

Gouvernement du Québec

O.C. 389-2020, 1 April 2020

An Act respecting the Pension Plan
of Management Personnel
(chapter R-12.1)

Special provisions in respect of classes of employees designated under section 23 of the Act — Amendment

Amendment to the Special provisions in respect of
classes of employees designated under section 23 of
the Act respecting the Pension Plan of Management
Personnel

WHEREAS, under the first paragraph of section 23 of the
Act respecting the Pension Plan of Management Personnel
(chapter R-12.1), the Government may establish, despite
any inconsistent provision of that Act, except those pro-
vided for in Chapter VIII, special provisions with respect
to classes of employees it designates;

WHEREAS the Government made the Special provi-
sions in respect of classes of employees designated under
section 23 of the Act respecting the Pension Plan of
Management Personnel (chapter R-12.1, r. 2);

WHEREAS it is expedient to amend those provisions;

WHEREAS, under the second paragraph of section 23
of the Act respecting the Pension Plan of Management
Personnel, an order under the first paragraph of section 23
may come into force 12 months or less before it is made;

IT IS ORDERED, therefore, on the recommendation of the
Minister Responsible for Government Administration and
Chair of the Conseil du trésor:

THAT the amendment to the Special provisions in respect
of classes of employees designated under section 23 of the
Act respecting the Pension Plan of Management Personnel
(chapter R-12.1), attached to this Order in Council, be
made;

THAT this Order in Council came into force on 31 July
2019.

YVES OUELLET,
Clerk of the Conseil exécutif

Amendment to the Special provisions in respect of classes of employees designated under section 23 of the Act respecting the pension plan of management personnel

An Act respecting the Pension Plan
of Management Personnel
(chapter R-12.1, s. 23, 1st and 2nd par.)

1. The Special provisions in respect of classes of
employees designated under section 23 of the Act respect-
ing the Pension Plan of Management Personnel (chapter
R-12.1, r. 2) is amended in Schedule II by replacing “24”
in paragraph 13 by “46”.

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Gouvernement du Québec

O.C. 409-2020, 1 April 2020

Professional Code
(chapter C-26)

Architectes — Compensation procedure of the Ordre des architectes du Québec

Regulation respecting the compensation procedure of
the Ordre des architectes du Québec

WHEREAS, under the first paragraph of section 89 of
the Professional Code (chapter C-26), the members of a
professional order may not, in the practice of their pro-
fession, hold funds or property, including advances on
fees, on behalf of a client or another person, unless it is
expressly authorized by the board of directors of the order
by regulation;

WHEREAS, under the first and second paragraphs of
section 89.1 of the Code, a board of directors of a profes-
sional order that makes a regulation under section 89 of
the Code authorizing the members of the order to hold
funds or property must determine by regulation the com-
pensation procedure, and if appropriate, conditions for the
setting up of a compensation fund and rules for the admin-
istration and investment of the sums making up the fund;

WHEREAS, in the Règlement sur la détention de sommes
par les architectes approved by the Office des professions
du Québec on 24 January 2020, the board of directors of
the Ordre des architectes du Québec authorizes its mem-
bers to hold funds;

WHEREAS the board of directors of the Ordre des architectes du Québec made the Regulation respecting the compensation procedure of the Ordre des architectes du Québec on 12 July 2019;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation adopted by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting the compensation procedure of the Ordre des architectes du Québec was published in Part 2 of the *Gazette officielle du Québec* of 18 September 2019 with a notice that it could be examined by the Office and then submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 24 January 2020 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the compensation procedure of the Ordre des architectes du Québec, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting the compensation procedure of the Ordre des architectes du Québec

Professional Code
(chapter C-26, s. 89.1)

1. A claimant may be compensated in accordance with this procedure following the use by an architect of funds for purposes other than those for which they were entrusted to the architect under a regulation of the Ordre des architectes du Québec made under section 89 of the Professional Code (chapter C-26).

2. The board of directors forms a committee charged with examining claims and decide claims.

The committee is composed of at least 3 members, 1 elected director and 1 director appointed to the board of directors.

3. To be admissible, a claim must

(1) be sent in writing to the Order within 12 months of the claimant becoming aware that the funds have been used by the architect for purposes other than those for which they were entrusted to the architect;

(2) be accompanied by proof of the steps taken with the architect to recover the funds;

(3) state the facts in support of the claim and be accompanied by all relevant documents;

(4) indicate the amount claimed.

The period referred to in subparagraph 1 of the first paragraph may be extended by the committee if the claimant shows that, for a reason beyond the claimant's control, the claimant was unable to file the claim within that period.

4. A request made to the Order with regard to facts likely to give rise to a claim is deemed to be a claim if the request is filed within the period referred to in subparagraph 1 of the first paragraph of section 3.

The claim becomes admissible where the conditions set out in subparagraphs 2 to 4 of that first paragraph are met.

5. The secretary of the Order sends every admissible claim to the committee and the architect within 15 days following the date on which the claim becomes admissible.

6. The secretary of the Order informs the architect and the claimant of the date of the meeting during which the claim will be examined and of their right to make representations.

7. The committee decides whether it is expedient to accept a claim in whole or in part. Where applicable, it fixes the indemnity.

The substantiated decision is final.

8. The maximum amount that may be paid for the period covering the fiscal year of the Order is

- (1) \$10,000 for a claimant in respect of an architect;
- (2) \$50,000 for all the claimants in respect of an architect;
- (3) \$100,000 for all the claimants.

Where all the claims filed for the period covering the fiscal year of the Order exceeds \$100,000, the amount paid to each claimant is paid in proportion to the amount of each claim.

9. Where the claimant is in a vulnerable situation, in particular because of age, physical or psychological state or social condition, the committee may, exceptionally and after having obtained the approval of the board of directors, pay an amount greater than those provided for in section 8.

10. 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. 410-2020, 1 April 2020

Professional Code
(chapter C-26)

Specialist's certificates of professional orders — Diplomas issued by designated educational institutions — Amendment

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (chapter C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the fourth paragraph of section 12 of the Code, and of the order concerned, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, in accordance with subparagraph 7 of the fourth paragraph of section 12 of the Code, the Office advised the Government, after consultation, in particular with the educational institutions and the orders concerned, the Bureau de coopération interuniversitaire and the Minister of Education and Higher Education;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders was published in Part 2 of the *Gazette officielle du Québec* of 2 October 2019 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Government obtained the advice of the Office and the advice of the Ordre des comptables professionnels agréés du Québec, the Ordre des conseillers et conseillères d'orientation du Québec, the Ordre des psychoéducateurs et psychoéducatrices du Québec and the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec for the provisions that concern each of them;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

Professional Code
(chapter C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) is amended in section 1.15