

Regulation to amend the Regulation respecting the minimum qualifications required to exercise investigative functions within a police force

Police Act
(R.S.Q., c. P-13.1, s. 116)

1. The Regulation respecting the minimum qualifications required to exercise investigative functions within a police force (R.R.Q., c. P-13.1, r. 3) is amended by inserting the following after section 3:

“**3.1.** The person who exercises or has exercised an investigative function within a police force elsewhere in Canada is not required to successfully complete the training referred to in sections 1 and 2 in order to exercise such a function in Québec.

Despite the foregoing, the person must obtain an attestation of equivalence in accordance with the By-law to establish the Training Plan Regulation of the École nationale de police du Québec. (R.R.Q., c. P-13.1, r. 4).”

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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Gouvernement du Québec

O.C. 244-2012, 21 March 2012

An Act respecting labour relations, vocational training and workforce management in the construction industry
(R.S.Q., c. R-20)

Construction industry — Election of a representative association by employees

Regulation respecting the election of a representative association by employees of the construction industry

WHEREAS, under the second paragraph of section 32 of the Act respecting labour relations, vocational training and workforce management in the construction industry

(R.S.Q., c. R-20), the election of a representative association by employees of the construction industry is made by secret ballot as prescribed by regulation of the Government;

WHEREAS, under the first paragraph of section 35.2 of the Act, an employee whose name does not appear on the list prepared under section 30 of the Act may make known to the Commission de la construction du Québec, according to the procedure established by regulation of the Government, the employee's election respecting a representative association;

WHEREAS, under the second paragraph of section 35.3 of the Act, an employee who is deemed to have made an election respecting an association whose name has not been so published or to maintain the employee's election respecting such an association must, in accordance with the procedure established by regulation of the Government, make known to the Commission de la construction du Québec, the employee's election respecting a representative association;

WHEREAS, under section 76 of the Act to eliminate union placement and improve the operation of the construction industry (2011, c. 30), the first government regulation made under each new provision of sections 32, 35.2 and 35.3 of the Act respecting labour relations, vocational training and workforce management in the construction industry is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1) and, despite section 17 of that Act, the regulation comes into force on the date of its publication in the *Gazette officielle du Québec*;

WHEREAS it is expedient to make the Regulation attached to this Order in Council;

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

THAT the Regulation respecting the election of a representative association by employees of the construction industry, attached to this Order in Council, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation respecting the election of a representative association by employees of the construction industry

An Act respecting labour relations, vocational training and workforce management in the construction industry
(R.S.Q., c. R-20, ss. 32, 35.2 and 35.3)

DIVISION I PURPOSE

1. The purpose of this Regulation is to determine the terms and conditions for the secret ballot held pursuant to section 32 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., c. R-20). It also provides rules governing the election of a representative association pursuant to sections 27, 35.2 and 35.3 of the Act.

DIVISION II SECRET BALLOT

§1. Presiding officer, returning officer and polling officers

2. In accordance with section 32 of the Act, a presiding officer is designated by the Commission de la construction du Québec to supervise the poll.

Within the scope of his or her functions, the presiding officer may require from the returning officer any information deemed useful by the presiding officer. The presiding officer reports to the Commission any situation which in the presiding officer's opinion jeopardizes the proper conduct of the poll.

3. The returning officer's function is to see to the proper conduct of the poll. In particular, the returning officer takes the following measures that are necessary to

(1) establish the postal polling station and make its address known;

(2) facilitate the exercise of the employees' right to vote;

(3) ensure the secrecy of the vote;

(4) maintain order while the votes are being counted, including by excluding any person who is not authorized to be present or hampers the conduct of the counting;

(5) ensure that the relevant information is entered in any report that must be kept under this Regulation.

In this Division, "employee" means an employee entered on the list provided for in section 30 of the Act.

4. The Chair of the Commission provides the returning officer with the personnel necessary for the poll, including the deputy returning officers, secretaries and keepers of the ballot report.

5. The deputy returning officers' function is, under the authority of the returning officer, to proceed with the counting of the votes, with the assistance of secretaries and keepers of the ballot report in accordance with the provisions of this Regulation.

6. The presiding officer, the returning officer and the personnel provided to assist the returning officer must sign the undertaking form in Schedule I.

§2. Operations prior to the poll

7. Any agreement entered into by the Commission and a third person for the poll must provide for measures necessary to ensure the integrity and confidentiality of the poll.

8. Before the 12th month that precedes the date of expiry of a collective agreement, the Commission sends each employee a document identifying the employee as a voter for the poll and an informative document indicating the dates of the poll, the terms and conditions governing it and the method of updating a voter's mailing address for the poll.

Within the same time, the Commission sends the associations a copy of the informative document sent to the employees.

In this Regulation, unless otherwise indicated by the context, "association" means an association referred to in section 29 of the Act.

9. Before the poll begins, the Commission sends each employee his or her ballot paper, a return envelope and an informative document that gives the voting instructions.

The return envelope must be prepaid. It must be opaque and not allow the identification of the employee.

The informative document must specify in particular

(1) the date on which the poll begins and the closing date for receiving ballot papers;

(2) the cases in which a new ballot paper may be provided and the conditions for obtaining a new ballot paper, provided for in section 11;

(3) the obligation to attach to the ballot paper a photocopy of one of the identification documents provided for in section 14;

(4) the cases in which a ballot paper may be rejected and the consequences of a rejection.

§3. *Standards for the ballot paper and its replacement*

10. The ballot paper must indicate

- (1) the names of the associations, in alphabetical order;
- (2) the employee's name;
- (3) the identification code that confidentially links the ballot paper to the employee.

The ballot paper may appear on the informative document provided for in the first paragraph of section 9.

11. An employee who has not received the ballot paper on the seventh day following the date on which the poll begins or who has inadvertently marked, spoiled or lost the ballot paper may request a new ballot paper.

The employee must request it between the seventh day and the fifteenth day that follow the date on which the poll begins by communicating with the Commission or by going to one of its regional offices.

12. Every transmission of a new ballot paper under section 11 must be recorded in a report. The following information must be recorded in the report:

- (1) the employee's name;
- (2) the date and nature of the employee's request;
- (3) the date on which the new ballot paper is transmitted.

Such transmission entails the cancellation of the replaced ballot paper and an indication of the cancellation must be recorded in the report.

§4. *Vote*

13. The employee marks his or her election on the ballot paper in the box corresponding to the association chosen and signs the ballot paper at the place intended for signing.

14. The employee inserts the ballot paper in the return envelope, as well as the photocopy of a document that identifies the employee.

Documents that may be used for that purpose are any identification document issued by the Gouvernement du Québec, one of its departments or agencies, and including

the employee's name, photograph and signature. The Canadian passport may also be used, or another document recognized by government regulation made under section 337 of the Election Act (R.S.Q., c. E-3.3).

The photocopy of the document must be clearly legible and the employee's photograph and signature must be clear as well.

15. The employee sends the return envelope to the Commission by mail.

§5. *Reception of votes*

16. Reception of every return envelope within the allotted time is recorded in a report. Each return envelope is then deposited in a container, which is sealed after the deposit. A sealed container must be kept in a secured room until the counting of the votes.

Any activity provided for in the first paragraph is carried out at all times in the presence of at least 2 polling officers. The foregoing also applies to the transportation of a container to the secured room or to the place where the votes will be counted.

"Secured room" means a room that is only accessible to the presiding officer, returning officer and polling officers. Those persons may not have access to the secured room unless they are accompanied by another authorized person.

17. Every container used to store the return envelopes must be kept sealed until the counting of the votes.

18. The late reception of any return envelope is also recorded in a report, so that the indication provided for in the second paragraph of section 33 may appear in the notice sent to employees for the purpose of confirming their elected union allegiance.

Subject to the right provided for in section 34, an employee whose ballot is received late is deemed not to have voted.

§6. *Counting of votes*

19. The counting of the votes begins at the latest on the fifth day following the end of the voting period, on the date determined by the returning officer and at the place determined by the Commission.

The returning officer informs each of the associations of the date and place of the counting at least 5 business days before the set date.

20. Each of the associations may attend the counting of the votes by delegating observers, among which each association appoints its authorized representative. An association's observer must hold a management position for the association in question or for an association of employees affiliated with that association or be a business agent or union representative of the association in question or an association of employees affiliated with that association.

21. The authorized representative represents the association at the counting of the votes, in particular to submit any dispute concerning the counting, including the contestation of a decision of the returning officer on the rejection of a ballot paper.

22. At least 2 business days before the counting of the votes, each of the associations is informed by the returning officer of the number of observers that each association may designate to attend the counting of the votes. At all times during the counting of the votes, the number of observers per association may not exceed the number of deputy returning officers.

23. The association must, before 3 p.m. on the day prior to the day of the counting, give a written notice to the returning officer indicating the name of each of the observers and specifying which observer is to act as the authorized representative. The association must give to the returning officer, before the counting of the votes, the undertaking form in Schedule II, signed by each of the observers.

24. For the counting of the votes, the deputy returning officer and the secretary open the containers under their responsibility, reconcile their content, record that reconciliation in a report, open the return envelopes, handle the ballot papers and classify the ballot papers as valid or rejected.

Besides the deputy returning officer and the secretary, only the returning officer may take part in those operations.

25. The deputy returning officer proceeds, in the presence of the secretary, with the verification of the ballot papers' validity.

26. A ballot paper must be rejected if it

(1) has not been completed in accordance with this Regulation;

(2) has not been signed by the employee, or the signature does not correspond to the signature appearing on the photocopy of the document attached by the employee under section 14;

(3) was not provided by the Commission;

(4) is not in the return envelope;

(5) designates more than one association or none;

(6) has been marked elsewhere than in one of the places designed for that purpose;

(7) bears a fanciful or injurious marking;

(8) is not accompanied by the identification document provided for in section 14, or the accompanying document does not comply with the requirements in that section.

Subject to the right provided for in section 34, in each of those cases, the employee concerned is deemed not to have voted.

27. No ballot paper may be rejected for the sole reason that the mark extends beyond the designed place or that the place is not completely filled in.

28. The deputy returning officer presents only the rejected ballot papers to the observers that are assigned to him or her. An observer wishing to contest the returning officer's decision must refer the matter to his or her authorized representative, who is the only one authorized to apply for a review of that decision.

29. The returning officer considers any application for review made by an authorized representative and makes a decision matter immediately.

30. The authorized representative may contest a decision of the returning officer. Such contestation is then submitted to the presiding officer for an immediate decision, which is final.

31. Valid ballot papers are classified by association. The association designated by the employee in the employee's valid ballot paper is entered in the report for the counting of the votes by a keeper of that report under the supervision of the returning office or a secretary.

32. The following is to be entered in a report:

(1) the number of employees who have voted;

(2) the number of ballot papers valid or rejected;

(3) the contestations raised by the authorized representatives, the decisions of the returning officer and, if applicable, the decisions of the presiding officer;

(4) the name of the persons who acted as deputy returning officers, secretaries, keepers of the ballot report, observers and authorized representatives.

§7. Operations following the vote

33. Within 10 business days of the end of the poll, the Commission sends each employee a notice confirming his or her elected union allegiance and informing the employee of the right to contest provided for in section 34.

If an employee's election is presumed to be maintained by reason of the rejection or late reception of the employee's ballot paper, the notice sent under the first paragraph contains an indication to that effect.

34. An employee may contest the elected union allegiance confirmed to the employee pursuant to section 33. Such substantiated contestation in writing must be sent to the returning officer at the address of destination of the return envelopes, within 30 days of the end of the poll.

The contestation is submitted to the presiding officer for a decision. The presiding officer may decide that a vote rejected or received late is to be considered valid.

The presiding officer's decision is final; it is sent in writing to the employee.

35. All the documents that were used for the poll must be kept by the Commission in sealed containers, in a secured room for a period of 150 days following the end of the poll.

DIVISION III
ELECTED UNION ALLEGIANCE OF OTHER
EMPLOYEES

36. An employee referred to in section 35.2 of the Act may, during the voting period provided for in section 32 of the Act, make known to the Commission his or her election respecting one of the associations.

The provisions of Division II apply to such election, with the necessary modifications. Despite the foregoing, an employee authorized to elect a new representative association by decision of the Commission des relations du travail rendered under section 27 of the Act makes his or her election known by completing and returning to the Commission the form sent by the Commission for that purpose.

37. An employee referred to in the second paragraph of section 35.3 of the Act must, not later than the last day of the ninth month preceding the date of expiry of the

collective agreement provided for in section 47 of the Act, make known to the Commission his or her election respecting one of the representative associations.

The employee makes his or her election known by completing and returning to the Commission the form sent by the Commission for that purpose.

38. The Commission keeps a completed form provided for in section 36 or 37 for 150 days following its receipt.

39. This Regulation comes into force on 4 April 2012.

SCHEDULE I

(s. 6)

**UNDERTAKING BY THE PRESIDING OFFICER, THE
RETURNING OFFICER AND POLLING OFFICERS**

I, the undersigned, acting as

(Indicate the position of the person during the poll)

for the poll held pursuant to section 32 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., c. R-20) for the year

(Indicate the year of the poll)

declare that:

❶ I will fulfil faithfully and honestly the duties assigned to me under the Act respecting labour relations, vocational training and workforce management in the construction industry and the Regulation respecting the election of a representative association by employees of the construction industry without fear of or favour towards anyone;

❷ I will not reveal, unless expressly authorized, anything that may come to my knowledge in the performance of my duties.

(Signature of the person)

(Name in block letters)

(Date)

SCHEDULE II

(s. 23)

UNDERTAKING BY THE AUTHORIZED REPRESENTATIVE AND OBSERVERS OF AN ASSOCIATION

I, the undersigned, acting as

(Indicate the position of observer or authorized representative)

for

(Indicate the association concerned)

for the poll held pursuant to section 32 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., c. R-20) for the year

(Indicate the year of the poll)

declare that:

❶ I will fulfil in good faith the duties assigned to me under the Act respecting labour relations, vocational training and workforce management in the construction industry and the Regulation respecting the election of a representative association by employees of the construction industry without fear of or favour towards anyone;

❷ I will not reveal, unless expressly authorized, anything that may come to my knowledge in the performance of my duties.

(Signature of the person)_____
(Name in block letters)_____
(Date)

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M.O., 2011**Order number AM 2011-045 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife**An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Regulation to amend the Regulation respecting the classes of aquaculture licences

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE AND THE MINISTER FOR NATURAL RESOURCES AND WILDLIFE,

CONSIDERING the first paragraph of section 163 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) which provides that the Minister may make regulations on the matters set forth therein;

CONSIDERING the first paragraph of section 164 of the Act which provides that a regulation made under subparagraphs 1 to 3 and 12 of the first paragraph of section 163 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the making of the Regulation respecting the classes of aquaculture licences (R.R.Q., c. C-61.1, r. 9);

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

ORDER AS FOLLOWS:

The Regulation to amend the Regulation respecting the classes of aquaculture licences, attached hereto, is hereby made.

Québec, 29 November 2011

SERGE SIMARD,
*Minister for Natural
Resources and Wildlife*CLÉMENT GIGNAC,
*Minister of Natural
Resources and Wildlife*