredited training body or an accredited training instructor.

14. The accredited training body and accredited training instructor issue a training attestation to each employee who successfully completes or participates in a training activity. Such attestation includes

- (1) the name of the employer;
- (2) the name of the participant;
- (3) a brief description of the training activity;
- (4) confirmation of successful completion or participation of the employee;
- (5) the length of the training activity;
- (6) the name of the accredited training body or accredited training instructor.

15. An accredited training service, including an accredited multi-employer service, issues an attestation containing the information in section 14 to each employee who successfully completes or participates in a training activity. Such attestation is issued at least once a year and upon the employee's departure.

16. An accreditation holder must give to any participant who so requests a detailed statement of the content of the training provided to the participant in the last 24 months.

17. Accreditation may not be assigned.

18. An accreditation holder must display the accreditation in public view in the holder's establishment.

19. Accreditation may be suspended or revoked if

(1) the provisions of this Regulation have not been complied with;

(2) the accreditation holder uses the accreditation for purposes other than those described in the Act or this Regulation; or

(3) the accreditation holder was found guilty of a criminal or penal offence which, in the Minister's opinion, is related to the practice of the profession or activity.

20. An accreditation is valid for 2 years.

21. An accreditation holder wishing to renew the accreditation must apply to the Minister in writing, using the form provided by the Minister, before the accreditation expires.

Accreditation is renewed if the holder continues to satisfy the conditions for accreditation and if the holder has satisfied those imposed for the maintenance of accreditation.

Accreditation remains valid while the application for renewal is being processed.

22. Renewal of accreditation may be refused if, during the 2 years preceding the application for renewal,

(1) the accreditation has been suspended or the accreditation holder has been reprimanded; or

(2) the accreditation holder was found guilty of a criminal or penal offence which, in the Minister's opinion, is related to the practice of the profession or activity, unless pardon was granted.

23. Where an accreditation is revoked, the holder of that accreditation may not submit a new application for accreditation before the expiry of a 2-year period following the date of the Minister's decision.

In the case of a training body, the prohibition referred to in the first paragraph also applies to its directors and officers.

24. The fees payable for the issue or renewal of an accreditation are

(1) for a training body: \$550;

(2) for a non-profit organization: \$200;

(3) for a training instructor: \$300;

(4) for a training service: \$250;

(5) for a multi-employer training service: \$500.

The fees payable under the first paragraph are adjusted on 1 January of each year based on the cumulative rate of increase in the general Consumer Price Index for Canada, as determined by Statistics Canada, for the 12-month period ending on 31 December of the preceding year.

The fees adjusted as prescribed above 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 Minister publishes the result of the adjustment made under this section in Part 1 of the *Gazette officielle du Québec* and, if the Minister considers it appropriate, informs the public by any other means.

CHAPTER II ETHICS OF TRAINING INSTRUCTORS AND BODIES

DIVISION I STANDARDS OF ETHICS

25. Accredited training bodies and instructors must fully honour contracts concluded with their clients.

26. An accredited training body must ensure that any training it provides is given by a training instructor with the required experience and competency.

27. Accredited training instructors must act with competence. They must provide quality professional services and make sure that the training provided complies with the set objectives and is adapted to the client's needs.

Training instructors must take into account the limits of their skills and knowledge, as well as the means at their disposal. In particular, they must refrain from

(1) providing professional services for which they are not sufficiently prepared without the assistance or information needed;

(2) accepting an assignment when they have not acquired the required competence in due time or are unable to acquire it.

28. Accredited training instructors must update and upgrade their knowledge and methods of instruction so that they are in keeping with the requirements of their profession and ensure the quality of the training provided.

29. In the practice of their profession, accredited training instructors must act honestly and loyally and they must not, in particular,

(1) use discriminatory, fraudulent or illegal practices and they must refuse to take part in such practices;

(2) carry on their activities in conditions or states likely to compromise the quality of the services they provide;

(3) receive, in addition to the remuneration to which they are entitled, any benefit, commission or discount related to their profession and they may not pay, offer to pay or promise to pay any such benefit, commission or discount;

(4) use unfair methods for attracting or soliciting clients;

(5) abuse the good faith of another accredited training instructor, commit a breach of trust towards such a person or use disloyal practices;

(6) take credit for work done by another person;

(7) plagiarize or use without written permission the content of training provided for instance by a recognized educational institution or by another accreditation holder.

30. Accreditation holders must, where applicable, make sure that the rules prescribed in sections 27 to 29 are observed by their training instructors, employees or contract workers.

31. Accreditation holders must refrain from providing persons in training with information intended to recruit them for organizations, movements, associations and circles, regardless of their purpose or reputation.

32. Accreditation holders must avoid placing themselves in any situation where their personal interest would be in conflict with their contractual obligations or, where applicable, the obligations resulting from the performance of their duties.

33. Accreditation holders may not use for their benefit or the benefit of a third person personal information obtained for training purposes or in the course of their training activities, or any information of a confidential nature provided by a client or employer and usually dealt with confidentially by the client or employer, except with the consent of the person, client or employer concerned.

34. Accreditation holders must advertise their services in a way likely to adequately inform persons who have no special knowledge of the advertised domain.

In particular, accreditation holders may not in their advertising state or let people believe that

(1) the content of the training provided is approved by the Government, the Minister responsible for Employment, the Commission des partenaires du marché du travail, a Government department, a public body or a public or private institution, unless they are so authorized under an agreement in writing to that effect;

(2) the training instructors have skills or experience not recognized by the accreditation;

(3) the scope of the accreditation covers professional fields other than those for which accreditation was issued.

35. Accreditation holders may not in any way whatsoever engage in or allow advertising that is false, misleading or likely to mislead with respect to the training activities they provide or are called upon to provide to clients.

36. Accreditation holders may not in any way whatsoever engage in or allow advertising that is incompatible with the purpose of the Act.

An advertisement may however indicate that the holder is accredited by the Minister.

37. Accreditation holders must keep a complete copy of any advertisement they have made for at least 3 years following the date it was last broadcast or published. That copy must be furnished to the Minister upon request.

DIVISION II DISCIPLINARY PROCEDURE

38. Any person may file a complaint with the Minister against an accreditation holder about a conduct that is derogatory to the Act or the regulations thereunder.

A complaint must be in writing and briefly state the reasons supporting it.

39. The Minister may dismiss any complaint that is obviously ill-founded. In such case, the Minister is to inform the complainant and give the reasons for the dismissal.

40. After a complaint has been made or on his or her own initiative, the Minister may inquire into any situation where a conduct that is derogatory to the Act or the regulations thereunder is suspected.

41. An accreditation holder may not communicate with a person complaining of a violation to the Act or the regulations thereunder for the duration of the inquiry.

42. The Minister informs the accreditation holder of the alleged violations, of the reference to the provisions concerned in the Act and the regulations thereunder, of the possible penalty and that the accreditation holder may make observations in writing and file documents to complete the accreditation holder's record within 15 days.

43. If the Minister finds that an accreditation holder's conduct has been derogatory to the Act and the regulations thereunder, the Minister may, depending on the seriousness of the conduct, reprimand the accreditation holder or suspend or revoke the accreditation.

44. Any decision of the Minister must be in writing, give reasons and be notified to the accreditation holder.

Where applicable, the Minister must inform the accreditation holder of the way to exercise the recourse provided for in section 23.1 of the Act.

45. The Minister must inform the complainant of the result of his or her inquiry and decision.

The first paragraph does not allow disclosure of confidential information.

46. The Minister makes public any decision to suspend or revoke accreditation rendered against an accreditation holder.

47. The Minister's decision takes effect as soon as notification is given to the accreditation holder.

Within 10 days of the notification of the Minister's decision to suspend or revoke accreditation, the accreditation holder must return to the Minister the document evidencing accreditation.

48. A decision to suspend or revoke the accreditation of a holder may not affect the eligibility of an employer's training expenditure recognized under the Act or a regulation thereunder, if that expenditure was incurred by the employer in good faith prior to that decision.

49. Renewal of accreditation as a training instructor may not be refused to the natural person holding the accreditation on 1 January 2011, on the grounds that the experience as a training instructor or the training in teaching methods that was recognized when such accreditation was issued no longer corresponds to the definition in the second paragraph of section 2.

The foregoing also applies to the renewal of a training body's accreditation, valid on 1 January 2011, with regard to the experience as a training instructor or training in teaching methods recognized for its instructors before that date.

50. This Regulation replaces the Regulation respecting the accreditation of training bodies, training instructors and training services, approved by Order in Council 764-97 dated 11 June 1997, and the Regulation respecting the ethics of training instructors and training bodies, approved by Order in Council 1248-2000 dated 25 October 2000, and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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