

chapter D-8.3, r. 5

Regulation respecting the exemption applicable to a holder of a training initiative quality certificate

Act to promote workforce skills development and recognition
(chapter D-8.3, s. 20)

TABLE OF CONTENTS

DIVISION I	
TRAINING INITIATIVE QUALITY CERTIFICATE	
§ 1. — <i>Object and publicity</i>	1
§ 2. — <i>Conditions for issue</i>	3
§ 3. — <i>Term, conditions for renewal and revocation</i>	5
DIVISION II	
VERIFICATION.....	7
DIVISION III	
FEES.....	8
DIVISION IV	
TRANSITIONAL AND FINAL.....	9

DIVISION I

TRAINING INITIATIVE QUALITY CERTIFICATE

§ 1. — *Object and publicity*

1. An employer who holds a training initiative quality certificate is exempt from the application of Divisions I and II of Chapter II of the Act. The employer is presumed to participate in workforce skills development for the effective period of the certificate.

O.C. 1063-2007, s. 1.

2. The Minister is to make the list of employers holding a training initiative quality certificate public by any means the Minister considers appropriate.

O.C. 1063-2007, s. 2.

§ 2. — *Conditions for issue*

3. A training initiative quality certificate is issued by the Minister to an employer who applies therefor in writing, using the form provided, if the following conditions are met:

(1) the employer undertakes, for the effective period of the certificate, to engage in continuous training of its employees by implementing and applying a skills development process in keeping with the strategy of the enterprise, department or body, which includes

(a) an analysis of the situation of the enterprise, department or body, its perspectives as regards skills improvement and development and identification of its training needs;

(b) a plan of the proposed training activities, including a mechanism to follow up on their implementation; and

(c) mention of the method chosen to assess the effects of the training given to employees;

(2) the skills development process is prepared within the enterprise, department or body, within the framework of a formal cooperation structure requiring the participation of representatives of both the employer and the employees;

(3) the skills development process involves the participation of representatives of both the employer and the employees at every step of its implementation; and

(4) the employer undertakes to allow verification in accordance with section 7.

O.C. 1063-2007, s. 3.

4. For the purposes of paragraphs 2 and 3 of section 3, each certified association of employees representing the employees of the employer, and the employees who are not represented by a certified association may designate at least one representative.

O.C. 1063-2007, s. 4.

§ 3. — *Term, conditions for renewal and revocation*

5. A training initiative quality certificate is effective for 3 calendar years, including the calendar year of the application.

It may be renewed thereafter for periods of 3 calendar years, provided that the employer applying for renewal complies with all the conditions set out in this Regulation and maintains the skills development process.

O.C. 1063-2007, s. 5.

6. Following verification or a complaint, or on the Minister's own initiative, the Minister may revoke a training initiative quality certificate in a case of fraud or misrepresentation, or if the Minister becomes aware that the conditions and undertakings set out in this Regulation were not or are no longer being complied with.

Before making such a decision, the Minister must notify the certificate holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and grant the certificate holder at least 10 days to present observations.

For the calendar year in which the certificate is revoked, the employer is required to participate in workforce training development by allocating an amount for eligible training expenditures that is at least 1% of its payroll.

In addition, as an administrative penalty, such an employer must pay an amount equal to 1% of its payroll into the Workforce Skills Development and Recognition Fund for the years in which the employer was exempted without entitlement. The employer may, however, deduct from that amount the eligible training expenditures that the employer can justify in accordance with the Act for that period. The employer may not apply for another training initiative quality certificate before the expiry of a 5-year period.

DIVISION II

VERIFICATION

7. The Minister may verify or cause to be verified the manner in which the skills development process of an employer holding a training initiative quality certificate is implemented and applied. The verification pertains to the application of this Regulation, in particular compliance with the conditions and undertakings under section 3.

On request, the person conducting the verification must produce identification and the certificate signed by the Minister attesting to the person's status.

O.C. 1063-2007, s. 7.

DIVISION III

FEES

8. The fees for the issue or renewal of a training initiative quality certificate are \$1,000.

O.C. 1063-2007, s. 8.

DIVISION IV

TRANSITIONAL AND FINAL

9. This Regulation replaces the Regulation respecting exemptions to the application of Division II of Chapter II of the Act to foster the development of manpower training (O.C. 1178-99, 99-10-13). However, an exemption granted under that Regulation remains valid for its remaining term.

O.C. 1063-2007, s. 9.

10. *(Omitted).*

O.C. 1063-2007, s. 10.

UPDATES

O.C. 1063-2007, 2007 G.O. 2, 3686