

Regulations and other Acts

Gouvernement du Québec

O.C. 1145-2019, 13 November 2019

Highway Safety Code
(chapter C-24.2)

Highway Safety Code — Tariff for the purposes of section 194 — Amendment

Regulation to amend the Tariff for the purposes of section 194 of the Highway Safety Code

WHEREAS, under subparagraph 52 of the first paragraph of section 621 of the Highway Safety Code (chapter C-24.2), the Government may by regulation fix, on the basis of the costs borne by the Société de l'assurance automobile du Québec for the purposes of section 194 of the Code, the amount by which the number of notices sent to the Société pursuant to article 365 of the Code of Penal Procedure (chapter C-25.1) is to be multiplied in order to determine the amount to be paid to the Société by the Government, every municipality and every Native entity pursuant to section 648.2 of the Highway Safety Code;

WHEREAS the Government made the Tariff for the purposes of section 194 of the Highway Safety Code (chapter C-24.2, r. 42);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under the second paragraph of section 621 of the Highway Safety Code, the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to a regulation made under subparagraph 52 of the first paragraph of section 621 of the Code;

WHEREAS, in accordance with the second paragraph of section 621 of the Highway Safety Code, the Minister of Transport shall consult with the bodies representing municipalities, more particularly, the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM) before submitting a draft of the regulation to the Government and the Minister may also seek any other consultation the Minister considers appropriate;

WHEREAS the Minister of Transport consulted the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM) as well as the Association des Greffiers de Cours Municipales du Québec and the Bureau des infractions et amendes of the Ministère de la Justice;

WHEREAS it is expedient to make the Regulation to amend the Tariff for the purposes of section 194 of the Highway Safety Code;

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

THAT the Regulation to amend the Tariff for the purposes of section 194 of the Highway Safety Code, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Tariff for the purposes of section 194 of the Highway Safety Code

Highway Safety Code
(chapter C-24.2, s. 621, 1st par., subpar. 52)

1. The Tariff for the purposes of section 194 of the Highway Safety Code (chapter C-24.2, r. 42) is amended in section 1 by replacing “\$27” by “\$22”.

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

104163

Gouvernement du Québec

O.C. 1148-2019, 13 November 2019

An Act respecting labour standards
(chapter N-1.1)

Personnel placement agencies and recruitment agencies for temporary foreign workers

Regulation respecting personnel placement agencies and recruitment agencies for temporary foreign workers

WHEREAS, under paragraphs 1 to 6 of section 92.7 of the Act respecting labour standards (chapter N-1.1), the Government may make regulations to

—define, for the purposes of the Act, what constitutes a personnel placement agency, a recruitment agency for temporary foreign workers, a client enterprise and a temporary foreign worker;

—establish categories of licences and determine, for each category, the activities that may be carried on by an agency;

—determine the period of validity of a licence and specify any condition, restriction or prohibition relating to its issue, maintenance and renewal;

—prescribe the administrative measures that apply to a licence holder if the obligations under the Act or the regulations are not complied with;

—determine the obligations of a personnel placement agency or a recruitment agency for temporary foreign workers and those of a client enterprise that retains the services of such an agency;

—prescribe any other measure to protect the rights of employees concerned by personnel placement agencies and recruitment agencies for temporary foreign workers;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting personnel placement agencies and recruitment agencies for temporary foreign workers was published in Part 2 of the *Gazette officielle du Québec* of 10 April 2019 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 with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Regulation respecting personnel placement agencies and recruitment agencies for temporary foreign workers, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting personnel placement agencies and recruitment agencies for temporary foreign workers

An Act respecting labour standards
(chapter N-1.1, s. 92.7)

CHAPTER I INTERPRETATION

1. In this Regulation and for the purposes of the Act respecting labour standards (chapter N-1.1),

“client enterprise” means a person, partnership or other entity that, to meet labour needs, retains the services of a personnel placement agency or a recruitment agency for temporary foreign workers; (*entreprise cliente*)

“personnel placement agency” means a person, partnership or other entity that has at least one activity consisting in offering personnel leasing services by providing employees to a client enterprise to meet its labour needs; (*agence de placement de personnel*)

“recruitment agency for temporary foreign workers” means a person, partnership or other entity that has at least one activity consisting in offering to a client enterprise services related to the recruitment of temporary foreign workers, which services may include assisting workers in their efforts to obtain a work permit; (*agence de recrutement de travailleurs étrangers temporaires*)

“temporary foreign worker” means a foreign national who is staying or wishes to stay temporarily in Québec to carry out work with an employer under the temporary foreign worker program provided for in Division II of Chapter II of the Québec Immigration Regulation (chapter I-0.2.1, r. 3). (*travailleur étranger temporaire*)

2. A department, person or public body referred to in any of sections 4 to 7 of the Act respecting contracting by public bodies (chapter C-65.1), a municipality, metropolitan community, intermunicipal board, mixed enterprise company referred to in the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01), a public transit authority, the Autorité régionale de transport métropolitain or any other operator of a shared transportation system does not constitute a personnel placement agency or a recruitment agency for temporary foreign workers.

3. For the purposes of this Regulation, the partner, member of a partnership, president, chief executive officer, chief operating officer, chief financial officer, director and secretary of a legal person, a partnership or other entity, a person holding a similar position and any person designated as such by a resolution of the board of directors or a shareholder holding 10% or more of the voting shares attached to the shares of that legal person are considered to be an officer.

CHAPTER II LICENCE

DIVISION I GENERAL

4. This Chapter sets out the conditions of issue, renewal and maintenance of the personnel placement agency licence and the temporary foreign worker

recruitment agency licence that persons, partnerships or other entities must hold to carry on activities and comply with section 92.5 of the Act respecting labour standards.

DIVISION II ISSUE AND RENEWAL

§1. Issue

5. A person, partnership or other entity wishing to obtain a personnel placement agency licence or a temporary foreign worker recruitment agency licence must apply to the Commission des normes, de l'équité, de la santé et de la sécurité du travail using the form provided by the Commission.

6. The licence application of a legal person, partnership or other entity is made by a natural person mandated to act as respondent. The respondent must be an officer of the legal person, partnership or other entity and be 18 years of age or older.

The respondent is responsible for communications with the Commission for the purposes of the licence system, in particular as regards the sending and updating of the required information and documents.

7. The licence application must contain, as the case may be,

(1) the name, date of birth and contact information of the respondent;

(2) the name, date of birth and contact information of the natural person who is applying for a licence for himself or herself;

(3) the Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(4) the name under which the agency intends to carry on its activities;

(5) the contact information of the agency's head office and each of its establishments; and

(6) the juridical structure of the legal person, partnership or other entity, and the name, date of birth and contact information of every officer.

8. The application must be accompanied, as the case may be, by the following:

(1) a resolution of the legal person, partnership or other entity authorizing the respondent to apply for the licence;

(2) an attestation from Revenu Québec valid at the time the application is submitted showing that the person, partnership or other entity has filed the returns and reports required under tax laws and does not have any overdue account with the Minister of Revenue or, if it does, it has reached a payment agreement and has been observing it, or the collection of its debts has been legally suspended;

(3) a declaration from the natural person applying for a licence for himself or herself or, in the case of a legal person, partnership or other entity, from its respondent, in which the person reports any decision, order or de facto situation provided for in sections 10 and 11.

9. To complete the licence application, the Commission may require any document that informs the Commission on the content of the decision, order or de facto situation mentioned in the declaration required under paragraph 3 of section 8.

10. To obtain a licence, a person, partnership or other entity must meet the following conditions:

(1) has provided to the Commission all the required information and documents;

(2) in the case of a natural person applying for a licence for himself or herself, the person is 18 years of age or older;

(3) has paid the fees payable when due;

(4) in the case of a personnel placement agency licence application, has provided the required security or proof of the security;

(5) has not assigned property;

(6) has not been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3) or a winding-up order by reason of insolvency within the meaning of the Act respecting the winding-up and restructuring of companies (R.S.C. 1985, c. W-11);

(7) has not failed to comply with a decision or order rendered by a court under any of the provisions of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Pay Equity Act (chapter E-12.001), the National Holiday Act (chapter F-1.1), the Act respecting labour standards, the Act respecting occupational health and safety (chapter S-2.1) or any of the regulations thereunder;

(8) is not the nominee of another person, partnership or other entity;

(9) has not falsified or misrepresented the facts relating to a licence application, or failed to provide information in order to obtain such a licence;

(10) none of its officers has failed to comply with a decision or order rendered by a court under any of the provisions of the Act respecting industrial accidents and occupational diseases, the Pay Equity Act, the National Holiday Act, the Act respecting labour standards, the Act respecting occupational health and safety or any of the regulations thereunder;

(11) none of its officers is the nominee of another person, partnership or other entity;

(12) none of its officers has falsified or misrepresented the facts relating to a licence application, or failed to provide information in order to obtain such a licence.

11. The person, partnership or other entity that meets all the conditions provided for in section 10 may be denied the issue of a licence by the Commission in any of the following cases:

(1) unless the person, partnership or other entity has reached a payment agreement and has been observing it, or the collection of its debts has been legally suspended, the person, partnership or other entity has not paid to a department or body of the Gouvernement du Québec, a sum payable under the Act respecting industrial accidents and occupational diseases, the Pay Equity Act, the National Holiday Act, the Act respecting labour standards or the Act respecting occupational health and safety or any of the regulations thereunder;

(2) in the 2 years preceding the application, the person, partnership or other entity has been condemned by an irrevocable decision of a court for discrimination, psychological harassment or reprisals as part of employment;

(3) the person has been an officer of a legal person, partnership or other entity whose licence is suspended or has been revoked or not renewed in the 2 years preceding the application;

(4) in the 2 years preceding the application, the person has been an officer of a legal person, partnership or other entity placed under a receiving order pursuant to the Bankruptcy and Insolvency Act or a winding-up order for insolvency within the meaning of the Act respecting the winding-up and restructuring of companies;

(5) in the 5 years preceding the application, unless the person, partnership or other entity has obtained a pardon, the person, partnership or other entity has been found guilty or the person has been an officer of a legal person, partnership or other entity found guilty of a penal or criminal offence that, in the Commission's opinion, is connected with the carrying on of activities for which the licence is applied for;

(6) in the 5 years preceding the application, unless the person, partnership or other entity has obtained a pardon, has been the subject of a decision by a foreign court finding them guilty of an offence that, if committed in Canada, would have resulted in penal or criminal proceedings, that, in the Commission's opinion, is connected with the carrying on of activities for which the licence is applied for;

(7) the person has been an officer of a legal person, partnership or other entity that, in the 5 years preceding the application, unless the person has obtained a pardon, has been the subject of a decision by a foreign court finding the person guilty of an offence that, if committed in Canada, would have resulted in penal or criminal proceedings, that, in the Commission's opinion, is connected with the carrying on of activities for which the licence is applied for;

(8) one of its officers has been, in the 2 years preceding the application, an officer of a legal person, partnership or other entity placed under a receiving order pursuant to the Bankruptcy and Insolvency Act or a winding-up order for insolvency within the meaning of the Act respecting the winding-up and restructuring of companies;

(9) one of its officers has assigned property or is placed under a receiving order pursuant to the Bankruptcy and Insolvency Act;

(10) one of its officers holds a suspended licence or has been holding a revoked or not renewed licence in the 2 years preceding the application;

(11) one of its officers is an officer of a legal person, partnership or other entity whose licence is suspended or has been revoked or not renewed in the 2 years preceding the application;

(12) one of its officers, in the 5 years preceding the application, unless the person, partnership or other entity has obtained a pardon, has been found guilty or the person has been an officer of a legal person, partnership or other entity found guilty of a penal or criminal offence that, in the Commission's opinion, is connected with the carrying on of activities for which the licence is applied for;

(13) one of its officers, in the 5 years preceding the application, unless the officer has obtained a pardon, has been the subject of a decision by a foreign court finding them guilty of an offence that, if committed in Canada, would have resulted in penal or criminal proceedings that, in the Commission's opinion, is connected with the carrying on of activities for which the licence is applied for;

(14) the person has been an officer of a legal person, partnership or other entity that, in the 5 years preceding the application, unless the person, partnership or other entity has obtained a pardon, the person, partnership or other entity has been the subject of a decision by a foreign court finding them guilty of an offence that, if committed in Canada, would have resulted in penal or criminal proceedings that, in the Commission's opinion, is connected with the carrying on of activities for which the licence is applied for;

12. Unless a person, partnership or other entity raises new facts likely to warrant a different decision, the person, partnership or other entity that holds a suspended licence or whose licence has been revoked or that has been denied a licence or the renewal of its licence within less than 2 years may not submit a new application to the Commission.

13. Before denying the issue of a licence, the Commission must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) in writing to the person, partnership or other entity making the application, and give the person, partnership or other entity at least 10 days to present observations.

Within 30 days following the end of the time period given to present observations, the Commission must render a decision in writing, with reasons.

14. The licence comes into force on the date determined by the Commission. It is valid for a period of 2 years and may not be transferred.

§2. *Renewal*

15. A licence holder wishing to renew the licence must apply to the Commission using the form provided by the Commission. The licence holder must also send to the Commission

(1) an attestation from Revenu Québec valid at the time the application is submitted showing that the licence holder has filed the returns and reports required under tax laws and does not have any overdue account with the Minister of Revenue or, if the licence holder does, the licence holder has reached a payment agreement and has been observing it, or the collection of the licence holder's debts has been legally suspended; and

(2) a new declaration reporting any decision, order or de facto situation provided for in sections 10 and 11.

The licence holder is exempted from providing any other information or document already provided with a previous application, if the licence holder certifies that the information and documents are up-to-date. The licence holder specifies, where applicable, the amendments to be made to the information and sends, at the Commission's request, the required documents that inform the Commission on the content of the decision, order or de facto situation mentioned in the new declaration required under this section.

The application for the renewal of a licence must be received by the Commission at least 60 days before its expiry. A licence is deemed to be valid so long as the Commission has not rendered a decision respecting the renewal application received within the time prescribed and its holder may continue to carry on activities.

16. To obtain the renewal of a licence, the licence holder must meet the conditions of issue provided for in section 10.

Even if the person, partnership or other entity meets all the conditions of issue, the Commission may deny the renewal of the licence in any of the cases provided for in section 11.

The Commission may also deny the licence renewal application where the licence holder fails to comply with any of the obligations provided for in sections 21 to 26.

17. Before denying the renewal of a licence, the Commission must notify the prior notice prescribed by section 5 of the Act respecting administrative justice in writing to the licence holder, and give the licence holder at least 10 days to present observations.

Within 30 days following the end of the time period given to the licence holder to present observations, the Commission must render a decision in writing, with reasons, and specify, where applicable, the date from which the licence ceases to have effect.

On receiving a decision of the Commission informing the licence holder that the licence is not renewed, a personnel placement agency must inform every client enterprise with which it does business and all the employees assigned to the client enterprise, indicate to them the date from which its licence ceases to have effect and inform them that any measure or provision to prevent or restrict the hiring of an employee by a client enterprise becomes without effect.

18. Unless a licence holder whose licence is suspended raises new facts likely to warrant a different decision, the licence holder may not submit a licence renewal application to the Commission.

§3. Fees payable

19. The fees for a licence are \$1,780 payable in 2 non-refundable equal annual instalments, a first instalment payable on the issue or renewal and a second instalment, payable if the licence has not been revoked, on the anniversary date of the coming into force of the licence or of its renewal.

20. The fees provided for in this Regulation are adjusted on 1 January of each year according to the rate of increase in the All-items Consumer Price Index for Québec as established by Statistics Canada for the 12-month period ending on 30 September of the preceding year.

The fees adjusted as prescribed in the first paragraph are rounded down to the nearest dollar if they include a dollar fraction that is less than \$0.50; they are increased to the nearest dollar if they include a dollar fraction that is equal to or greater than \$0.50.

The Commission informs the public of the result of the adjustment made under this section in Part 1 of the *Gazette officielle du Québec* and by any other means it considers appropriate.

DIVISION III

OBLIGATIONS OF A LICENCE HOLDER

21. A licence holder must,

(1) without delay, notify the Commission of any change in any of the information required for the issue or renewal of a licence and any change in the licence holder's situation that is likely to affect the validity of the licence, in particular in the case of a change of respondent;

(2) reply within the time period and according to the terms set by the Commission to any request pertaining to the information and documents sent to the Commission;

(3) display the licence or a reproduction of the licence so that it is clearly legible, in a conspicuous place in each of its establishments; and

(4) indicate the licence number on every document commonly used as part of the activities or for advertisement purposes, in particular on invoices, contracts and websites.

22. In addition to the obligations provided for in this Division that apply to any licence, the licence holder of a personnel placement agency licence must

(1) give the employee assigned to a client enterprise, at the time of assignment,

(a) a document describing the working conditions that apply to the employee, including the wage offered, and specifying the name and contact information of the client enterprise; and

(b) the information documents made available to the Commission concerning employees' rights and employers' obligations in respect of labour;

(2) keep, for at least 6 years, the contracts entered into with each client enterprise and corresponding invoices; and

(3) keep, for at least 6 years, for each employee assigned to a client enterprise, the information on the total number of hours of work per day and per week, and the name and contact information of the client enterprise concerned.

A licence holder must remind the client enterprise to which it assigns employees, the obligations in occupational health and safety imposed under section 51 of the Act respecting occupational health and safety to an employer or the person who, without being an employer, uses within the meaning of section 51.1 of that Act the services of a worker for its establishment.

23. No holder of a personnel placement agency licence may

(1) charge an employee fees for the employee's assignment to a client enterprise, for the training required for that assignment or for assistance or advice received in preparation for job interviews, in particular for writing employment search tools; or

(2) take measures or agree on provisions preventing or restricting the employee's hiring by the client enterprise, beyond a period of 6 months following the beginning of the assignment of an employee to a client enterprise.

24. In addition to the obligations provided for in this Division that apply to any licence, the holder of a temporary foreign worker recruitment agency licence must

(1) give the temporary foreign worker, at the time of recruitment,

(a) a document describing the working conditions that apply to the worker, including the wage offered, and specifying the name and contact information of the client enterprise; and

(b) the information documents made available to the Commission concerning employees' rights and employers' obligations in respect of labour;

(2) keep, for at least 6 years, the contracts entered into with each client enterprise and corresponding invoices;

(3) keep, for at least 6 years after the date of hiring, for each temporary foreign worker, the worker's name and contact information, and the information on the date of hiring of the worker by a client enterprise; and

(4) ensure that, among the employees, a person who advises, assists or represents another person with respect to an application for immigration holds the required recognition in accordance with the Regulation respecting immigration consultants (chapter I-0.2.1, r. 1).

25. No temporary foreign worker recruitment agency licence holder may

(1) require a temporary foreign worker to entrust custody of personal documents or property to the licence holder; or

(2) charge a temporary foreign worker, for the worker's recruitment, fees other than fees authorized under a Canadian government program.

26. A licence holder planning on ceasing its activities must, without delay, so notify the Commission in writing. Where the end of the activities occurs during the term of the licence and its renewal, the Commission revokes the licence on the date it determines.

A personnel placement agency licence holder must also, without delay, notify every client enterprise with which it does business and all the employees assigned to the client enterprise of the end of the activities, indicate to them the date from which its licence ceases to have effect and inform them that any measure or provision to prevent or restrict the hiring of an employee by a client enterprise also becomes without effect.

CHAPTER III SECURITY

27. A person, partnership or other entity applying for a personnel placement agency licence must provide security of \$15,000.

The security guarantees the execution of an irrevocable judgment or a transaction following the exercising, by the Commission, of a civil recourse referred to in Division I of Chapter V of the Act respecting labour standards, concerning a pecuniary obligation fixed by that Act or any of the regulations thereunder, where the licence holder or one of the client enterprises using the services of the licence holder fails to pay an amount owed to an employee assigned to the client enterprise. It does not cover the lump sum referred to in the first paragraph of section 114 of the Act respecting labour standards.

28. Security is provided in the form of

(1) a surety bond issued in favour of the Commission; or

(2) a cheque, postal money order or bank money order to the order of the Commission.

The licence holder wishing to change the form of security must so notify the Commission by sending a written notice at least 60 days before such change.

29. Security provided in the form of a surety bond may only be issued by a legal person authorized to act as surety under the Bank Act (S.C. 1991, c. 46), the Act respecting financial services cooperatives (chapter C-67.3), the Act respecting trust companies and savings companies (chapter S-29.02) or the Insurers Act (chapter A-32.1).

Security provided by cheque, postal money order or bank money order may only be provided by the licence holder for the licence holder and the licence holder is required to comply with the surety's obligations in addition to those that the licence holder has as principal debtor.

30. A person, partnership or other entity applying for a licence sends to the Commission the information related to the security using the form provided by the Commission. The form specifies the date of issue of the security and must be signed by both the surety and the person who applies for the licence for himself or herself or, in the case of a legal person, partnership or other entity, by its respondent.

31. The surety is bound to fulfil the obligation up to the amount required for the security and must waive the benefits of discussion.

32. The surety must undertake to be solidarily liable with the licence holder towards the Commission to compensate in principal, interest and costs, up to the amount of security required, the pecuniary obligations of the licence holder or a client enterprise of the licence holder, confirmed by an irrevocable judgment or a transaction referred to in section 27.

33. When the security is provided by the licence holder for the licence holder, the licence holder undertakes to compensate in principal, interest and costs, up to the amount of security required, the pecuniary obligations of the licence holder or a client enterprise of the licence holder, confirmed by an irrevocable judgment or a transaction referred to in section 27. That undertaking must bind the administrators, heirs and legal representatives of the licence holder.

34. The security must be valid for the term of the licence and also continue to be so where the licence is suspended.

Where the Commission uses the security to guarantee the enforcement of a judgment or the carrying out of a transaction referred to in section 27, the licence holder must make up the security provided so that it meets at all times the requirements in the first paragraph of that section.

35. Despite the expiry of the security, the surety's obligations continue to apply to the amounts owed to an employee assigned by a licence holder to a client enterprise while the security was in force.

36. The Commission keeps the security obtained by cheque, postal money order or bank money order in an account at a financial institution used solely for cashing, the remittance of amounts to the employees and the reimbursement of the amounts so provided as security.

37. Following an irrevocable judgment or a transaction referred to in section 27, where the Commission considers it must use security to guarantee the enforcement of that judgment or the carrying out of the transaction, the Commission notifies the surety and declares the security payable.

If security was provided in the form of a surety bond, the Commission must notify the surety by sending the surety a copy of the judgment or transaction with the necessary instructions to pay, up to the amount of the security, the pecuniary obligations confirmed by the judgment or transaction. Within 30 days after receiving the notice, the surety must send to the Commission the sum necessary to pay the obligations.

38. The Commission sees to the remittance of the amounts owed to an employee covered by the judgment or transaction, in accordance with section 121 of the Act respecting labour standards, after having so informed the licence holder and the client enterprise.

Where the total amount owed exceeds the amount of the security, the Commission sees to the remittance of the amounts in proportion to the debts of the employees.

39. If the security was provided by cheque, postal money order or bank money order, the amount remains in deposit and is effective for a period of 3 years from the date of the revocation or non-renewal of the licence.

Beyond that period, the Commission may keep the security where it has received a complaint respecting a pecuniary obligation the payment of which could be guaranteed by that security.

The Commission remits the amount or balance of the security to the person, partnership or other entity which provided the amount where the Commission is no longer bound to keep it.

CHAPTER IV ADMINISTRATIVE MEASURES

40. The Commission may suspend or revoke a licence, as of the date it determines, where

(1) the licence holder no longer meets any of the conditions provided for in section 10;

(2) the licence holder is concerned by any of the reasons for refusal provided for in section 11; or

(3) the licence holder fails to comply with any of the obligations provided for in sections 21 to 26.

41. Before suspending or revoking a licence, the Commission must notify the prior notice prescribed by section 5 of the Act respecting administrative justice in writing to the licence holder, and give the licence holder at least 10 days to present observations.

Within 30 days following the end of the time period given to the licence holder to present observations, the Commission must render a decision in writing, with reasons, and specify, where applicable, the date from which the licence is suspended or revoked.

On receiving a decision of the Commission informing the licence holder that the licence is suspended or revoked, a personnel placement agency must inform every client enterprise with which it does business, and all the employees assigned to the client enterprise, indicate to them the date from which its licence is suspended or revoked and inform them that any measure or provision to prevent or restrict the hiring of an employee by a client enterprise becomes without effect.

42. The Commission may, at the request of the holder of a suspended licence, lift the suspension if it believes that the licence holder has remedied the situation or that new facts warrant a different decision.

43. A decision concerning the suspension, revocation or non-renewal of a licence is made public by indicating it in the list of licence holders that the Commission draws up and keeps up to date.

44. The Commission may require the return of every licence that is suspended, revoked or not renewed.

45. Any measure or provision to prevent or restrict the hiring of an employee by a client enterprise to which the employee has been assigned by a personnel placement agency becomes without effect as of the date of the suspension, revocation or non-renewal of the licence.

CHAPTER V TRANSITIONAL AND FINAL

46. In the 5 working days following the date on which a licence is issued for the first time, the person, partnership or other entity that, without holding a licence, carried on the activities of a personnel placement agency or a recruitment agency for temporary foreign workers in accordance with section 54 of the Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance (2018, chapter 21), must notify every client enterprise with which it does business that it holds henceforth a licence issued by the Commission. The person, partnership or other entity must also specify that the licence is a personnel placement agency licence or a temporary foreign worker recruitment agency licence issued in accordance with the Act respecting labour standards and this Regulation.

47. A person, partnership or other entity that has been denied the issue of a licence by the Commission where the person, partnership or other entity continued to carry on activities in accordance with section 54 of the Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance, is no longer authorized to carry on its activities from the date of the decision.

The person, partnership or other entity must, on receiving the decision rendered by the Commission, notify every client enterprise with which it does business that it is no longer authorized to carry on the activities for which the person, partnership or other entity was applying for a licence.

In the case of a personnel placement agency, it must also notify every client enterprise with which it does business and all the employees assigned to the client enterprise of the date from which it is no longer authorized to carry on the activities for which it was applying for a licence and inform them that any measure or provision to prevent or restrict the hiring of an employee by a client enterprise becomes without effect.

48. As of the date on which a licence is issued for the first time to a personnel placement agency referred to in section 46, the agency must, within 5 working days following the issue of the licence, return to every employee already assigned to a client enterprise the documents indicated in subparagraph 1 of the first paragraph of section 22.

49. As of the date on which a licence is issued for the first time to a person, partnership or other entity referred to in section 46, the provisions of this Regulation to protect the rights of the employees and temporary foreign workers apply to every employee and worker already assigned or recruited by the agency. Where the provision provides a time period, the time period begins to run from that date.

50. This Regulation comes into force on 1 January 2020.

104162

Gouvernement du Québec

O.C. 1159-2019, 20 November 2019

Criminal Code
(R.S.C. 1985, c. C-46)

Tariff in criminal matters —Amendment

Regulation to amend the Tariff in criminal matters

WHEREAS, under subsection 2 of section 840 of the Criminal Code (R.S.C. 1985, c. C-46), the lieutenant governor in council of a province may order that all or any of the fees and allowances mentioned in the schedule of Part XXVII shall not be taken or allowed in proceedings before summary conviction courts and justices under that Part in that province and, when the lieutenant governor in council so orders, he or she may fix any other fees and allowances for any items similar to those mentioned in the schedule, or any other items, to be taken or allowed instead;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Tariff in criminal matters was published in Part 2 of the *Gazette officielle du Québec* of 4 September 2019 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 amendments;