No. 35

Part 2
LAWS AND REGULATIONS

28 August 2024 / Volume 156

Summary

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Part 2 – LAWS AND REGULATIONS

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Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

(1) Acts assented to;

(2) proclamations and Orders in Council for the coming into force of Acts;

(3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;

(4) regulations made by courts of justice and quasi-judicial tribunals;

(5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and

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O.C. 1242-2024, 14 August 2024

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— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to follow up on the Table Justice-Québec with a view to reducing processing times in criminal and penal matters and to make the administration of justice more efficient

WHEREAS, under section 44 of the Act to follow up on the Table Justice-Québec with a view to reducing processing times in criminal and penal matters and to make the administration of justice more efficient (2024, chapter 7), the Act comes into force on 28 March 2024, except sections 1 to 8, which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 14 August 2024 as the date of coming into force of sections 2 to 8 of the Act;

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

THAT 14 August 2024 be set as the date of coming into force of sections 2 to 8 of the Act to follow up on the Table Justice-Québec with a view to reducing processing times in criminal and penal matters and to make the administration of justice more efficient (2024, chapter 7).

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

106997

Gouvernement du Québec

O.C. 1300-2024, 21 August 2024

Act to reinforce the protection of students, including with regard to acts of sexual violence —Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to reinforce the protection of students, including with regard to acts of sexual violence

WHEREAS, under section 41 of the Act to reinforce the protection of students, including with regard to acts of sexual violence (2024, chapter 9), the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 1 September 2024 as the date of coming into force of sections 2, 3, 5 to 11 and 16, paragraph 1 of section 17, sections 18, 23, 24, except in respect of reports and complaints made pursuant to sections 258.0.1 and 262 of the Education Act (chapter I-13.3), made respectively by sections 14 and 19 of the Act to reinforce the protection of students, including with regard to acts of sexual violence, sections 25 and 28, paragraph 1 of section 29, sections 30, 32, 36, 37, except in respect of reports and complaints made pursuant to section 54.11.4 of the Act respecting private education (chapter E-9.1), made by section 31 of the Act to reinforce the protection of students, including with regard to acts of sexual violence, and section 38 of the Act to reinforce the protection of students, including with regard to acts of sexual violence;

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

THAT 1 September 2024 be set as the date of coming into force of sections 2, 3, 5 to 11 and 16, paragraph 1 of section 17, sections 18, 23, 24, except in respect of reports and complaints made pursuant to sections 258.0.1 and 262 of the Education Act (chapter I-13.3), made respectively by sections 14 and 19 of the Act to reinforce the protection of students, including with regard to acts of sexual violence (2024, chapter 9), sections 25 and 28, paragraph 1 of section 29, sections 30, 32, 36, 37, except in respect of reports and complaints made pursuant to section 54.11.4 of the Act respecting private education (chapter E-9.1), made by section 31 of the Act to reinforce the protection of students, including with regard to acts of sexual violence, and section 38 of the Act to reinforce the protection of students, including with regard to acts of sexual violence (2024, chapter 9).

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

107001

Gouvernement du Québec

O.C. 1227-2024, 14 August 2024

Natural Heritage Conservation Act
(chapter C-61.01)

Setting aside of the Lac-à-Moïse land, situated in the Capitale-Nationale region

Setting aside of the Lac-à-Moïse land, situated in the Capitale-Nationale region

WHEREAS, under the first paragraph of section 12.3 of the Natural Heritage Conservation Act (chapter C-61.01), the Government may, by order, set aside any land that is part of the domain of the State in order to establish a new protected area;

WHEREAS, under the second paragraph of section 12.3 of the Act, while the land is set aside, no new right, lease, permit, licence or authorization may be granted or issued for the carrying on of any of the following activities:

(1) commercial forest development activities;

(2) exploration for and the mining and transportation of mineral substances;

(3) natural gas storage;

(4) oil or gas pipeline construction;

(5) the commercial production, processing, distribution or transmission of electricity;

(6) wildlife harvesting activities or agricultural activities;

(7) the construction of any infrastructure subject to an authorization of the minister responsible for the administration of the Act respecting the lands in the domain of the State (chapter T-8.1);

WHEREAS, under the first paragraph of section 12.4 of the Natural Heritage Conservation Act, the Government's decision must specify the reasons that justify setting aside the land concerned as well as the activities listed in the second paragraph of section 12.3 that are covered by the decision;

WHEREAS, under the second paragraph of section 12.4 of the Act, the Government's decision must be accompanied by a map of the land that has been set aside;

WHEREAS the Lac-à-Moïse land is part of the domain of the State;

WHEREAS it is expedient to set aside the Lac-à-Moïse land, mapped in the Schedule to this Order in Council and situated in the Capitale-Nationale region, for the purpose of establishing a new protected area in order to protect and maintain biodiversity, in particular species in a precarious situation and their known or potential habitats, which characterize the land, as well as natural and cultural resources;

WHEREAS, to protect the Lac-à-Moïse land from activities that may have an impact on biodiversity, it is expedient to specify that, for the activities listed in the second paragraph of section 12.3 of the Natural Heritage Conservation Act, no new right, lease, permit, licence or authorization may be granted or issued, while the land is set aside, for the carrying on of the following activities:

(1) commercial forest development activities, except

(*a*) activities carried on to protect forests against fire, destructive insects and cryptogamic diseases;

(*b*) activities carried on to operate, improve, repair, maintain or decommission existing infrastructure, including roads;

(*c*) activities necessary for road construction or for the clearing of land for the construction of infrastructure or for other activities the carrying on of which is not prohibited by this Order in Council where the minister authorizing the activities has consulted the minister responsible for the administration of the Natural Heritage Conservation Act and the latter has taken into consideration the elements provided for in sections 22, 22.0.1 and 22.1 of the Act, with the necessary modifications, in order to issue an opinion;

(2) exploration for or mining and transportation of mineral substances;

(3) natural gas storage;

(4) oil or gas pipeline construction;

(5) commercial production, processing, distribution or transmission of electricity, except

(*a*) an activity relating to electric power transmission lines at voltages below 44 kV;

(*b*) preliminary activities and interventions needed to document an application for a new right, lease, permit, licence or authorization;

(6) the carrying on of an agricultural activity;

(7) the construction of any infrastructure subject to an authorization of the minister responsible for the administration of the Act respecting the lands in the domain of the State (chapter T-8.1), except

(*a*) activities necessary for the construction of infrastructure already authorized under a right existing on the date this Order in Council is made;

(*b*) activities necessary for the construction of infrastructure the carrying on of which is not prohibited by this Order in Council where the minister authorizing the activities has consulted the minister responsible for the Natural Heritage Conservation Act and the latter has taken into consideration the elements provided for in sections 22, 22.0.1 and 22.1 of the Act, with the necessary modifications, to issue an opinion;

WHEREAS, under section 12.5 of the Natural Heritage Conservation Act, the Government's decision comes into force on the date of its publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks:

THAT the land mapped in the Schedule to this Order in Council and situated in the Capitale-Nationale region be set aside as the Lac-à-Moïse reserved land;

THAT, for the activities listed in the second paragraph of section 12.3 of the Natural Heritage Conservation Act (chapter C-61.01), no new right, lease, permit, licence or authorization be granted or issued, while the land is set aside, for the carrying on of the following activities:

(1) commercial forest development activities, except

(*a*) activities carried on to protect forests against fire, destructive insects and cryptogamic diseases;

(*b*) activities carried on to operate, improve, repair, maintain or decommission existing infrastructure, including roads;

(*c*) activities necessary for road construction or for the clearing of land for the construction of infrastructure or for other activities the carrying on of which is not prohibited by this Order in Council where the minister authorizing the activities has consulted the minister responsible for the administration of the Natural Heritage Conservation Act and the latter has taken into consideration the elements provided for in sections 22, 22.0.1 and 22.1 of the Act, with the necessary modifications, in order to issue an opinion;

(2) exploration for or mining and transportation of mineral substances;

(3) natural gas storage;

(4) oil or gas pipeline construction;

(5) commercial production, processing, distribution or transmission of electricity, except

(*a*) an activity relating to electric power transmission lines at voltages below 44 kV;

(*b*) preliminary activities and interventions needed to document an application for a new right, lease, permit, licence or authorization;

(6) the carrying on of an agricultural activity;

(7) the construction of any infrastructure subject to an authorization of the minister responsible for the administration of the Act respecting the lands in the domain of the State (chapter T-8.1), except

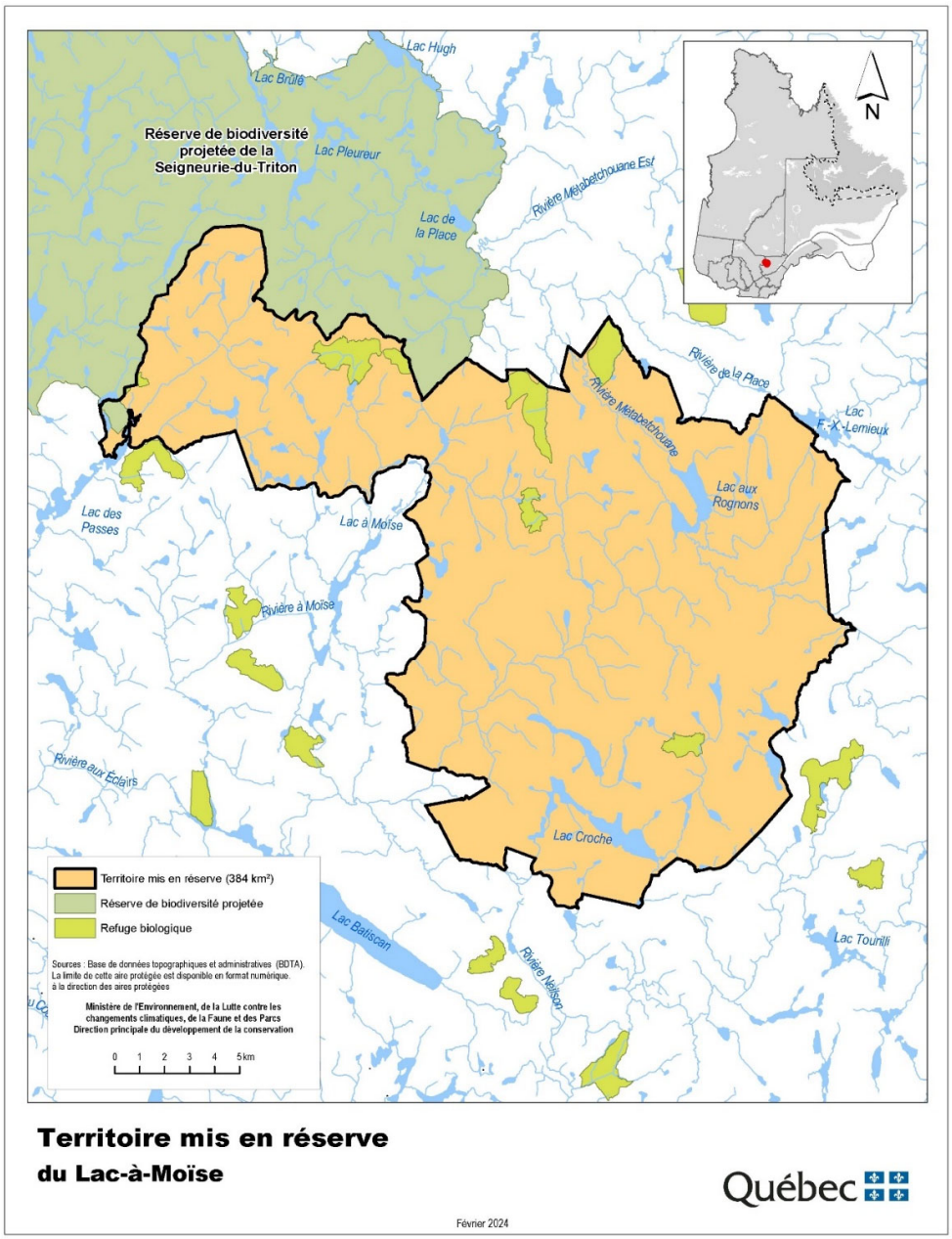
(*a*) activities necessary for the construction of infrastructure already authorized under a right existing on the date this Order in Council is made;

(*b*) activities necessary for the construction of infrastructure the carrying on of which is not prohibited by this Order in Council where the minister authorizing the activities has consulted the minister responsible for the administration of the Natural Heritage Conservation Act and the latter has taken into consideration the elements provided for in sections 22, 22.0.1 and 22.1 of the Act, with the necessary modifications, to issue an opinion.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

SCHEDULE

LAC-À-MOÏSE LAND SET ASIDE



106993

Gouvernement du Québec

O.C. 1229-2024, 14 August 2024

Parks Act
(chapter P-9)

Parks
— Amendment

Regulation to amend the Parks Regulation

WHEREAS, under subparagraph *d* of the first paragraph of section 9.1 of the Parks Act (chapter P-9), the Government may, by regulation, determine the obligations of persons who enter a park or stay, travel or engage in an activity in a park;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Parks Regulation was published in Part 2 of the *Gazette officielle du Québec* of 24 April 2024 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks:

THAT the Regulation to amend the Parks Regulation, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Parks Regulation

Parks Act
(chapter P-9, s. 9.1, 1st par., subpar. *d*).

1. The Parks Regulation (chapter P-9, r. 25) is amended in section 20 by inserting "or service dogs" after "guide dogs" in subparagraph a of subparagraph 4 of the first paragraph.

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

106994

Gouvernement du Québec

O.C. 1230-2024, 14 August 2024

Act respecting the conservation and development of wildlife
(chapter C-61.1)

Wildlife sanctuaries
— Amendment

Regulation to amend the Regulation respecting wildlife sanctuaries

WHEREAS, under subparagraph 1 of the first paragraph of section 121 of the Act respecting the conservation and development of wildlife (chapter C-61.1), the Government may, in particular, with regard to a wildlife sanctuary, authorize or prohibit a recreational activity on the conditions it determines;

WHEREAS, under subparagraph 3 of the first paragraph of section 121 of the Act, the Government may, in particular, with regard to a wildlife sanctuary, prohibit the use of vehicles for recreational purposes on the conditions it determines;

WHEREAS, under subparagraph 5 of the first paragraph of section 121 of the Act, the Government may, with regard to a wildlife sanctuary, authorize or prohibit the presence of a dog or other domestic animal on the conditions it determines;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting wildlife sanctuaries was published in Part 2 of the *Gazette officielle du Québec* of 24 April 2024 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting wildlife sanctuaries, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting wildlife sanctuaries

Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 121, 1st par., subpars. 1, 3 and 5).

1. The Regulation respecting wildlife sanctuaries (chapter C-61.1, r. 53) is amended in section 14 by adding the following at the end of the first paragraph:

"Where the holder of the right of access pass is a member of a group within the meaning of section 15 of the Regulation respecting hunting (chapter C-61.1, r. 12), that pass must indicate, for the wildlife sanctuaries mentioned in Schedule VI of that Regulation, whether it is a single group or a double group and the bag limit for moose attributed to the group pursuant to section 15 of that Regulation.".

2. Section 23.2 is amended by adding the following paragraph at the end:

"The exceptions provided for in the first paragraph do not apply to guide dogs and service dogs.".

3. Section 26 is amended by replacing "any person may travel in a wildlife sanctuary using an off-highway vehicle referred to in paragraph 7 of section 2 of the Act respecting off-highway vehicles (chapter V-1.3) if one of the following conditions is complied with" in the portion before paragraph 1 by "no person may travel in a wildlife sanctuary using an off-highway vehicle referred to in paragraph 7 of section 2 of the Act respecting off-highway vehicles (chapter V-1.3) unless one of the following conditions is complied with".

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

106995

Gouvernement du Québec

O.C. 1260-2024, 14 August 2024

Act respecting collective agreement decrees
(chapter D-2)

Comité paritaire de l'entretien d'édifices publics de la région de Québec respecting the keeping of a register, the monthly report and the levy

Regulation of the Comité paritaire de l'entretien d'édifices publics de la région de Québec respecting the keeping of a register, the monthly report and the levy

WHEREAS, under subparagraph *g* of the second paragraph of section 22 of the Act respecting collective agreement decrees (chapter D-2), from the mere fact of its formation, the Comité paritaire de l'entretien d'édifices publics de la région de Québec may, as of right, by regulation, approved by the Government and published in the *Gazette officielle du Québec*, render obligatory for any professional employer a system of registration for any work which he controls or the keeping of a register in which are shown the name, address and social insurance number of each employee in his employ, his competency, the exact hour at which the work was begun, interrupted, resumed and ceased each day, the nature of the work and wage paid, with mention of the method and time of payment, and all other information deemed useful in the application of the decree;

WHEREAS, under subparagraph *h* of the second paragraph of section 22 of the Act, from the mere fact of its formation, the committee may, as of right, by a regulation approved by the Government and published in the *Gazette officielle du Québec*, oblige any professional employer to transmit to it a monthly report giving:

—the name, address and social insurance number of each employee in his employ, his competency, the nature of his work, the regular and extra hours of labour done each week by the employee, the total number of such hours, his hourly wage rate and his total earnings;

—the allowances paid to each employee for annual vacations with pay and paid holidays and any other allowance or benefit of a monetary value;

WHEREAS, under subparagraphs 2 and 4 of subparagraph *i* of the second paragraph of section 22 of the Act, from the mere fact of its formation, the committee may, as of right, by a regulation approved by the Government and published in the *Gazette officielle du Québec*, levy upon the professional employer alone or upon both the professional employer and the employee, or upon the employee alone, the sums required for the carrying out of the decree and the levying is subject in particular to the following conditions:

—such levy shall not exceed the 1/2% of the employee's remuneration, and the 1/2% of the professional employer's pay-list;

—the professional employer may be required to collect the levy imposed upon the employee by retaining same out of the wages of the latter;

WHEREAS the committee adopted the Regulation of the Comité paritaire de l'entretien d'édifices publics de la région de Québec respecting the keeping of a register, the monthly report and the levy at its sitting of 5 March 2024;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation of the Comité paritaire de l'entretien d'édifices publics de la région de Québec respecting the keeping of a register, the monthly report and the levy was published in Part 2 of the *Gazette officielle du Québec* of 1 May 2024 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation of the Comité paritaire de l'entretien d'édifices publics de la région de Québec respecting the keeping of a register, the monthly report and the levy, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation of the Comité paritaire de l'entretien d'édifices publics de la région de Québec respecting the keeping of a register, the monthly report and the levy

Act respecting collective agreement decrees
(chapter D-2, s. 22, 2nd par., subpars. *g*, *h* and *i*).

DIVISION I
GENERAL

1. This Regulation applies to professional employers subject to the Decree respecting building service employees in the Québec region (chapter D-2, r. 16).

2. This Regulation supplements the General Regulation to govern the regulations of a parity committee (chapter D-2, r. 17). Where this Regulation is in conflict with or its meaning is unclear in relation to the provisions of the General Regulation, the General Regulation takes precedence.

3. In this Regulation, "parity committee" means the Comité paritaire de l'entretien d'édifices publics de la région de Québec.

DIVISION II
KEEPING OF A REGISTER

4. The professional employer must keep a register in which are shown for each employee the name and given name, date of birth, address, social insurance number, qualification, the date of the first day of employment, as well as, where applicable, the following information for each pay period:

(1) the number of hours of work per day, including the hour at which the work was begun, interrupted, resumed and ceased each day, as well as the nature of the work;

(2) the total number of regular and overtime hours of work per week;

(3) the number of overtime hours paid or replaced by a leave with the applicable premium;

(4) the number of days of work per week;

(5) the wage rate;

(6) the nature and amount of premiums, indemnities, allowances or commissions paid;

(7) the mandatory contributions to the group registered retirement savings plan;

(8) the amount of gross wages;

(9) the nature and amount of deductions made, including the current and cumulative amount of the voluntary contribution to the group registered retirement savings plan;

(10) the amount of the net wages paid to the employee;

(11) the work period corresponding to the payment;

(12) the date and mode of payment of wages;

(13) the reference year;

(14) the start date of the employee's annual leave with pay and the duration of that leave;

(15) the date on which the employee benefited from a statutory general holiday with pay or another day of leave, including the compensatory holidays for statutory general holidays with pay.

The register must also contain an up-to-date list of all the places where work subject to the Decree is carried out.

5. The information in the register relating to a particular year must be kept for 3 years following that year.

DIVISION III
MONTHLY REPORT

6. The professional employer must send the parity committee a written monthly report indicating the following information:

(1) the name and given name, address and social insurance number of each employee in the employer's employ, the employee's qualification, the nature of their work, the regular and extra hours of labour done each week by the employee, the total number of such hours, the employee's hourly wage rate and total earnings;

(2) the allowances paid to each employee for annual leave with pay and paid holidays and any other allowance or benefit of a monetary value, including the mandatory contributions of the professional employer to the group registered retirement savings plan as well as the employees' voluntary contributions to the plan.

7. The monthly report must be signed by the professional employer or an authorized representative and sent to the head office of the parity committee not later than the 15th day of the following month.

The professional employer must send a report for every monthly work period even if no work was carried out by the employer or the employer's employees.

8. The monthly report may be sent by mail or by any means based on information technology.

The means based on information technology used by the professional employer must first be authorized by the parity committee so that the method is compatible with the technological equipment owned by the committee.

DIVISION IV
LEVY

9. The rate of levy fixed by the parity committee is

(1) for professional employers, 0.50% of the gross wages the employer pays to employees subject to the Decree;

(2) for employees, 0.50% of the employee's gross wages.

10. The professional employer must collect, for each pay period, the levy imposed pursuant to paragraph 2 of section 9, by deducting it from the employees' wages.

11. The professional employer must remit to the parity committee the levy payable by the employer and by the employees for a monthly period not later than the 15th day of the following month.

DIVISION V
FINAL

12. This Regulation replaces sections 20 and 21 of the special by-laws approved by Order in Council 1026 dated 2 April 1969 (1969, G.O. 2, 2347, French), relating to the keeping of a register and the monthly report, as well as the Règlement sur le prélèvement du Comité paritaire de l'entretien d'édifices publics de la région de Québec approved by Order in Council 2626-85 dated 11 December 1985 (1985, G.O. 2, 6982, French).

13. Section 22 of the special by-laws approved by Order in Council 1026 dated 2 April 1969 (1969, G.O. 2, 2347, French), relating to the competency certificate, is revoked.

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

106999

M.O., 2024

Order 2024-0009 of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks dated 8 July 2024

Act respecting the conservation and development of wildlife
(chapter C-61.1)

Regulation to amend the Regulation respecting the Québec Aquarium

THE MINISTER OF THE ENVIRONMENT, THE FIGHT AGAINST CLIMATE CHANGE, WILDLIFE AND PARKS,

CONSIDERING paragraph 2 of section 78 of the Act respecting the conservation and development of wildlife (chapter C-61.1), which provides that the Minister may, for the purposes of section 77, determine the conditions of admission and visiting hours;

CONSIDERING the making of the Regulation respecting the Québec Aquarium (chapter C-61.1, r. 8);

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

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting the Québec Aquarium, attached to this Order, is hereby made.

Québec, 8 July 2024

BENOIT CHARETTE
Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

Regulation to amend the Regulation respecting the Québec Aquarium

Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 78, par. 2).

1. The Regulation respecting the Québec Aquarium (chapter C-61.1, r. 8) is amended in section 1 by replacing "a seeing-eye dog accompanying its master" by "a guide dog or a service dog".

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

106998

Draft Regulation

Educational Childcare Act
(chapter S-4.1.1)

Control of lead in water in facilities and private residences where educational childcare is provided

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the control of lead in water in facilities and private residences where educational childcare is provided, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation prescribes standards that educational childcare providers must meet to protect children's health in respect of the water used for drinking and preparing food or beverages that are made available to persons as part of the educational childcare they provide at a facility or a private residence, as applicable.

The draft Regulation introduces in particular the obligation for all educational childcare providers to collect water samples for the purpose of measuring the concentration of lead in the water and to implement corrective measures if that concentration exceeds the drinking water quality standard for lead set out in section 2 of Schedule 1 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40). Additionally, repeated sampling is provided for in certain circumstances.

The regulatory impact analysis has shown that the changes contemplated may generate costs of approximately $121,500 for businesses subject to the Regulation for the implementation period and recurring costs of $83,000 per year for a total of $536,500 over a 5-year period. For the public, the draft Regulation would ensure the quality of the water consumed by children and by individuals employed by educational childcare providers at the providers' facilities or residence.

Further information on the draft Regulation may be obtained by contacting Daniel Lavigne, department head, Service des lois et de l'accessibilité, Direction de l'encadrement du réseau, Ministère de la Famille, 600, rue Fullum, 6e étage, Montréal (Québec) H2K 4S7, telephone: 514 873-7200, extension 86111; email: encadrement@mfa.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Daniel Lavigne, using the contact information above.

SUZANNE ROY
Minister of Families

Regulation respecting the control of lead in water in facilities and private residences where educational childcare is provided

Educational Childcare Act
(chapter S-4.1.1, s.106, 1st par., subpars. 3.1, 4, 12, 30 and 31).

CHAPTER I
GENERAL

1. Educational childcare providers must ensure that the water used for drinking or preparing food or beverages that they make available to persons as part of the educational childcare services they provide in a facility or private residence, as applicable, meets the drinking water quality standards relating to lead, specifically the maximum concentration of lead set out in section 2 of Schedule 1 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40).

Educational childcare providers whose facility or residence, as applicable, is situated north of the 55th parallel, may, instead of complying with Chapters II and III and section 21, choose to install a filter or other water treatment system for lead removal, to be used according to the manufacturer's instructions, on any tap, the water from which is used for drinking or preparing food or beverages that they make available to persons as part of providing educational childcare services.

For the purposes of this Regulation, the word "tap" includes fountains.

CHAPTER II
SAMPLE COLLECTION, METHOD, ANALYSIS AND RESULTS

DIVISION I
SAMPLE COLLECTION

2. Educational childcare providers must collect samples from the water used for drinking or preparing food or beverages that they make available to persons as part of providing childcare services, in order to verify compliance with drinking water quality standards relating to lead, during the July to September quarter after

(1) (*insert the date of coming into force of this Regulation*), provided the date of issue of their permit or effective date of recognition as a home educational childcare provider, as applicable, is before that date;

(2) the date of issue of their permit, the date of adding a new facility to their permit or the effective date of recognition as a home educational childcare provider, as applicable, provided that date is after (*insert the date that precedes the date of coming into force of this Regulation*);

(3) a change of address of a facility that appears on the permit or a change of the address of the residence where the childcare is provided that appears on the notice of acceptance of the person who applied for recognition, as applicable, provided the date of the change of address is after (*insert the date that precedes the date of coming into force of this Regulation*).

In the case of a permit issued in the July to September quarter, the educational childcare provider must instead proceed to the sample collection referred to in the first paragraph during the July to September quarter of the year that follows the issue of the permit. The same applies, with the necessary modifications, in the case where the addition of a new facility on a permit, the effective date of recognition or the change of address of a facility or residence occurs in the July to September quarter.

3. The number of samples required for the sampling carried out pursuant to section 2 is one sample from

(1) each tap in a permit holder's facility, the water from which is used for drinking or preparing food or beverages that the permit holder makes available to persons as part of providing childcare services; or

(2) the main tap in the residence of a home educational childcare provider.

For the purposes of applying this Regulation, a "main tap" is the tap, the water from which is most often used for drinking or preparing food or beverages that the educational childcare provider makes available to persons as part of providing childcare services.

4. In addition to the situations referred to in section 2, educational childcare providers must also collect samples of the water used for drinking or preparing food or beverages that they make available to persons as part of providing childcare services, in order to verify compliance with drinking water quality standards relating to lead, at the request of the Minister when the Minister has reasonable cause to believe that the water may contain lead or that a childcare provider has failed to comply with the provisions of this Regulation, in which case the Minister may proceed to the sample collection.

The number of samples required for sampling carried out pursuant to the first paragraph is one sample per tap in the facility or residence, as applicable, water from which must be sampled.

DIVISION II
METHOD AND ANALYSIS

5. Educational childcare providers must collect and keep any water sample required under this Regulation in compliance with the provisions of section 1 of Schedule 4 of the Regulation respecting the quality of drinking water, except the provisions of subparagraphs 2, 3 and 5 of the first paragraph of that section, and in compliance with sections 2.1 and 12 of Schedule 4, with the necessary modifications.

6. Educational childcare providers must, as soon as possible after the collection of a water sample required under this Regulation, send the sample to a laboratory accredited by the Minister of Sustainable Development, Environment and Parks under section 118.6 of the Environment Quality Act (chapter Q-2) in order to verify the sample's compliance with the drinking water quality standards relating to lead.

Educational childcare providers must also certify, in the manner prescribed by the Minister, that the water sample was collected, kept and sent to an accredited laboratory in compliance with the provisions of this Regulation and send a copy of the certification to the accredited laboratory.

DIVISION III
TRANSMISSION AND RETENTION OF DOCUMENTS

7. An educational childcare provider must send a copy of the certification referred to in the second paragraph of section 6 along with a copy of the results of the analysis of the concentration of lead in the water carried out by an accredited laboratory

(1) to the Minister, if the childcare provider is a permit holder; or

(2) to the home educational childcare coordinating office that granted recognition if the childcare provider is a home educational childcare provider.

The home educational childcare coordinating office must send as soon as possible to the Minister a copy of the documents the office receives pursuant to subparagraph 2 of the first paragraph.

The educational childcare provider must keep in the facility or residence where the educational childcare services are provided, as applicable, for as long as services are provided, a copy of the documents sent pursuant to the first paragraph.

CHAPTER III
MONITORING AND CORRECTIVE MEASURES

DIVISION I
OBLIGATIONS AIMED AT ENSURING MONITORING OF THE CONCENTRATION OF LEAD IN THE WATER

§1. Permit holders

8. If all the water samples collected pursuant to section 2 and referred to in subparagraph 1 of the first paragraph of section 3 meet the drinking water quality standard relating to lead, the permit holder must ensure the monitoring of the concentration of lead in the water in accordance with the second and third paragraphs.

During the July to September quarter of the fifth year following the year during which the permit holder carried out the sample collection referred to in the first paragraph, the permit holder must collect a new water sample only from the facility's main tap.

That sample collection must be carried out every five years provided the concentration of lead in the water meets the drinking water quality standard relating to lead.

9. If among the water samples collected pursuant to section 2 and referred to in subparagraph 1 of the first paragraph of section 3, at least one sample fails to meet the drinking water quality standard relating to lead, the permit holder must verify whether the water sample taken from the facility's main tap meets that standard.

If so, the permit holder must collect a new water sample from the main tap during the July to September quarter of the fifth year following the year during which the permit holder carried out the sample collection referred to in section 2.

If not, if at least one other water sample collected from a tap pursuant to section 2 meets the drinking water quality standard relating to lead, the permit holder must collect a new water sample from such a tap during the July to September quarter of the fifth year following the year during which the childcare provider carried out the sample collection referred to in section 2.

That sample collection must be carried out every five years in the cases where water was sampled pursuant to the second or third paragraphs, provided it meets the drinking water quality standard relating to lead.

10. If a water sample collected pursuant to the second or third paragraphs of section 8 or the second, third or fourth paragraphs of section 9 fails to meet the drinking water quality standard relating to lead, the permit holder must ensure the monitoring of the concentration of lead in the water in accordance with the second and third paragraphs.

The permit holder must collect samples from all the water taps in the facility that have not yet been the subject of corrective measures or have not been taken out of service under section 15, the water from which is used for drinking or preparing food or beverages that the permit holder makes available to persons as part of providing educational childcare services.

If at least one water sample collected from a tap pursuant to the second paragraph meets the drinking water quality standard relating to lead, the permit holder must collect a new water sample from such a tap during the July to September quarter of the fifth year following the year during which the childcare provider carried out the sample collection referred to in the second paragraph.

That sample collection must be carried out every five years provided the concentration of lead in the water meets the drinking water quality standard relating to lead.

If a water sample collected pursuant to the third or fourth paragraph fails to meet the drinking water quality standard relating to lead, the permit holder must repeat the steps described in the second, third and fourth paragraphs.

§2. Home educational childcare providers

11. If a water sample collected pursuant to section 2 and referred to in subparagraph 2 of the first paragraph of section 3 meets the drinking water quality standard relating to lead, the home educational childcare provider must ensure the monitoring of the concentration of lead in the water in accordance with the second and third paragraphs.

During the July to September quarter of the fifth year following the year during which the home educational childcare provider carried out the sample collection referred to in the first paragraph, the home educational childcare provider must collect a new water sample from the main tap.

That sample collection must be carried out every five years provided the concentration of lead in the water meets the drinking water quality standard relating to lead.

12. If a water sample collected pursuant to the second or third paragraph of section 11 fails to meet the drinking water quality standard relating to lead, the home educational childcare provider must ensure the monitoring of the concentration of lead in the water pursuant to the second, third, fourth and fifth paragraphs.

The home educational childcare provider must collect samples from all the water taps in the residence that have not yet been the subject of corrective measures or have not been taken out of service under section 15, the water from which is used for drinking or preparing food or beverages that the childcare provider makes available to persons as part of providing educational childcare services.

If at least one water sample collected from a tap pursuant to the second paragraph meets the drinking water quality standard relating to lead, the home educational childcare provider must collect a new water sample from such a tap during the July to September quarter of the fifth year following the year during which the home educational childcare provider carried out the sample collection referred to in the second paragraph.

That sample collection must be carried out every five years provided the concentration of lead in the water meets the drinking water quality standard relating to lead.

If a water sample collected pursuant to the third or fourth paragraph fails to meet the drinking water quality standard relating to lead, the home educational childcare provider must repeat the steps described in the second, third and fourth paragraphs.

13. If the water sample collected pursuant to section 2 and referred to in subparagraph 2 of the first paragraph of section 3 fails to meet the drinking water quality standard relating to lead, the home educational childcare provider must collect a new water sample from all the other taps in the residence, the water from which is used for drinking or preparing food or beverages that the home educational childcare provider makes available to persons as part of providing educational childcare services.

If at least one water sample collected from a tap pursuant to the first paragraph meets the drinking water quality standard relating to lead, the home educational childcare provider must collect a new water sample from such a tap during the July to September quarter of the fifth year following the year during which the home educational childcare provider carried out the sample collection referred to in the first paragraph.

That sample collection must be carried out every five years provided the concentration of lead in the water meets the drinking water quality standard relating to lead.

If a water sample collected pursuant to the second or third paragraph fails to meet the drinking water quality standard relating to lead, the home educational childcare provider must repeat the steps provided in this section, with the necessary modifications.

DIVISION II
CORRECTIVE MEASURES IN CASES OF LEAD CONCENTRATION ABOVE THE DRINKING WATER QUALITY STANDARD RELATING TO LEAD

14. If an educational childcare provider is informed that a water sample collected from a tap pursuant to this Regulation has failed to meet the drinking water quality standard relating to lead, the childcare provider must, without delay, make sure that the water from that tap is not used for drinking or preparing food or beverages that the childcare provider makes available to persons as part of providing educational childcare services.

15. The educational childcare provider must, within 30 days of being informed that a water sample has failed to meet the drinking water quality standard relating to lead, take all appropriate corrective measures, temporary or permanent, to ensure that the water used for drinking or preparing food or beverages that the childcare provider makes available to persons as part of providing educational childcare services meets the drinking water quality standard relating to lead at the time the water is made available to those persons. The childcare provider may, however, instead of taking such measures, choose to take out of service the tap referred to in section 14 or to remove the tap from the childcare provider's facility or residence.

For the purposes of applying the first paragraph, an appropriate temporary corrective measure is a measure such as installing a filter or other lead removal system and using it in accordance with the manufacturer's instructions, and an appropriate permanent corrective measure is a measure such as carrying out plumbing work.

16. Within 30 days of being informed that a water sample has failed to meet the drinking water quality standard relating to lead, the educational childcare provider must also certify, in the manner prescribed by the Minister, that the childcare provider has taken corrective measures to remedy the situation or that the childcare provider has taken out of service the tap referred to in section 14, or removed the tap from the provider's facility or residence.

The childcare provider must also send a copy of that certification

(1) to the Minister, if the childcare provider is a permit holder; or

(2) to the home educational childcare coordinating office that granted recognition if the childcare provider is a home educational childcare provider.

The home educational childcare coordinating office must send as soon as possible to the Minister a copy of the documents the office receives pursuant to subparagraph 2 of the second paragraph.

The childcare provider must keep evidence of the corrective measures taken to remedy the situation in the facility or residence where educational childcare is provided, as applicable, or of taking out of service the tap referred to in section 14 or of removing the tap from the childcare provider's facility or residence.

17. The precautionary measure taken under section 14 must be maintained until one of the following conditions is met:

(1) the educational childcare provider has taken all appropriate corrective measures, temporary or permanent, referred to in section 15 or work has been carried out in the public water distribution network and the result of the analysis of lead concentration in a water sample collected after the measure was implemented or the work carried out from any tap referred to in section 14, regardless of when in the year the sample was collected, has shown that the concentration of lead in the sample meets the drinking water quality standard relating to lead; or

(2) the educational childcare provider has taken the tap referred to in section 14 out of service or removed the tap from the childcare provider's facility or residence.

In the event of a change of the corrective measure taken, the educational childcare provider must implement again the precautionary measure taken under section 14 until the conditions of subparagraph 1 of this section are met in respect of the new corrective measures.

CHAPTER IV
ADMINISTRATIVE PENALTY

18. A person designated by the Minister for that purpose may impose an administrative penalty on a permit holder after ascertaining that the permit holder has failed to comply with a non-compliance notice given under section 65 of the Act with respect to the contravention of any provision of sections 1 to 10 or 14 to 17.

The amount of the administrative penalty is $500 in the case of a natural person and $1,000 in other cases.

CHAPTER V
PENAL PROVISION

19. A permit holder or a home educational childcare provider that contravenes any of sections 1, 5 or 14 to 17 is guilty of an offence under section 117 of the Act.

CHAPTER VI
AMENDING PROVISION

20. Section 75 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2), as amended by section 58 of the Access to Educational Childcare Services Regulation made by Order in Council 863-2024 dated 22 May 2024, is amended again by inserting the following after paragraph 3.1:

"(3.2) the childcare provider has committed, authorized, consented to or participated in the commission of an offence under any of sections 1 to 7 or 11 to 17 of the Regulation respecting the control of lead in water in facilities and private residences where educational childcare is provided (*insert the reference to the Compilation of Québec Laws and Regulations*);".

CHAPTER VII
TRANSITIONAL AND FINAL PROVISIONS

21. An educational childcare provider that has collected water samples from any tap referred to in subparagraph 1 or 2 of the first paragraph of section 3 for the purpose of lead control in the period from 28 November 2019 to (*insert the date that precedes the date of coming into force of this Regulation*), regardless of when in the year the sample was collected, is presumed to have carried out the water sample collection under subparagraph 1 of section 2 insofar as the analysis of any sample so collected was carried out by an accredited laboratory.

A childcare provider referred to in the first paragraph that has carried out water sample collection in 2020 has an additional period of one year, from the date on which the childcare provider collected the water sample, to proceed to the first sample collection that the provider is required to carry out under Division I of Chapter III.

A childcare provider referred to in the first paragraph that has carried out sample collection in the period from 28 November 2019 to 31 December 2019 has an additional period of two years, from the date on which the childcare provider collected the sample, to proceed to the first sample collection that the provider is required to carry out under Division I of Chapter III.

In addition, an educational childcare provider referred to in the first paragraph is presumed to comply with sections 14 to 17 in respect of any tap, the water from which failed to meet the drinking water quality standard relating to lead, inasmuch as the tap was the subject of a temporary corrective measure referred to in section 15 or was taken out of service.

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

106996

Draft Regulation

Professional Code
(chapter C-26)

Code of ethics of dietitians

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Code of ethics of dietitians, as adopted by the board of directors of the Ordre des diététistes-nutritionnistes du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The Regulation determines the general and special ethical duties that must be discharged by every member of the Ordre des diététistes-nutritionnistes du Québec towards the public, their clients and their profession, including the duty to discharge their professional obligations with integrity. The Regulation also contains provisions to prevent conflict of interest situations, forbid any act involving collusion, preserve professional secrecy, set out conditions and procedures applicable to the exercise of the rights of access to the client's record, and governing advertising by members of the Order.

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

Further information on the Regulation may be obtained by contacting Josée De La Durantaye, Director General and Secretary, Ordre des diététistes-nutritionnistes du Québec, 550, rue Sherbrooke Ouest, Tour Ouest, bureau 1855, Montréal (Québec) H3A 1B9; telephone: 514 393-3733 or 1 888 393-8528; email: secretaire@odnq.org.

Any person wishing to comment on the Regulation is requested to submit written comments within the 45-day period to Annie Lemieux, Secretary of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments may be forwarded by the Office to the Minister Responsible for Government Administration and Chair of the Conseil du trésor and may also be sent to the Ordre des diététistes-nutritionnistes du Québec and to interested persons, departments and bodies.

ANNIE LEMIEUX
Secretary, Office des professions du Québec

Code of ethics of dietitians

Professional Code
(chapter C-26, s. 87).

CHAPTER I
GENERAL

1. This Code determines the duties and obligations of all dietitians.

2. Dietitians may not exempt themselves, even indirectly, from a duty or obligation set out in this Code.

CHAPTER II
DUTIES AND OBLIGATIONS TOWARDS PATIENTS, THE PUBLIC AND THE PROFESSION

DIVISION I
GENERAL DUTIES

3. Dietitians must take reasonable steps to ensure that every person they employ or who collaborates with them in the practice of the profession, and every partnership, company or organization within which they practise, complies with the Professional Code (chapter C-26) and the regulations under it and with any other law or regulation governing the practice of the profession.

4. Dietitians must not, in the practice of the profession, commit acts which are contrary to a law or regulation or advise, recommend or induce any person to do so.

5. Dietitians have an overriding duty to protect and promote the health and well-being of the patients to whom they provide professional services both individually and collectively. They must in particular, for that purpose, promote measures that support education and information in their field of professional practice.

6. Dietitians must, in the practice of the profession, take into account all the consequences that their research, work and interventions may have on public health.

7. Dietitians must conduct themselves with dignity, courtesy, respect and integrity in their relations with others. They must, in particular,

(1) collaborate in the provision of professional services and seek to establish and maintain harmonious relations;

(2) give their opinion and recommendations as soon as possible after being consulted;

(3) refrain from denigrating others, abusing their trust, voluntarily misleading them, betraying their good faith or engaging in unfair practices;

(4) refrain from taking credit for work not performed by them;

(5) give fair, honest and substantiated opinions;

(6) avoid discriminating against, harassing, bullying or threatening others.

8. Dietitians may not do anything or behave in any way that is contrary to professional practice or generally recognized scientific information, or that is likely to compromise the honour, dignity or integrity of the profession or to break the link of trust between the public and the profession.

9. Dietitians must, in the practice of the profession, take into account their abilities and knowledge, their limitations and the means at their disposal.

10. Dietitians must not commit an act involving collusion, corruption, malfeasance, breach of trust or influence peddling or participate in the commission of any such act.

11. Dietitians must not, with respect to a patient's record or any report, register, receipt or other document connected with the practice of the profession,

(1) falsify a record, report, register, receipt or document, in particular by altering any notes already entered or by inserting any notes under a false signature;

(2) fabricate a false record, report, register, receipt or document;

(3) enter false information in a record, report, register, receipt or document; or

(4) amend a record, report, register, receipt or document or destroy it in whole or in part without justification.

12. Dietitians must use the title or initials reserved for dietitians in their practice of the profession.

13. When dietitians perform activities that are unrelated to the profession, in particular in connection with an employment, function or responsibility or the operation of an enterprise, they must ensure that such activities do not compromise their compliance with this Code, in particular as regards the honour, dignity and integrity of the profession, and comply with generally recognized professional standards and scientific information.

14. Practice in the field of naturopathy is incompatible with practice of the profession of dietitian.

15. Dietitians who work in another trade or profession must indicate clearly to their patients in which capacity they are providing professional services.

16. Dietitians may not evade or attempt to evade their professional liability. In particular, they are prohibited from

(1) accepting a waiver relieving them from all or some of their professional liability for a fault committee in the practice of the profession;

(2) accepting a waiver relieving the partnership, company or organization within which they perform professional activities from all or part of its liability for a fault committed by them;

(3) invoking the liability of the partnership, company or organization within which they perform professional activities against their patient.

17. Dietitians must ensure that the name of a partnership or company within which they practise does not derogate from the honour or dignity of the profession.

18. Dietitians may not reproduce the graphic symbol of the Order. However, they may use the logo designed by the Order specifically for dietitians.

Dietitians must ensure that a partnership or company within which they practise does not reproduce the graphic symbol of the Order.

DIVISION II
QUALITY OF THE PROFESSIONAL RELATIONSHIP

19. Dietitians must seek to establish a relationship of trust with their patient.

20. Dietitians must avoid any conduct that may harm their patient's physical or mental integrity.

21. Dietitians must respect their patient's privacy, in particular by refraining from collecting information on and exploring aspects of their patient's private life that have no connection with the practice of the profession.

22. Dietitians must refrain from intervening in their patient's personal affairs in areas that have no connection with the practice of the profession.

23. Dietitians must refrain from abusing the professional relationship they establish with their patient.

More specifically, they must, for the duration of their professional relationship, refrain from having sexual relations with their patient, or making sexual gestures or comments.

The duration of the professional relationship is established on the basis, in particular, of the nature of the professional services provided and their duration, the patient's vulnerability and the likelihood of the provision of professional services in the future.

24. Dietitians must, in the practice of the profession, be reasonably available and diligent.

25. Dietitians must inform their patient as soon as possible of any action taken while providing a professional service that may be prejudicial to the patient. They must note the action in the patient's record and take the necessary steps to limit the consequences of the action.

26. Dietitians may not, except for just and reasonable cause, refuse or cease to provide professional services. Just and reasonable cause includes

(1) an inability to establish or maintain a relationship of trust with the patient;

(2) a risk that the ongoing provision of professional services may, in the dietitian's view, cause the patient more harm than good;

(3) a situation of real or apparent conflict of interest or a context in which the dietitian's professional independence could be questioned;

(4) incitement by the patient or a person in the patient's close circle to perform an illegal, unjust or fraudulent act;

(5) abusive behaviour by the patient, which may include harassment, threats or aggressive or sexual actions;

(6) a failure by the patient to respect the agreed conditions for the provision of professional services, including the payment of fees, and the impossibility of negotiating a reasonable agreement with the patient to re-establish them;

(7) a decision by the dietitian to reduce or terminate his or her practice.

Before ceasing to provide professional services to a patient, dietitians must send the patient prior notice of their intention, and ensure that the cessation of services will not be prejudicial to the patient. Where applicable, they must offer to help the patient look for another dietitian. This paragraph does not apply in a situation referred to in one of subparagraphs 4 to 6 of the first paragraph.

27. Dietitians must, at all times, recognize the patient's right to consult another dietitian, a member of another professional order or any other competent person.

DIVISION III
CONSENT

28. Except in an emergency dietitians must, before beginning to provide professional services, obtain free and informed consent from their patient or from their patient's legal representative or, in the case of a child aged under 14, from the holder of parental authority or tutor.

29. Dietitians must ensure that the patient, the patient's legal representative, the holder of parental authority or the tutor receives a relevant explanation of the means by which professional services will be provided and the nature, aim and possible consequences of the assessment and nutritional treatment, including the feeding route. When several nutritional treatments are possible, dietitians must explain them to the patient. Dietitians must help the patient make an informed decision, and respect the decision made.

30. Dietitians must inform their patient and ensure that the patient understands that it is possible to refuse all or some of the professional services offered and to cease receiving them at any time. They must ensure that the patient understands the possible consequences of such a refusal or cessation. Where applicable, they must present alternative nutritional care options and respect the patient's decision.

31. For the duration of the professional services provided, dietitians must ensure that the patient's free and informed consent is ongoing. Dietitians must, at all times, recognize the patient's right to withdraw consent.

DIVISION IV
QUALITY OF PRACTICE

32. Dietitians must discharge their professional obligations with integrity and loyalty.

33. Dietitians must refrain from practising in conditions or states that compromise the quality of the professional services provided or the dignity of the profession.

34. Dietitians must practise their profession in accordance with professional standards and generally recognized scientific information. They must, in particular, enhance and update their knowledge and skills.

35. Dietitians must refrain from expressing an opinion, giving advice or making a decision without having full knowledge of the facts.

36. Dietitians must assess the nutritional state of the patient and ensure that they have all the necessary information before determining, extending or changing a nutritional treatment plan. They may not omit or exaggerate a need in their assessment of a patient's needs.

37. Dietitians who have assessed a patient's nutritional state and determined an intervention plan or nutritional treatment plan, including the appropriate feeding route, must take the necessary steps to monitor it, unless they have ensured that it will be monitored by another dietitian or authorized person.

38. If required in the patient's interest, dietitians must consult or refer the patient to another dietitian or a member of another professional order for treatment or monitoring.

39. Dietitians must refrain from conducting examinations, investigations or treatments that are insufficiently tested, except when taking part in a research project in accordance with section 63.

40. When using tools, measuring instruments, materials and tests, dietitians must interpret the data obtained with care and in accordance with professional standards and generally recognized scientific information. They must take into account the factors that may affect their validity and reliability, including their inherent limits, the patient's specific characteristics, and the context for the assessment.

41. Dietitians may not use products or methods that may have a harmful effect on health or dispense treatments that are insufficiently tested or do not comply with professional standards and generally recognized scientific information.

They may not consult, collaborate with, or refer a patient to a person who uses or promotes such products, methods or treatments.

42. When a patient wishes to rely on a treatment that is insufficiently tested, dietitians must inform the patient of the lack of scientific proof concerning the treatment, of the possible risks or consequences, and of the potential advantages of scientifically proven treatments, if any.

43. Dietitians must refrain from making false claims about their competence, the products or methods they use, or the extent and efficacy of their professional services or those generally provided by dietitians or, where applicable, by the persons collaborating with them.

DIVISION V
PROFESSIONAL SECRECY

44. Dietitians must respect the secrecy of all confidential information brought to their attention in the practice of the profession.

45. To preserve professional secrecy, dietitians

(1) must apply reasonable protection measures at all times, in particular when they, or other persons collaborating with them, use information technologies such as artificial intelligence;

(2) refrain from conducting indiscrete conversations, in particular on social media, concerning a patient or the professional services provided to a patient, from participating in such conversations, or from revealing the fact that a person has had recourse to their services, including by providing information that allows that person to be identified;

(3) take reasonable steps to ensure that every collaborator, every person under their supervision and every partnership, company or organization within which they practise respects professional secrecy;

(4) must not use information of a confidential nature to the detriment of a patient or with a view to gaining an undue advantage, directly or indirectly, for themselves or for others;

(5) limit the transmission of confidential information within an interdisciplinary team to the information that is useful, relevant and necessary to the achievement of the objectives defined;

(6) when intervening with a group, inform the members of the group of the possibility that an aspect of their private lives or of the private life of a third person may be revealed and that the members must respect the confidential nature of such information.

46. Dietitians who communicate information protected by professional secrecy in order to ensure the protection of a person in accordance with the third paragraph of section 60.4 of the Professional Code (chapter C-26) must

(1) communicate only the information needed for the purpose targeted by the communication;

(2) mention, when communicating the information,

(*a*) their name and their membership in the Ordre des diététistes-nutritionnistes du Québec;

(*b*) that the information to be communicated is protected by professional secrecy;

(*c*) the nature of the threat that it is necessary to prevent;

(*d*) the identity and, if possible, the contact information of the person or persons exposed to the threat, when the information is communicated to their representative or to the persons able to provide assistance;

(3) record the following information as soon as possible in the record of the patient concerned:

(*a*) the ground for the decision to communicate the information;

(*b*) the information communicated and the mode of communication used;

(*c*) the name and contact information of any person to whom the information has been communicated and the date and time of communication.

DIVISION VI
ACCESS TO RECORDS AND RECTIFICATION

47. When dietitians practise in a setting governed by a law that provides specific rules about access by patients to their records and the rectification of their contents, they must help ensure compliance with those rules and facilitate their enforcement.

In other cases, they must comply with the provisions of sections 27 to 41 of the Act respecting the protection of personal information in the private sector (chapter P-39.1) and help patients exercise the rights set out in the Act. Those provisions are completed by the provisions of this Division.

48. Dietitians who refuse to agree to an application for access or rectification must enter the reasons for the refusal in the patient's record and file, in the record, a copy of the decision forwarded to the patient.

49. Dietitians must, as soon as possible and not later than 30 days after receiving it, respond to a written application from a patient requesting the return of any document entrusted to them by the patient.

50. Dietitians must, as soon as possible and not later than within 30 days, respond to a written application from their patient to transfer all of part of the patient's record to another dietitian or to a professional member of another professional order.

DIVISION VII
INDEPENDENCE, IMPARTIALITY AND CONFLICT OF INTEREST

51. Dietitians must remain objective and subordinate their personal interest and that of their employer, their collaborators, the partnership, company or organization within which they practise or the third party paying their fees, to the interest of their patient.

52. Dietitians must safeguard their professional independence at all times, in particular

(1) by ignoring any intervention by a third person that could influence their professional judgment, the scientific content they publish, or the performance of their professional activities to the detriment of their patient, a group of individuals or a population group;

(2) by avoiding using their professional relationship to obtain benefits of any nature for themselves or a third person;

(3) by informing their patients or the public, as the case may be, of their ties to an enterprise working in a field connected with the professional services they provide for patients or with the information they provide to the public.

The information referred to in subparagraph 3 of the first paragraph must be communicated to patients and the public without ambiguity.

53. Dietitians must avoid placing themselves in a position of real or apparent conflict of interest. They must take appropriate steps to identify potential conflicts of interest and avoid any resulting situation of conflict of interest.

In particular, they are in a conflict of interest when the interests are such that they may tend to favour certain of them over those of their patient, or where their integrity and loyalty towards the patient may be affected.

54. As soon as they realize that they are in a conflict of interest, dietitians must refuse to act, refuse to take part in a decision or cease to act, except if they are able to resolve the conflict through safeguarding measures with the consent of their patient or patients.

When practising within a partnership or company, situations of conflict of interest must be assessed with respect to all the patients of the partnership or company.

55. To rule on any matter relating to a situation of conflict of interest or to assess the effectiveness of safeguarding measures, the following aspects must be taken into account:

(1) compliance with the duties and professional obligations of dietitians;

(2) protection of the public and the maintaining of public trust in the profession;

(3) the nature of the professional services provided;

(4) the nature of the situation of conflict of interest;

(5) the nature of the interests involved.

56. Dietitians must, when they become aware of a situation of conflict of interest and take safeguarding measures, ensure that the following information and documents remain in the record:

(1) the nature of the situation of conflict of interest identified;

(2) the safeguarding measures applied and the way in which they are expected to remedy the conflict of interest;

(3) the date and a description of the disclosure made to each patient concerned and the document confirming the consent obtained.

57. Dietitians must not urge a person insidiously, pressingly or repeatedly to retain their professional services or to participate in a research project.

58. Dietitians must avoid performing unwarranted professional acts or unnecessarily increasing the number of such unwarranted acts, and must refrain from performing acts that are inappropriate or disproportionate to the patient's needs.

59. Dietitians who provide professional services to a patient in the course of their practice within an organization must not incite the patient to become their private patient.

60. Dietitians who are authorized to prescribe may only write a prescription if it is clinically necessary. In addition, they must respect the patient's right to have the prescription filled at the place and by the person of the patient's choice.

61. Except for the remuneration to which they are entitled, dietitians must refrain from receiving, paying or offering to pay any benefit, rebate or commission relating to the practice of the profession except for customary tokens of appreciation and gifts of small value.

62. When dietitians provide services to several persons with divergent interests, they must state their obligation of impartiality and the specific actions they will take to provide professional services.

DIVISION VIII
RESEARCH

63. Dietitians who participate in any way in a research project involving persons must ensure that the project has been approved and is monitored by a recognized research ethics committee. They must refer to and comply with the methodology approved by the committee and ensure that the project complies with generally recognized standards in the fields of research ethics and scientific integrity.

64. Dietitians must ensure that a person participating in a research project or, where applicable, the person's legal representative,

(1) has been informed about the objectives of the project and the manner in which it will be conducted, and about the advantages, risks or disadvantages connected with participation;

(2) has been informed about the project's reliance on an insufficiently tested treatment or technique;

(3) has given free and informed consent;

(4) has been informed that the consent given may be withdrawn at any time;

(5) has been informed about the measures taken to protect the confidentiality of the information collected for the project.

65. Where the carrying out of a research project may cause prejudice to persons or the community, dietitians who participate in the project must advise the research ethics committee or another appropriate authority.

66. After advising the research ethics committee or another appropriate authority, dietitians must cease all participation or collaboration in a research project if the disadvantages for the participants appear to outweigh the expected benefits.

DIVISION IX
FEES

67. Dietitians must charge and accept fair and reasonable fees. To determine their fees, they must consider, in particular,

(1) their experience and expertise;

(2) the time required to provide the professional services;

(3) the nature and complexity of the professional services provided;

(4) the competence or celerity needed to deliver professional services.

68. Dietitians must inform their patient in advance of the nature and approximate cost of their professional services, and the terms of payment.

Dietitians must produce an intelligible, detailed statement of fees setting out the terms of payment.

Dietitians must provide all the explanations necessary to understand the statement of fees.

69. Dietitians may, after first informing their patient,

(1) charge administrative fees for an appointment missed or cancelled by the patient according to predetermined and agreed-upon conditions, those fees not to exceed the amount of the lost fees;

(2) charge fees supplementary to those reimbursed by a third person.

70. Dietitians may share their fees only to the extent that such sharing corresponds to a distribution of the professional services provided and the responsibilities assumed and does not affect their professional independence.

71. Dietitians must not propose or agree to produce a false receipt for any person or to provide, in any way whatsoever, information that is false or unverified, in particular to obtain insurance coverage.

72. Dietitians who practise within a partnership, company or organization must ensure that the fees and costs for the professional services they provide are always indicated separately on any invoice or statement of fees that the partnership, company or organization sends to the patient.

73. Except for legal interest, dietitians may charge interest on overdue accounts only at the rate agreed on with the patient in writing. The rate agreed on must be reasonable.

DIVISION X
ADVERTISING AND PUBLIC STATEMENTS

74. For the purposes of this Division, the term "advertising" includes any sponsored content produced by dietitians.

"Sponsored content" means the communication by a dietitian, in particular in the form of an article, blog post, educational tool, image or recipe, of content developed in return for remuneration, a grant or another recompense paid by an enterprise working directly or indirectly in the field of food or nutrition.

75. Dietitians may not make or allow to be distributed, by any means, advertising that is false, misleading, incomplete or likely to deceive or that contains information that is contrary to professional standards or generally recognized scientific information.

76. Dietitians may not use their professional title in advertising or a public statement that is not connected to the practice of the profession.

77. In advertising or a public statement, dietitians

(1) must demonstrate professionalism and not denigrate the profession, the Order or its members;

(2) must use clear language that ensures that the target audience receives suitable information, in particular when addressing persons with no particular knowledge of the subject;

(3) may not use, or allow to be used, any supporting testimony or testimonial concerning them that is false, misleading or intended to raise false hope;

(4) must refrain from giving a mercantile image of the profession, in particular by allowing their professional title to be used in association with a product or service with the goal of selling or promoting its sale by a third person;

(5) must declare the nature of any connection they have with an enterprise with which they have established an agreement concerning the product or service and ensure that the declaration is made unambiguously;

(6) may not associate their professional title, or allow it to be associated, with the promotion of the sale or use of a medication, natural health product, nutritional formula, medical product, laboratory test or any other product or method that is not scientifically recognized.

In addition to the above, in connection with sponsored content, dietitians must ensure that only educational information is presented that allows the public to make an informed choice, promotes access to nutritional care and promotes the health of individuals, communities and population groups.

78. Dietitians who act as representatives for a product or service may not act in a way that misleads the public or creates a false impression.

79. Dietitians must not falsely present a product as an integral part of a nutritional treatment or nutritional intervention.

80. Dietitians who state their professional fees in advertising must specify

(1) the nature and scope of the professional services included in the fees;

(2) the period during which the fees and professional services advertised are valid.

The information must be of a nature to inform members of the public with no particular knowledge about nutrition.

81. Dietitians are responsible for the content of the advertising or public statements concerning nutritional services made by a partnership, company or organization within which they practise, unless they establish that the advertising or declaration was made without their knowledge and consent and despite the specific steps they have taken to comply with the rules of this Code and, where applicable, the other laws and regulations referred to in section 3.

82. Dietitians must keep a copy of every advertisement for a period of one year following the date on which it was last published or broadcast. The copy must be given on request to the syndic, an inspector, the director of professional inspection or a member of the professional inspection committee.

83. Dietitians may not allow their professional title or their membership of the Order to be displayed on product packaging or containers.

DIVISION XI
PROFESSIONAL COMMITMENT AND COLLABORATION

84. To the extent of their possibilities, qualifications and experience, dietitians must contribute to the development and quality of the professional by sharing their knowledge and experience, in particular by acting as placement supervisors, clinical instructors or mentors, participating in training activities and maintaining a dialogue with colleagues.

DIVISION XII
RELATIONSHIP WITH THE ORDER

85. Dietitians must collaborate with Order in upholding its mandate to protect the public. For that purpose, they must, in particular,

(1) inform the Order, as soon as possible, that a person is appropriating the titles or initials reserved for dietitians, using a title, abbreviation or initials that lead to the belief that the person is a dietitian, or unlawfully pursuing activities reserved for dietitians;

(2) report to the syndic of the Order when they have reason to believe in the existence of a situation likely to affect the competence or integrity of another dietitian;

(3) report to the syndic of the Order when they have reason to believe that a dietitian has contravened the Professional Code (chapter C-26), a regulation under it, including this Code, or any other law or regulation governing the practice of the profession;

(4) report to the syndic of the Order when they have reason to believe that a partnership, company or organization within which dietitians practise is not ensuring appropriate conditions that allow them to comply with the Professional Code or a regulation under it, including this Code;

(5) respond promptly to any verbal or written request from the secretary of the Order, a syndic, a member of the review committee, the director of professional inspection, a member of the professional inspection committee, an inspector of the committee, an investigator or an expert;

(6) respect any agreement made with one of the persons referred to in paragraph 5.

86. To the extent possible, dietitians must accept a request from the Order to sit on its disciplinary council, review committee, professional inspection committee or council of arbitration of accounts, or to perform any other function needed to protect the public.

87. When they are served with a complaint or informed that an investigation is being held into their conduct or professional competency, or into that of persons who collaborate with them or perform activities within the same partnership, company or organization, dietitians may not contact the person with whom the complaint originated or any other person involved, without prior written permission from the syndic.

CHAPTER III
FINAL PROVISIONS

88. This Code replaces the Code of ethics of dietitians (chapter C-26, r. 97).

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

107005

Draft Regulation

Professional Code
(chapter C-26)

Practice of members of the Ordre professionnel des diététistes-nutritionnistes du Québec within a partnership or a joint-stock company

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the practice of members of the Ordre professionnel des diététistes-nutritionnistes du Québec within a partnership or a joint-stock company, as adopted by the board of directors of the Ordre des diététistes-nutritionnistes du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec and then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation authorizes members of the Ordre professionnel des diététistes-nutritionnistes du Québec to carry on their activities within a joint-stock company or a limited liability partnership.

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

Further information on the draft Regulation may be obtained by contacting Josée De La Durantaye, Director General and Secretary, Ordre des diététistes-nutritionnistes du Québec, 550, rue Sherbrooke Ouest, Tour Ouest, bureau 1855, Montréal (Québec) H3A 1B9; telephone: 514 393-3733 or 1 888 393-8528; email: secretaire@odnq.org.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Annie Lemieux, Secretary, Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments may be forwarded by the Office to the Minister Responsible for Government Administration and Chair of the Conseil du trésor and may also be sent to the Ordre des diététistes-nutritionnistes du Québec and to interested persons, departments and bodies.

ANNIE LEMIEUX
Secretary, Office des professions du Québec

Regulation respecting the practice of members of the Ordre professionnel des diététistes-nutritionnistes du Québec within a partnership or a joint-stock company

Professional Code
(chapter C-26, s. 93, pars. *g* and *h*, and s. 94, 1st par., subpar. *p*).

DIVISION I
TERMS, CONDITIONS AND RESTRICTIONS FOR PRACTISING

1. Members of the Ordre professionnel des diététistes-nutritionnistes du Québec may carry on professional activities within a joint-stock company or a limited liability partnership referred to in Chapter VI.3 of the Professional Code (chapter C-26), subject to the following conditions:

(1) more than 50% of the voting rights attached to the company shares or partnership units are held by the following persons or trust patrimonies or combination of persons or trusts:

(*a*) a member of the Order or of another professional order in the health and social services sector governed by the Professional Code;

(*b*) a joint-stock company where 100% of the voting rights attached to the shares are held by at least one of the persons referred to in subparagraph *a*;

(*c*) a trust where all trustees are persons referred to in subparagraph *a*;

(2) no shareholder, partner, director, officer or representative of the partnership or joint-stock company assumes responsibilities or performs duties incompatible with the practice of the profession of dietitian, as provided in section 14 of the Code of ethics of dietitians approved by Order number (*insert the number and date of the Order approving the Code*);

(3) a majority of the directors of the board of directors of the joint-stock company or, as the case may be, of the partners or directors appointed by the partners to manage the affairs of the limited liability partnership are persons referred to in subparagraph *a* of paragraph 1;

(4) to constitute a quorum for a meeting of the board of directors of the joint-stock company or the internal management board of the limited liability partnership, a majority of the members present must be persons referred to in subparagraph *a* of paragraph 1;

(5) the articles of the joint-stock company or the contract of the limited liability partnership must provide

(*a*) the conditions listed in paragraphs 1 to 4;

(*b*) a statement that the joint-stock company is established in order to carry on professional activities; and

(*c*) the conditions to transfer company shares or partnership units in the event of the death, disability, striking off, revocation of permit or bankruptcy of one of the persons referred to in subparagraph *a* of paragraph 1.

2. A member who is struck off the roll for more than 3 months may not, during the period of the striking off, directly or indirectly hold any share or unit in the partnership or joint-stock company or be a director, officer or representative of the partnership or joint-stock company. The same applies if the member has had his or her permit revoked.

3. To carry on professional activities within a partnership or joint-stock company, a member must provide the Order with the following documents, accompanied by the fees payable prescribed by the Order's board of directors:

(1) a sworn declaration completed on the form provided by the Order containing the following information:

(*a*) the partnership or joint-stock company name and any other names used in Québec by the partnership or joint-stock company within which the member carries on professional activities, and the registration number assigned to it by the competent authority;

(*b*) the legal form of the partnership or joint-stock company;

(*c*) in the case of a joint-stock company,

i. the address of the head office of the company and the addresses of its establishments in Québec;

ii. the names of the shareholders, their percentage of shares with voting rights and, where applicable, the Order of which they are members and their permit number;

iii. the names of the directors of the joint-stock company and, where applicable, the Order of which they are members and their permit number;

(*d*) in the case of a limited liability partnership,

i. the addresses of the establishments of the partnership in Québec, specifying the address of its principal establishment;

ii. the names of the partners, their percentage of partnership units and, where applicable, the Order of which they are members and their permit number;

iii. the names of the directors of the partnership and, where applicable, the Order of which they are members and their permit number;

(*e*) the member's name, permit number, and status within the partnership or joint-stock company;

(*f*) an attestation that the holding of shares or partnership units, the rules of administration of the partnership or joint-stock company, and the articles of the joint-stock company or the contract of the limited liability partnership comply with the conditions set out in this Regulation;

(2) an insurance certificate indicating that the member is covered by security in compliance with Division III with respect to the partnership or joint-stock company;

(3) an irrevocable written authorization from the partnership or joint-stock company within which the member carries on professional activities allowing a person, committee, disciplinary body or tribunal mentioned in section 192 of the Professional Code (chapter C-26) to require from any person a document referred to in this section or in section 11, or a true copy of such a document.

4. Members must

(1) before March 31 of each year, update and provide the Order with the declaration provided for in paragraph 1 of section 3, accompanied by an insurance certificate indicating that the member is covered by security in compliance with Division III with respect to the partnership or joint-stock company, and by the fees payable prescribed by the Order's board of directors;

(2) where applicable, promptly notify the Order that, under the Bankruptcy and Insolvency Act (R.S.C., 1985, c. B-3), the partnership or joint-stock company has made an assignment of its property, is the subject of a receiving order, or has made a proposal that has been rejected by its creditors or dismissed or annulled by the court; and

(3) promptly notify the Order of any change in the information given in the declaration provided for in paragraph 1 of section 3 that would compromise compliance with the conditions set out in this Regulation.

5. At all times, members must ensure that the partnership or joint-stock company within which they carry on professional activities allows them to comply with the provisions of the Professional Code (chapter C-26) and its regulations.

6. Where members become aware, or are notified by the Order, that one of the terms, conditions or restrictions set out in this Regulation or in Chapter VI.3 of the Professional Code (chapter C-26) is no longer met, they must, within 15 days, take the necessary measures to comply, failing which members are no longer authorized to carry on their activities within the partnership or joint-stock company.

7. The name of the partnership or joint-stock company must not be a numbered name.

DIVISION II
REPRESENTATIVE

8. If a number of members carry on professional activities within the same partnership or joint-stock company, a representative must be designated to act on their behalf in order to comply with the terms and conditions provided for in sections 3 and 4.

The representative must ensure the accuracy of the information provided.

The representative must reply to requests made by a representative of the Order and provide, where applicable, the information or documents that the members are required to submit.

The representative must be a member of the Order who carries on professional activities in Québec within the partnership or joint-stock company and be a partner or a director and shareholder of the partnership or joint-stock company.

DIVISION III
PROFESSIONAL LIABILITY COVERAGE

9. In order to carry on professional activities within a partnership or joint-stock company, members must join the professional liability group insurance plan contract entered into by the Order, providing security against the liability that the partnership or joint-stock company may incur as the result of any fault on the part of the members committed in the practice of their profession.

The Order must make the contract accessible to members.

10. The professional liability group insurance plan contract must include an amount of security of at least $2,000,000 per claim and at least $2,000,000 for all claims filed within the coverage period or filed before that coverage period but for which a claim was filed against the partnership or joint-stock company within the coverage period.

DIVISION IV
ADDITIONAL INFORMATION

11. The documents that may be required pursuant to paragraph 3 of section 3 are the following:

(1) if the member carries on professional activities within a joint-stock company:

(*a*) written confirmation by the competent authority attesting that the joint-stock company exists;

(*b*) an up-to-date copy of the articles and by-laws of the joint-stock company;

(*c*) an up-to-date register of the shares of the joint-stock company;

(*d*) an up-to-date register of the shareholders of the joint-stock company;

(*e*) an up-to-date register of the directors of the joint-stock company;

(*f*) any shareholders' agreement and any voting agreement and amendments;

(*g*) the declaration of registration of the joint-stock company and any update;

(*h*) a complete and up-to-date list of the joint-stock company's principal officers and representatives and their home addresses;

(2) if the member carries on professional activities within a limited liability partnership:

(*a*) where applicable, a certified true copy of the declaration to the competent authority indicating that the general partnership has been continued as a limited liability partnership;

(*b*) the declaration of registration of the partnership and any update;

(*c*) the partnership agreement and amendments;

(*d*) an up-to-date register of the partners of the partnership;

(*e*) where applicable, an up-to-date register of the directors of the partnership;

(*f*) a complete and up-to-date list of the partnership's principal officers and representatives and their home addresses;

(3) written confirmation by the competent authority attesting that the partnership or joint-stock company is duly registered in Québec;

(4) an attestation that the partnership or joint-stock company maintains an establishment in Québec.

DIVISION V
FINAL

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

107004

Draft Regulation

Professional Code
(chapter C-26)

Professional activities that may be engaged in by persons other than hearing-aid acousticians

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the professional activities that may be engaged in by persons other than hearing-aid acousticians, as adopted by the board of directors of the Ordre des audioprothésistes du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec and then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation determines, among the professional activities that may be engaged in by hearing-aid acousticians, those that, on the conditions and terms set out therein, may be engaged in by persons other than hearing-aid acousticians.

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

Further information on the draft Regulation may be obtained by contacting Marie-Chantal Lafrenière, Director General and Secretary, Ordre des audioprothésistes du Québec, 1001, rue Sherbrooke Est, bureau 820, Montréal (Québec) H2L 1L3; telephone: 514 640-5117, extension 203, or 1 866 676-5117; email: mclafreniere@audioprothesistes.org.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Annie Lemieux, Secretary, Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments may be forwarded by the Office to the Minister Responsible for Government Administration and Chair of the Conseil du trésor and may also be sent to the Ordre des audioprothésistes du Québec and to interested persons, departments and bodies.

ANNIE LEMIEUX
Secretary, Office des professions du Québec

Regulation respecting the professional activities that may be engaged in by persons other than hearing-aid acousticians

Professional Code
(chapter C-26, s. 94, 1st par., subpar. *h*).

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by hearing-aid acousticians, those that may be engaged in by the following persons, on the conditions and terms set out therein:

(1) a person who is registered in a program of study leading to a diploma giving access to the permit issued by the Ordre des audioprothésistes du Québec;

(2) a person who is registered in a program of study leading to a diploma issued outside Québec of a level equivalent to that giving access to the permit issued by the Order and who serves a training period in Québec as part of the program of study;

(3) a person who is registered in a program of study leading to a diploma giving access to a legal authorization to practise the profession of hearing-aid acoustician referred to in the Règlement sur les autorisations légales d'exercer la profession d'audioprothésiste hors du Québec qui donnent ouverture au permis de l'Ordre des audioprothésistes du Québec (chapter A-33, r. 2.1) and who serves a training period in Québec as part of the program of study;

(4) a person who is enrolled in a program of study or undergoes training or serves a training period or undergoes an examination in accordance with the Règlement sur les normes d'équivalence de diplôme et de la formation aux fins de la délivrance d'un permis de l'Ordre des audioprothésistes du Québec (chapter A-33, r. 9);

(5) a person who undergoes training or serves a training period as part of the procedure for the recognition of professional competence provided for by regulation of the Order made under paragraph *c*.2 of section 93 of the Professional Code (chapter C-26);

(6) a person who takes a refresher course or serves a training period in accordance with a decision of the board of directors of the Order made pursuant to section 45.3 of the Professional Code (chapter C-26).

2. A person referred to in section 1 may engage in the professional activities that may be engaged in by hearing-aid acousticians, except the sale of hearing aids, when the following conditions are met:

(1) the person is duly registered in the register held for that purpose by the Order;

(2) the person engages in the activities as part of a program of study, training, a training period, an examination or a course referred to in section 1;

(3) the person engages in the activities under the direct and constant supervision of a hearing-aid acoustician who is in charge of the supervision;

(4) the person engages in the activities in compliance with the standards applicable to hearing-aid acousticians, including those relating to ethics and the keeping of records and consulting offices.

3. A hearing-aid acoustician who acts as supervisor in accordance with paragraph 3 of section 2 must meet the following conditions:

(1) have been practising the profession of hearing-aid acoustician for at least 5 years;

(2) have not been the subject, in the 5 years preceding the supervision,

(*a*) of a decision of a disciplinary council of an order or of the Professions Tribunal that imposed a sanction; or

(*b*) of a decision by a board of directors imposing a refresher training period or course, a restriction or suspension of the right to engage in professional activities, the striking off the roll of the Order or the revocation of the permit.

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

107006

Draft Regulation

Sustainable Forest Development Act
(chapter A-18.1)

Reimbursement of property taxes of certified forest producers
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the reimbursement of property taxes of certified forest producers, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation mainly prescribes the use of values assessed by the timber marketing board for calculating the development expenses eligible for the reimbursement of property taxes of certified forest producers. In addition, the list of eligible development expenses in Schedule 1 is amended to remove values, provide various clarifications and ensure uniformity. The forest engineer's report in Schedule 2, which contains a statement of eligible expenses that are applicable to a calendar year or fiscal year and is required under section 131 of the Sustainable Forest Development Act (chapter A-18.1) for the reimbursement of property taxes, includes amendments consequential to the proposed changes to the rules for calculating the value of an eligible development expense. The report also provides various clarifications.

Study of the matter has revealed a reduction of the costs associated with administrative formalities for businesses.

Further information on the draft Regulation may be obtained by contacting Nicolas-Pascal Côté, Director, Direction de la gestion de l'approvisionnement en bois, Ministère des Ressources naturelles et des Forêts, 5700, 4e Avenue Ouest, bureau A-202, Québec (Québec) G1H 6R1; telephone: 418 627-8646, extension 704200; email: Nicolas-Pascal.Cote@mrnf.gouv.qc.ca.

Any interested person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Alain Sénéchal, Associate Deputy Minister for Forests, Ministère des Ressources naturelles et des Forêts, 5700, 4e Avenue Ouest, bureau A-405, Québec (Québec) G1H 6R1; email: BSMA-Foret@mrnf.gouv.qc.ca.

MAÏTÉ BLANCHETTE VÉZINA
Minister of Natural Resources and Forests

Regulation to amend the Regulation respecting the reimbursement of property taxes of certified forest producers

Sustainable Forest Development Act
(chapter A-18.1, s. 173, pars. 5 and 6).

1. The Regulation respecting the reimbursement of property taxes of certified forest producers (chapter A-18.1, r. 12.1) is amended in section 2 by replacing "applicable municipal by-laws" in paragraph 2 by "Québec laws and regulations, including municipal by-laws".

2. Section 3 is replaced by the following:

"**3.** The total amount of eligible development expenses is obtained by adding the values of each eligible development expense incurred in a calendar year or fiscal year, as applicable.

Each eligible development expense is calculated using the following formula:

A x (B + C) where

(1) "A" is the number of units corresponding to the development expense referred to in Schedule 1;

(2) "B" is the value of the development expense referred to in Schedule 1 for the technical component;

(3) "C" is the value of the development expense referred to in Schedule 1 for the execution component.

On 1 April of each calendar year, the timber marketing board publishes on the board's website the grid of values to be used to calculate the total amount of eligible development expenses incurred in the calendar year of the publication or in the fiscal year beginning during the calendar year of the publication, as applicable.".

3. Section 5.1 is revoked.

4. Schedule 1 is replaced by the following:

"SCHEDULE 1
(Sections 2 and 3)

DEVELOPMENT EXPENSES ELIGIBLE FOR THE REIMBURSEMENT OF PROPERTY TAXES OF CERTIFIED FOREST PRODUCERS

DIVISION I
GENERAL

1. The value of a development expense described in this Schedule comprises two components:

(1) a technical component that includes planning, monitoring and operational supervision costs; and

(2) an execution component that includes implementation costs.

2. For the purposes of this Schedule, "silvicultural treatment" means a forest development activity that is part of a silvicultural scenario to be applied to a stand or combination of stands during a given period based on management objectives. It must be applied in compliance with the scientific foundations presented in the Guide sylvicole du Québec.

DIVISION II
RETURN TO PRODUCTION

§1. Site preparation

3. Site preparation is a silvicultural treatment that involves working the forest soil to make the physical environment suitable for germination or for the survival and the growth of seedlings of a desired species. Site preparation must create a sufficient number of microsites suitable for natural or artificial regeneration.

Eligible silvicultural site preparation activities are the following:

(1) mechanical site clearing: windrowing or piling logging residue in order to facilitate replanting, scarification or stand tending;

(2) shear-blading with a shear-blade-equipped tractor: brush-cutting and windrowing in a single operation;

(3) site clearing with a "stone-fork" excavator: windrowing or piling logging residue in order to facilitate replanting;

(4) bush clearing and site clearing: elimination and removal of brush and non-merchantable timber, which may be carried out in a context of

(*a*) high competition: an operation carried out where the coverage of brush two metres or more in height exceeds 50%; or

(*b*) low competition: an operation carried out where the coverage of brush one metre or more in height exceeds 25%;

(5) salvage, bush clearing and site clearing: the harvesting of all mature merchantable timber or deteriorating timber in a low-value stand followed by bush clearing and mechanical site clearing;

(6) chipping: the removal and chipping of brush and non-merchantable timber in a single operation;

(7) forest harrowing: brush removal and soil scarification using a forest harrow;

(8) agricultural ploughing and harrowing: loosening of the soil using a plough and harrow to facilitate the planting of seedlings;

(9) forest ploughing and harrowing: brush removal and loosening of the soil using a forest plough and harrow;

(10) scarification: disturbing the humus layer and low-growing competing vegetation to expose and loosen the mineral soil and mix it with organic matter; scarification can be carried out in one of the following ways:

(*a*) light scarification: using TTS-type disc trenchers;

(*b*) medium scarification: using TTS-type trenchers with hydraulic discs, Donaren, Equisyl, etc;

(*c*) manual scarification: using manual tools;

(11) mounding scarification: mounding of soil using an excavator or feller to create at least 800 microsites per hectare in order to perform intensive silviculture or reforestation with hardwood, white pine or red pine;

§2. Planting

4. Planting is a silvicultural treatment that involves burying the root system of artificial seedlings in a mineral soil or a mixture of mineral and organic soil.

Eligible silvicultural planting treatments are the following:

(1) planting: an artificial regeneration treatment involving placing seeds or seedlings in the ground, with regular spacing, to create a stand;

(2) infill planting in plantations or naturally-regenerated areas: an artificial regeneration treatment that involves planting trees of a commercial species to fill gaps in areas where the regeneration, whether natural or artificial, has not achieved a suitable density or distribution coefficient. Infill planting takes place in a natural stand or a plantation containing trees of similar dimension to the seedling in order to achieve full stocking of the area;

(3) enrichment planting: an artificial regeneration treatment that involves planting trees in a stand to introduce or re-introduce a species that is in decline or has greater value, or to increase the abundance of that species. Enrichment planting may take place in the understorey of a stand to maintain or improve biodiversity or increase the value of the stand.

DIVISION III
TENDING OF REGENERATION

5. Tending of regeneration is a silvicultural tending treatment that involves eliminating competing vegetation, mainly using mechanical or manual methods, to release regeneration of the desired species or to create an environment suitable for the establishment of regeneration.

Eligible silvicultural tending treatments are the following:

(1) cleaning (1st, 2nd or 3rd): cutting back competing trees and shrubs;

(2) weeding: controlling competing herbaceous vegetation, either by mowing or harrowing or by straightening seedlings;

(3) mulching: controlling competing trees and shrubs by mulching;

(4) fertilization and amendment: applying chemical or organic fertilizers to improve timber production in stands of quick-growth species and in maple stands used for forestry or syrup production under a silvicultural diagnosis by a forest engineer;

(5) artificial pruning: systematically removing dead or living branches from the lower part of a tree stem to produce knot-free timber. The treatment aims to increase the value of the butt log in the production of high-quality timber for sawing or rotary cutting;

(6) phytosanitary pruning of white pine or red pine: removing parts of a tree, generally branches or twigs, that are dead, damaged or affected by pathogens. The treatment aims to prevent the spread of parasites and pathogens;

(7) protective treatment: a treatment to combat insects, disease, invasive alien species or animals to stop their spread or minimize damage to trees.

DIVISION IV
NON-COMMERCIAL TREATMENT

6. Precommercial thinning is a silvicultural tending treatment that involves cutting trees with non-merchantable dimensions to reduce the competition for final crop trees and trees of a desired species and improve their growth.

Eligible silvicultural tending treatments are the following:

(1) systematic precommercial thinning: removal of trees and shrubs that compete with the selected crop trees, using a defined spacing that ensures that the crop trees make up the entire cover in the stand;

(2) precommercial thinning with light opening: removal of competing trees and shrubs within a defined radius around a number of selected crop trees to ensure that they form a predominant portion of the stand. Precommercial thinning by light opening retains the trainer trees.

DIVISION V
COMMERCIAL TREATMENTS

7. Commercial treatments are all silvicultural treatments involving the partial or total harvesting of the merchantable stems in a stand.

Eligible commercial silvicultural treatments are the following:

(1) commercial thinning: harvesting some merchantable stems in an even-aged stand prior to maturity;

(2) shelterwood cutting: harvesting the stand in a series of partial cuts spaced at about one-fifth of the rotation, to establish one or more regeneration cohorts under the protection of mature forest cover containing seed trees;

(3) selection cutting: periodic harvesting of trees in an uneven-aged or "gardened" stand to promote regeneration;

(4) salvage cutting: harvesting merchantable stems in a deteriorating stand, to safeguard or replace the regeneration of commercial species damaged by windthrow, insect epidemic, ice storm or fire;

(5) succession cutting: harvesting of overstorey trees while retaining the regeneration of desired species established in the understorey in order to improve stand composition;

(6) sanitation cutting: removal of trees killed or weakened by diseases or insects to avoid their spread to the remainder of the stand;

(7) improvement cutting: removal of undesired species or poorly-formed trees in a stand that is beyond the sapling stage, in order to improve stand composition, structure and condition;

(8) technical assistance for timber development: assistance provided to a forest producer to plan silvicultural work and technical advice on the implementation of treatments, which may cover silvicultural prescriptions, performance reports, marking, permit applications, compliance with Québec laws and regulations, including municipal by-laws, as well as timber marketing;

(9) marking: marking trees, generally using spray paint, either to be felled, in the case of negative marking, or to be left standing, in the case of positive marking, during a planned selection cut. Marking may be used for commercial thinning, shelterwood cutting, selection cutting, partial salvage cutting, sanitation cutting or improvement cutting.

DIVISION VI
OTHER ACTIVITIES

8. Other eligible activities are the following:

(1) forest roads: the construction or improvement of access roads, bridges and culverts to facilitate forest development activities;

(2) forest development plan: the drafting of an information and planning tool by a forest engineer for the benefit of a forest producer, in order to protect and develop a forest property;

(3) supplemental forest development plan: the inclusion of extra information in the forest development plan, including an ecological description and mitigation measures in silvicultural treatments, concerning at least one category of sensitive elements, whose presence on a forested property has been confirmed by cartographic data from a recognized source or the gathering of ecological data. The eligible sensitive elements are

(*a*) wetlands and bodies of water within the meaning of section 46.0.2 of the Environment Quality Act (chapter Q-2);

(*b*) occurrences or potential habitats of a designated threatened or vulnerable species or a species likely to be designated threatened or vulnerable;

(*c*) exceptional forest ecosystems; and

(*d*) sensitive forest ecosystems, or forest ecosystems that are vulnerable to climate change, as well as ecological hubs and corridors;

(4) delimitation of sensitive areas: on-site delimitation of a sensitive element described in point 3 for conservation purposes, prior to the implementation of a planned forest development activity;

(5) multi-resource component provided for in the forest development plan: the drafting of an information tool for potential multi-resources based on a multi-resource data collection; the component is added to the forest development plan referred to in paragraph 2;

(6) forest-fauna work: forest development activities provided for in this Regulation, if they are implemented to conserve or improve a wildlife habitat, result from an analysis of the wildlife potential and are provided for in the forest development plan or the silvicultural prescription of a forest engineer. The value of the development expense for the technical component or execution component is increased by 10%;

(7) advisory visit: on-site analysis conducted under the responsibility and supervision of a forest engineer to follow up on the forest development plan with the owner, or to advise the owner on the implementation of development work on the owner's forested land. Maximum number of advisory visits per forest development plan per year: 1;

(8) forest certification: work to obtain or maintain internationally recognized forest certification.".

5. Schedule 2 is replaced by the following:

“SCHEDULE 2
(Section 5)

REPORT PREPARED BY A FOREST ENGINEER CONTAINING A STATEMENT OF EXPENSES FOR A CALENDAR YEAR OR FISCAL YEAR FOR THE REIMBURSEMENT OF PROPERTY TAXES OF CERTIFIED FOREST PRODUCERS

SCHEDULE 2

REPORT PREPARED BY A FOREST ENGINEER CONTAINING A STATEMENT OF EXPENSES FOR A CALENDAR YEAR OR FISCAL YEAR FOR THE REIMBURSEMENT OF PROPERTY TAXES OF CERTIFIED FOREST PRODUCERS

Part 1 - Forest producer *(The information relating to the permanent code and the date of expiry of the forest producer's certificate appears in the forest producer's certificate)*		
Forest producer's name and address:	Permanent code: | | | | | | | | | | | |	Expiry date of the forest producer's certificate: | | | | | | | | D D M M Y Y Y Y
	Calendar year or fiscal year in which the eligible development expenses entered in this report were incurred: Calendar year: | | | | | or Fiscal year: | | | | | - | | | | |	

Part 2 - Eligible development expenses *(The development expenses must have been incurred in the calendar year or the fiscal year, as applicable, indicated in this report*				
Assessment unit on which the development expense was incurred (file number) | | | | | | | | | | | | | | |			Expiry date of the forest development plan | | | | | | | | | | D D M M Y Y Y Y	
Identification of eligible development expense	**Number of units**	**Value for technical component ($/unit)**	**Value for execution component ($/unit)**	**Total Value ($)**
				$
				+ $
				+ $
				+ $
				+ $
TOTAL AMOUNT OF ELIGIBLE DEVELOPMENT EXPENSES [1]				= $

[1] The total amount of eligible development expenses is calculated according to the formula in section 3 of the Regulation respecting the reimbursement of property taxes of certified forest producers (chapter A-18.1, r. 12.1)

Part 3 – Forest engineer's statement

I hereby certify that

- the development expenses declared in this report were incurred in such a way as to have an impact on the establishment, maintenance or improvement of a forest stand;
- the development expenses declared in this report are described in Schedule 1 of the Regulation respecting the reimbursement of property taxes of certified forest producers;
- the development expenses declared in this report were incurred in compliance with Québec laws and regulations, including municipal by-laws;
- I am a member in good standing of the Ordre des ingénieurs forestiers du Québec.

Name: _____ Permit No.: _____

Signature: _____ Date: _____

Forest engineer

Part 4 – Forest producer's statement

I hereby certify that

- all the information in my forest producer's certificate is up to date;
- the development expenses declared in this report were incurred for a registered forest area for which a forest management plan is in force;
- the development expenses declared in this report were incurred in compliance with Québec laws and regulations, including municipal by-laws;
- the development expenses declared in this report have never been declared for the purposes of a reimbursement of property taxes with a department or public body;
- no financial assistance has been received for the development expenses declared in this report under the assistance program for the development of private forests.

In addition, I agree to provide any vouchers that the Minister of Revenue or the Minister of Natural Resources and Forests may require.

Name: _____

Signature: _____ Date: _____

Forest producer or authorized representative

".

6. This Regulation comes into force on 1 January 2025.

107002

Draft Regulation

Building Act
(chapter B-1.1)

Safety Code
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation amending the Safety Code and the Regulation to amend the Safety Code, appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation postpones from 2 December 2024 to 2 December 2027 the coming into force of the requirements relating to the installation of sprinklers in certain private seniors' residences and specifies the editions of the standards pertaining to sprinklers that must be applied.

The postponement gives owners of private seniors' residences additional time to complete the installation of sprinklers.

Study of the matter has shown that the amendments proposed by the draft Regulation will result in additional construction costs of approximately $134.1M.

Further information on the draft Regulation may be obtained by contacting Zine Eddine Aizel, Regulatory advisor, Régie du bâtiment du Québec, 255, boul. Crémazie Est, bureau 100, Montréal (Québec) H2M 1L5; email: projet.reglement@rbq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Caroline Hardy, Secretary General and Director, Institutional affairs, Régie du bâtiment du Québec, 800, place D'Youville, 16e étage, Québec (Québec) G1R 5S3; email: projet.reglement.commentaires@rbq.gouv.qc.ca.

JEAN BOULET
Minister of Labour

Regulation amending the Safety Code and the Regulation to amend the Safety Code

Building Act
(chapter B-1.1, s. 175, 1st par., 2nd par. and 3rd par., subpars. 1, 4 and 5, and s. 178).

1. The Safety Code (chapter B-1.1, r. 3) is amended in section 369.2

(1) by replacing "NFPA Standard 13" in the first paragraph by "NFPA 13-2007, Standard for the Installation of Sprinkler Systems";

(2) by replacing "NFPA Standard 13D" in the second paragraph by "NFPA 13D-2007, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes,".

2. Note B-2.1.3.6. of Appendix 1 is amended by replacing

(1) in section 369.2

(*a*) "NFPA Standard 13" in the first paragraph by "NFPA 13-2007, Standard for the Installation of Sprinkler Systems";

(*b*) "NFPA Standard 13D" in the second paragraph by "NFPA 13D-2007, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes,";

(2) "2 December 2024" in the last paragraph by "2 December 2027".

3. The Regulation to amend the Safety Code, approved by Order in Council 1035-2015 dated 18 November 2015, as amended successively by the Regulation amending the Regulation to amend the Safety Code, approved by Order in Council 1213-2019 dated 11 December 2019, and by the Regulation amending the Regulation to amend the Safety Code, approved by Order in Council 1721-2022 dated 9 November 2022, is amended in section 7 by replacing "9 years" by "12 years".

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

107000

Draft Regulation

Act respecting the governance of the health and social services system
(chapter G-1.021)

Act respecting health services and social services
(chapter S-4.2)

Use of personnel placement agencies' services and independent labour in the field of health and social services

Notice is hereby given, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), that the Regulation respecting the use of personnel placement agencies' services and independent labour in the field of health and social services, appearing below, may be made by the Government on the expiry of 30 days following this publication.

The draft Regulation replaces the Regulation respecting the use of personnel placement agencies' services and independent labour in the health and social services sector (chapter S-4.2, r. 22.2) following upon assent to the Act to make the health and social services system more effective (2023, chapter 34). It clarifies the obligations, enhances the penalty structure and adjusts the transitional framework formerly contained in that Regulation.

To that end, the draft Regulation reworks certain definitions and extends its application to Santé Québec and providers of services in the field of health and social services within the meaning of the fourth paragraph of section 668 of the Act respecting the governance of the health and social services system (chapter G-1.021). It also makes adjustments and clarifications to the rules that apply to remuneration paid to personnel placement agencies and independent labour.

As for personnel placement agencies, the draft Regulation authorizes the use of those agencies' services in certain territories and for matters relating to security guarding. It prohibits any soliciting of health and social services personnel, and proposes modifications to judicial record verification concerning leased personnel that reflect the corresponding provisions in the Act respecting the governance of the health and social services system.

A further purpose of the draft Regulation is to provide contractual terms and conditions specific to Santé Québec and public institutions or private institutions under agreement regarding their use of personnel placement agencies' services. It also creates a requirement for them to put mechanisms in place to ensure the primary purpose of a call on a personnel placement agency's services or independent labour is to fill evening, night and weekend work shifts.

Various adjustments are also made by the draft Regulation to administrative measures and to the enumeration of the provisions for which any violation constitutes an offence.

Lastly, the draft Regulation contains transitional provisions temporarily authorizing the use of a personnel placement agency's services or independent labour in certain regions, for specific purposes or by certain categories of providers or bodies in the health and social services network.

The draft Regulation has no impact on the public, although impacts are foreseeable with regard to personnel placement agencies and independent labour in light of the changes to the obligations applying to them.

In accordance with sections 12 and 13 of the Regulations Act, the draft Regulation can be made at the expiry of a shorter period than that of 45 days provided for in section 11 of that Act, owing to the urgency, in the opinion of the Government, due to the following circumstances, if the temporary authorization to use a personnel placement agency's services or independent labour is not extended in certain situations:

(1) the potential closure of numerous providers, such as private institutions under agreement, private seniors' residences and intermediate resources and family-type resources, due to a lack of personnel;

(2) the considerable amount of effort invested by all of the stakeholders, including the Ministère de la Santé et des Services sociaux, with regard to various elements that do not directly concern the provision of care and services to the public, such as administrative management and bureaucratic procedures.

Further information on the draft Regulation may be obtained by contacting Jocelyn Beaudoin, Direction générale des ressources humaines et de la rémunération, 1410, rue Stanley, suite 602, Montréal (Québec) H3A 1P8; email: moi-agence@ssss.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 30-day period to the Minister of Health, 1075, chemin Sainte-Foy, 15e étage, Québec (Québec) G1S 2M1; email: ministre@msss.gouv.qc.ca.

CHRISTIAN DUBÉ
Minister of Health

Regulation respecting the use of personnel placement agencies' services and independent labour in the field of health and social services

Act respecting the governance of the health and social services system
(chapter G-1.021, s. 108, 1st par., and s. 668, 1st par., 2nd par. and 3rd par.).

Act respecting health services and social services
(chapter S-4.2, s. 338.2, 1st par., 2nd par. and 3rd par.).

DIVISION I
OBJECT AND DEFINITIONS

1. The object of this Regulation is to determine the standards governing the use of a personnel placement agency's services or independent labour by Santé Québec, by a provider of services in the field of health and social services within the meaning of the fourth paragraph of section 668 of the Act respecting the governance of the health and social services system (chapter G-1.021) and by a health and social services body within the meaning of the fourth paragraph of section 338.2 of the Act respecting health services and social services (chapter S-4.2).

2. For the purposes of this Regulation,

"independent labour" means a natural person who, not being a member of the provider's personnel, provides services to the provider under the provider's direction or control; (main-d'œuvre indépendante)

"personnel placement agency" means a person or group required to hold a personnel placement agency licence under section 92.5 of the Act respecting labour standards (chapter N-1.1) that has at least one activity consisting in offering personnel leasing services by providing employees to a provider to meet the provider's labour needs; (agence de placement de personnel)

"provider" means Santé Québec, a provider of services in the field of health and social services within the meaning of the fourth paragraph of section 668 of the Act respecting the governance of the health and social services system (chapter G-1.021) or a health and social services body within the meaning of the fourth paragraph of section 338.2 of the Act respecting health services and social services (chapter S-4.2). (prestataire)

The Canadian Red Cross Society is not a personnel placement agency within the meaning of this Regulation.

3. Unless the context indicates a different meaning, the position titles and job descriptions to which this Regulation refers are those appearing in the document entitled "List of job titles, descriptions, and salary rates and scales in the health and social services network" referred to in section 15 of the Act respecting conditions of employment in the public sector (2005, chapter 43), hereafter "the List".

DIVISION II
PERSONNEL PLACEMENT AGENCIES

4. The following providers may call on a personnel placement agency's services:

(1) a family-type resource within the meaning of either of the enabling Acts;

(2) a palliative care hospice within the meaning of the Act respecting end-of-life care (chapter S-32.0001) and Maison Michel-Sarrazin;

(3) a religious institution that operates an infirmary or maintains a residential and long-term care facility to receive its members or followers;

(4) the Centre régional de santé et de services sociaux de la Baie-James;

(5) the Inuulitsivik Health Centre;

(6) the Ungava Tulattavik Health Centre;

(7) the Naskapi CLSC.

A private seniors' residence referred to in either of the enabling Acts may also call on a personnel placement agency's services, on the following conditions:

(1) it is operated in the operator's principal place of residence;

(2) it has 15 rental units or fewer.

Likewise, an intermediate resource within the meaning of either of the enabling Acts may call on a personnel placement agency's services provided the intermediate resource receives 15 users or fewer.

In this Regulation, "enabling Acts" means the Act respecting the governance of the health and social services system (chapter G-1.021) and the Act respecting health services and social services (chapter S-4.2).

5. A provider not referred to in section 4 may call on a personnel placement agency's services only in the following cases:

(1) the personnel whose services are leased provides services exclusively in the territory where the Naskapi CLSC carries on its activities or in the Nord-du-Québec or Nunavik health regions;

(2) the services provided consist exclusively in security guarding within the meaning of the Private Security Act (chapter S-3.5), and the agency and leased personnel hold the licences required for that purpose under that Act.

6. Before a personnel placement agency leases the services of one of its personnel members to a provider, the agency must

(1) hold a civil liability insurance contract in the amount of $2,000,000 that covers bodily injury and property damage caused by its personnel members whose services the personnel placement agency leases to a provider, and send a copy of the policy to the provider;

(2) require every personnel member whose services the personnel placement agency intends to lease to a provider to make a disclosure of any judicial record and to have that disclosure verified by a police force in Québec;

(3) disclose to the provider any judicial record of a personnel member whose services the personnel placement agency intends to lease to the provider; and

(4) disclose to the provider to which the personnel placement agency intends to lease a personnel member, any refusal by another provider to receive the services of that personnel member, if the refusal is related to duties likely to be entrusted to the personnel member when the leasing takes place.

The judicial record disclosed pursuant to subparagraphs 2 and 3 of the first paragraph must include any finding of guilt for an indictable or other offence, unless a pardon has been obtained, as well as any proceeding still pending for such an offence.

7. During the term of a contract entered into with a provider, a personnel placement agency must

(1) maintain the insurance contract required by subparagraph 1 of the first paragraph of section 6 in force;

(2) require every personnel member whose services it leases to the provider to inform the agency of any change in connection with the information referred to in subparagraph 2 of the first paragraph of section 6 and, if applicable, inform the provider accordingly;

(3) ensure that every personnel member whose services the agency leases to the provider wears a visible identification card bearing the person's name, a recent photograph, the title of the position held and, if applicable, the name of the professional order of which the person is a member and his or her permit number allowing the person to engage in the relevant professional activities;

(4) see that none of the personnel members whose services the agency leases to the provider engages in soliciting the members of the provider's personnel to join the members of a personnel placement agency's personnel or to leave their employment;

(5) if applicable, inform the relevant professional order of any doubt as to the competence of a member of its personnel whose services are leased to the provider and of any breach of ethics of which the agency becomes aware;

(6) maintain a training, skills development and assessment program for the members of its personnel whose services are leased to the provider;

(7) specify, in the invoice to the provider, the regular hourly wages paid to each member of the agency's personnel leased to the provider; and

(8) enclose, with every invoice covering fees increased as provided in section 19, a statement identifying the personnel member concerned and detailing the hours worked.

8. A personnel placement agency must, each month, provide information to the Minister relating to the services supplied to a provider, expressed in number of hours worked, fees invoiced with specific indication of any fees increased pursuant to section 19, and allowances charged, by position title and by facility, if applicable.

The agency must also reply to any request made by the provider or the Minister, as applicable, concerning information and documents required by this Regulation that were sent to them.

9. A personnel placement agency is prohibited from offering or supplying the services of the following persons to a provider:

(1) a person who is not bound to the agency by a contract of employment;

(2) a person who is employed by a provider, a government department or a government agency referred to in Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);

(3) a person who receives a subsidy from Santé Québec, an institution referred to in either of the enabling Acts, the Minister or a body under the Minister's responsibility, or a person who has an employment relationship with the recipient of such a subsidy;

(4) a person who, less than one year before, was employed by a provider in the same health region or in a bordering health region or health region separated only by a watercourse or a body of water;

(5) a person who is not authorized to work in Canada, to use the title of the position held or to engage in the professional activities relevant to the duties likely to be entrusted to the person;

(6) a person who has not completed the training required in the List relating to a position title under which the person is performing duties.

10. A personnel placement agency is prohibited from asserting any non-competition covenant or other agreement having similar effects against any person wishing to be hired by a provider or against such a provider, in particular by claiming penalties, compensation or indemnities, or through any retaliatory measure against them.

11. A personnel placement agency is prohibited from soliciting the personnel of the provider receiving employees supplied by the agency to join the personnel of a personnel placement agency or to leave their employment.

DIVISION III
INDEPENDENT LABOUR

12. A provider may call on independent labour only to the extent provided for in this Division.

13. Santé Québec or a public institution or private institution under agreement within the meaning of either of the enabling Acts may call on independent labour to fill a managerial position.

14. A provider may call on the services of a pharmacist as independent labour in the territories of the local services networks of Charlevoix, the Thetford region, Beauce, Les Etchemins, Montmagny-L'Islet, Granit, the Suroît region and Pierre-De Saurel, and in the Bas-Saint-Laurent, Outaouais, Abitibi-Témiscamingue, Côte-Nord, Nord-du-Québec, Gaspésie – Îles-de-la-Madeleine and Nunavik health regions.

The provider referred to in subparagraphs 1 to 3 of the first paragraph of section 4 may also call on such services in a territory not mentioned in the first paragraph. The same applies to the provider referred to in the second or third paragraph of section 4, on the conditions and to the extent provided in those paragraphs.

15. Before services may be provided as independent labour to a provider, a pharmacist must hold, in addition to professional liability insurance, a civil liability insurance contract in the amount of $2,000,000 that covers bodily injury and property damage caused by the pharmacist, and send a copy of the policy to the provider.

16. During the term of a contract entered into with a provider, a pharmacist providing services as independent labour must

(1) maintain the insurance contract required by section 15 in force;

(2) wear a visible identification card bearing the pharmacist's name, a recent photograph, the title of pharmacist and the permit number issued by the Ordre des pharmaciens du Québec;

(3) provide services on the premises of the provider; and

(4) disclose to the provider any finding of guilt for an indictable or other offence, unless a pardon has been obtained, as well as any proceeding still pending for such an offence and inform the provider of any change in connection with that disclosure.

17. A pharmacist providing services as independent labour must reply to any request made by the provider or the Minister, as applicable, concerning information and documents required by this Regulation that were sent to them.

DIVISION IV
REMUNERATION

18. The contract binding a provider to a personnel placement agency or to a pharmacist providing services as independent labour must be confirmed in writing and specify, in particular,

(1) the position title involved, conforming to the position titles and job descriptions in the List, as applicable;

(2) the hourly rate chargeable to the provider for any services provided by the personnel of the agency or by the pharmacist; and

(3) the terms of remuneration.

For services provided by the personnel of a personnel placement agency that consist in performing the duties of a position title listed in Schedule I, the hourly rate may not the exceed the corresponding amount provided in the Schedule, unless the services are provided exclusively in the territory where the Naskapi CLSC carries on its activities or in the Nord-du-Québec or Nunavik health regions.

19. The contract binding a provider to a personnel placement agency may provide for the hourly rate referred to in section 18 to be increased when a leased personnel member provides services for more than 40 hours in the same workweek. The increase then applies from the 41st hour and may not exceed an amount equivalent to 67% of the regular hourly wages paid by the agency to its personnel member.

Despite the foregoing, the contract may not provide for such an increase related to services provided that consist in performing the duties of a position title listed in Schedule I, unless the services are provided exclusively in the territory where the Naskapi CLSC carries on its activities or in the Nord-du-Québec or Nunavik health regions.

Payment of an increase under this section may be claimed by a personnel placement agency only when submitting an invoice compliant with paragraphs 7 and 8 of section 7.

20. Travel and lodging allowances may be paid by a provider to a personnel placement agency or to a pharmacist providing services as independent labour in accordance with Schedule II, for services provided in the following places:

(1) the Bas-Saint-Laurent, Saguenay – Lac-Saint-Jean, Outaouais, Abitibi-Témiscamingue, Côte-Nord, Nord-du-Québec, Gaspésie – Îles-de-la-Madeleine and Nunavik health regions;

(2) the territories of the regional county municipalities of Matawinie, the Laurentides and Antoine-Labelle;

(3) the territory of the Haut-Saint-Maurice local services network;

(4) the Centre d'hébergement de Saint-Gabriel-de-Brandon.

Travel allowances may also be paid by a provider to a personnel placement agency or to a pharmacist providing services as independent labour in accordance with Schedule II, for services provided at the home of a user.

21. No remuneration other than remuneration provided for in sections 18 to 20 may be claimed from a provider or paid to a personnel placement agency or to a pharmacist providing services as independent labour for services provided by the personnel of such an agency or by such a pharmacist.

Likewise, no remuneration may be claimed from a provider or paid to a personnel placement agency or to a pharmacist providing services as independent labour during job orientation required by the provider to familiarize the leased personnel or the pharmacist with the work environment, including as regards physical locations, the work team and relevant policies and procedures.

Those prohibitions apply to expenses of any nature, including expenses for file processing, researching or obtaining judicial records, parking and meals.

DIVISION V
SPECIAL OBLIGATIONS FOR PROVIDERS

22. A provider must

(1) comply with the job descriptions in the List when calling on a personnel placement agency's services;

(2) refuse the services of any person whose services a personnel placement agency intends to lease to the provider, or of any pharmacist providing services as independent labour, if the judicial record disclosed to the provider is related to the aptitudes required and appropriate conduct to perform the duties likely to be entrusted by the provider;

(3) send to the Minister, after each quarter of the calendar year, a list, by facility if applicable, of the personnel placement agencies and any persons providing services to the provider under section 13; and

(4) send to the Minister on a monthly basis an account of the services provided by pharmacists providing services as independent labour, indicating the number of hours worked as well as the fees and allowances charged.

Before refusing services for the reason referred to in subparagraph 2, the provider must allow the person to present observations. A provider deciding to refuse services for that reason must notify the decision to the person in writing and, if applicable, to the personnel placement agency employing the person.

23. Santé Québec or a public institution or private institution under agreement within the meaning of either of the enabling Acts may enter into a contract directly with a personnel placement agency on the following conditions:

(1) the contract does not relate to a position title covered by a government procurement project carried out by the Centre d'acquisitions gouvernementales;

(2) the contract provides for

(*a*) the right of Santé Québec or the institution, as applicable, to refuse the services of a person whose services a personnel placement agency intends to lease if the person has not completed the orientation it requires to familiarize leased personnel with the work environment, including as regards physical locations, the work team and relevant policies and procedures;

(*b*) the possibility for Santé Québec or the institution, as applicable, to specify, at the time of the performance request, the particular requirements of the work environment where the services are to be provided; and

(*c*) penalties that apply if the personnel placement agency does not supply the personnel required by Santé Québec or the institution, as applicable, in compliance with the provisions of the contract;

(3) the term of the contact entered into with a personnel placement agency and any renewals to be limited to one year;

(4) the entering into of the contract to be first authorized by the most senior officer of the institution.

24. If a position title is covered by a government procurement project carried out by the Centre d'acquisitions gouvernementales, Santé Québec and the public institutions or private institutions under agreement within the meaning of either of the enabling Acts must, as regards that position title, call on the services only of the personnel placement agencies retained at the end of the procurement project.

25. Santé Québec and the public institutions or private institutions under agreement within the meaning of either of the enabling Acts must put mechanisms in place to ensure that the primary purpose of the use of the personnel placement agency's services is to fill work shifts beginning after 2:00 p.m. and ending before 8:00 a.m., and weekend work shifts.

DIVISION VI
ADMINISTRATIVE MEASURES

26. In the event a violation of any provision of this Regulation is observed, the Minister may impose the following administrative measures:

(1) in the case of a personnel placement agency, a temporary or permanent prohibition from offering services to a provider;

(2) in the case of a provider, an obligation to submit to the Minister, within the time indicated, a plan describing the measures put in place to ensure compliance by the provider with this Regulation.

Where it is found that an amount has been paid in contravention of this Regulation and that the personnel placement agency fails to reimburse it, the Minister may order the amount be reimbursed within the time indicated and state that, failing timely reimbursement, a prohibition from offering services to a provider will take effect and will be lifted only after the amount owed or a lesser amount to the satisfaction of the Minister has been reimbursed.

27. Before taking a measure referred to in section 26, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) in writing to the personnel placement agency or to the provider and give the agency or provider at least 10 days to present observations.

The Minister's decision must be in writing and give reasons. It takes effect on the date it is notified to the agency or provider, or on any later date indicated in the decision.

On receipt of a decision imposing a prohibition under in subparagraph 1 of the first paragraph of section 26 or under the second paragraph of that section, the personnel placement agency must inform every provider with which it does business or that is specifically affected by the decision, as well as all personnel whose services it leases to such a provider, of the decision and indicate to them the date from which the measure is to take effect and its duration, as applicable.

28. At the request of a personnel placement agency, the Minister may lift the administrative measure if the Minister believes that the situation has been remedied or that new facts warrant a different decision.

29. The amounts ordered to be reimbursed under the second paragraph of section 26 bear interest at the rate provided for in the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), as of the 31st day following the effective date of the Minister's decision.

30. The Minister maintains a list of the personnel placement agencies under a prohibition referred to in subparagraph 1 of the first paragraph of section 26 or under the second paragraph of that section and makes it public. On the list the Minister indicates the time period for which the imposed prohibition is in effect.

31. The Minister's functions under sections 26 to 28 may also be performed by Santé Québec as regards providers of services in the field of health and social services within the meaning of the fourth paragraph of section 668 of the Act respecting the governance of the health and social services system (chapter G-1.021), and as regards personnel placement agencies from which they lease the services of personnel. If applicable, the plan to be submitted pursuant to subparagraph 2 of the first paragraph of section 26 is in that case to be submitted to Santé Québec.

In the event Santé Québec imposes a prohibition under subparagraph 1 of the first paragraph of section 26 or under the second paragraph of that section, it must, without delay, inform the Minister of the prohibition, of the time period for which the imposed prohibition is in effect and, if applicable, of its lifting.

DIVISION VII
PENAL SANCTIONS

32. Violation of the following constitutes an offence and renders the contravening person liable to the fine provided for in section 816 of the Act respecting the governance of the health and social services system (chapter G-1.021) or section 531.4 of the Act respecting health services and social services (chapter S-4.2), as applicable:

(1) sections 4 to 17 and 21;

(2) a prohibition under subparagraph 1 of the first paragraph of section 26 or under the second paragraph of that section.

DIVISION VIII
TRANSITIONAL AND FINAL

33. Despite sections 4 and 5, a provider may call on the services of a personnel placement agency in the territories referred to in one of the following paragraphs, until the date indicated in the paragraph:

(1) until 1 April 2025, in the Capitale-Nationale, Montréal, Chaudière-Appalaches, Laval and Montérégie health regions;

(2) until 19 October 2025, in the Saguenay – Lac-Saint-Jean, Mauricie et du Centre-du-Québec, Estrie, Lanaudière and Laurentides health regions;

(3) until 18 October 2026, in the Bas-Saint-Laurent, Outaouais, Abitibi-Témiscamingue, Côte-Nord, Nord-du-Québec, Gaspésie – Îles-de-la-Madeleine and Nunavik health regions.

34. In addition to the regions and territories referred to in section 14 and despite section 12, a provider may call on the services of a pharmacist providing services as independent labour in the territories referred to in the following paragraphs, until the date indicated in the paragraph:

(1) until 1 April 2025,

(*a*) in the Capitale-Nationale health region, except the territory referred to in subparagraph *f* of paragraph 2;

(*b*) in the Montréal health region;

(*c*) in the Chaudière-Appalaches health region, except the territories referred to in subparagraph *f* of paragraph 2;

(*d*) in the Laval health region;

(*e*) in the Montérégie health region, except the territories referred to in subparagraph *g* of paragraph 2 and in paragraph 3;

(2) until 19 October 2025,

(*a*) in the Saguenay – Lac-Saint-Jean health region;

(*b*) in the Mauricie et du Centre-du-Québec health region, except the territory referred to in paragraph 3;

(*c*) in the Estrie health region;

(*d*) in the Lanaudière health region;

(*e*) in the Laurentides health region;

(*f*) in the territories of the regional county municipalities of Bellechasse, Lotbinière, La Nouvelle-Beauce and Portneuf;

(*g*) in the territories of the local services networks of Haut-Richelieu-Rouville and Haut-Saint-Laurent;

(3) until 18 October 2026, in the local services networks of Haut-Saint-Maurice and Vaudreuil-Soulanges.

35. Despite paragraph 1 of section 33 and paragraph 1 of section 34, the following providers may call on the services of a personnel placement agency or of a pharmacist providing services as independent labour in the territories referred to in those paragraphs until 19 October 2025:

(1) a private institution, within the meaning of either of the enabling Acts;

(2) an intermediate resource, within the meaning of either of the enabling Acts;

(3) a private seniors' residence referred to in either of the enabling Acts.

36. In addition to the cases provided for in sections 33 and 35, a provider may, until 19 October 2025, call on the services of a personnel placement agency for the following purposes:

(1) for the performance of the duties of position titles listed in Schedule III;

(2) to provide services in a correctional facility.

37. This Regulation replaces the Regulation respecting the use of personnel placement agencies' services and independent labour in the health and social services sector (chapter S-4.2, r. 22.2).

38. This Regulation comes into force on the date of its publication in the Gazette officielle du Québec, except paragraph 3 of section 16, which comes into force on 19 October 2026.

Despite the foregoing, as regards the providers of services in the field of health and social services within the meaning of the fourth paragraph of section 668 of the Act respecting the governance of the health and social services system (chapter G-1.021), this Regulation comes into force on 1 December 2024.

SCHEDULE I
(Sections 18 and 19)

MAXIMUM HOURLY RATES

Position titles	Maximum hourly rate
Assistant head nurse (AIC)	
Assistant to the immediate superior (ASI)	
Nurse team leader	
Outpost/northern clinic nurse	$71.87
Nurse educator	
Nurse	
Nurse (Institut Pinel)	

Position titles	Maximum hourly rate
Care counsellor nurse	
Nurse clinician assistant head nurse	
Nurse clinician assistant to the immediate superior	
Nurse clinician	$74.36
Nurse clinician (Institut Pinel)	
Clinical nurse specialist	
Specialty nurse practitioner	
Nurse surgical first assistant	
Assistant head respiratory therapist	
Clinical teacher (inhalation therapy)	
Technical coordinator (inhalation therapy)	$80.00
Respiratory therapist	
Nursing assistant – team leader	$47.65
Nursing assistant	
Beneficiary attendant (PAB)	$41.96
Attendant in a northern institution	
Health and social services aide	$41.41
Establishment guard	$41.23
Graduate medical laboratory technician	
Medical technologist	
Medical imaging technician in nuclear medicine	
Medical imaging technologist in radiodiagnostics	
Physiotherapy technologist	$50.83
Radiation oncology technologist	
Specialized ultrasound technician or specialized ultrasound technologist – independent practice	
Specialized medical imaging technician or specialized medical imaging technologist	
Specialized radiation oncology technologist	
Audiologist	$71.40
Dietician - nutritionist	$65.62
Occupational therapist	$69.15
Speech therapist	$67.57
Physiotherapist	$70.84
Specialized education technician	$48.43
Social work technician	
Educator	$51.07
Living unit or rehabilitation supervisor	
Pastoral facilitator	$65.71
Psycho-educator	$64.61
Psychologist	$80.28
Human relations officer	$64.43
Social worker	

The rates prescribed in this Schedule are increased for services performed in a health region referred to in the first paragraph section 20 of this Regulation

(1) by 35% until 19 October 2025; and

(2) by 20% from 20 October 2025 to 18 October 2026.

SCHEDULE II
(Section 20)

TRAVEL AND LODGING ALLOWANCES

Allowances payable for services performed in a health region referred to in the first paragraph of section 20

(1) Depending on the means of transportation authorized by the provider, either of the following travel allowances:

(*a*) for the use of a motor vehicle, an allowance equivalent to $0.525 per kilometre travelled, calculated according to the most direct route between the home of the personnel member of the personnel placement agency or of the pharmacist providing services as independent labour and the place of lodging determined by the provider, if more than 50 km is travelled, for a total not exceeding 1,500 km per provision of services ; or

(*b*) an allowance representing the actual expenses incurred for travel by public transit, such as taxi, bus, train or airplane in economy class.

(2) An additional travel allowance, equivalent to the hourly rate agreed on, multiplied by the travel time, for a maximum of 8 hours per trip.

(3) An allowance for lodging expenses of $157 per day worked; the allowance is reduced by 50% if the overnight stay is in a dwelling belonging to the personnel placement agency or the pharmacist providing services as independent labour or in a dwelling leased by them under a lease of at

least 6 months. The same applies if the dwelling belongs to or is leased by a person or group that controls or is controlled by the agency or by the pharmacist.

The allowance is paid on receipt of a bill from a tourist accommodation establishment for the stay, of a lease or of proof of ownership of the dwelling, as applicable.

The dates and place of the overnight stay must be submitted to the provider for authorization. An authorization may be granted in the following cases:

(*a*) between two work sessions of the same person, if a work session is planned for the following day or the lodging allowance is less than the travel allowance;

(*b*) if the work session ends too late to allow the personnel member of the personnel placement agency or the pharmacist providing services as independent labour to return home.

If the personnel member of the personnel placement agency or the pharmacist providing services as independent labour decides to return home even though the personnel member or pharmacist has received the authorization of the provider as regards the overnight stay, the travel allowance payable for the travel cannot exceed the amount of the lodging allowance.

Allowances payable for services provided at the home of a user

(1) For the use of a motor vehicle, an allowance equivalent to $0.525 per kilometre travelled, calculated according to the most direct route between the assigned workplace and the user's home or, if several users are visited, according to the most direct itinerary linking the assigned workplace with all of the users' homes.

SCHEDULE III
(Section 36)

POSITION TITLES FOR WHICH DUTIES MAY BE PERFORMED BY THE PERSONNEL LEASED BY A PERSONNEL PLACEMENT AGENCY UNTIL 19 OCTOBER 2025

(1) "Assistant stationary engineer";

(2) "Data processing analyst";

(3) "Specialized data processing analyst";

(4) "Pipe insulator";

(5) "Building consultant";

(6) "Cabinet maker";

(7) "Electrician";

(8) "Electrical mechanic";

(9) "Tinsmith";

(10) "Machinist (millwright)";

(11) "Master electrician";

(12) "Refrigeration machinery master mechanic";

(13) "Master plumber";

(14) "Millwright";

(15) "Stationary engineer";

(16) "Refrigeration machinery mechanic";

(17) "Carpenter";

(18) "Data processing operator, class I";

(19) "Data processing operator, class II";

(20) "General caretaker";

(21) "Maintenance worker";

(22) "Painter";

(23) "Plasterer";

(24) "Plumber or pipe-mechanic";

(25) "Welder";

(26) "Building service technician";

(27) "Computer technician";

(28) "Specialized computer technician";

(29) "Instrumentation and control technician".

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