

chapter D-8.3, r. 7

## **Regulation respecting training mutuals**

Act to promote workforce skills development and recognition  
(chapter D-8.3, ss. 8, 20 and 21)

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## **DIVISION I**

### **OBJECT**

**1.** The payments made by an employer to a training mutual or the expenditures incurred by an employer with such a mutual are eligible as training expenditures insofar as the training mutual is recognized by the Minister of Employment and Social Solidarity pursuant to this Regulation.

O.C. 1062-2007, s. 1.

**2.** The purpose of a training mutual is to structure, develop and implement training services adapted to the common problems and specific needs of the workforce in a sector of economic activity, a region, an industrial domain, or those of the workforce belonging to a specific clientele addressed by an integration and job retention committee, as well as to their socio-economic environment and to technological or structural changes in the market.

O.C. 1062-2007, s. 2; O.C. 1194-2009, s. 1.

## **DIVISION II**

### **RECOGNITION AS A TRAINING MUTUAL**

**3.** A sectoral workforce committee or a parity committee constituted under the Act respecting collective agreement decrees (chapter D-2) may be recognized as a training mutual.

A regional group of employers, a sectoral group of employers, a group of employers, a group of employers that are clients and subcontractors in the same industrial domain or a group of employers with a workforce belonging to a specific clientele addressed by an integration and job retention committee, if the group is constituted as a legal person under Part III of the Companies Act (chapter C-38) and has a multiparty board of directors composed of a majority of employer representatives and representatives of the workforce of the employer members, may also be recognized as a training mutual.

For the purposes of this Regulation, an integration and job retention committee is an organization constituted as a legal person under Part III of the Companies Act and intended particularly to favour the integration and job retention of a specific clientele. For that purpose, the committee identifies the difficulties faced by those persons and develops strategies to facilitate access to employment and to the training necessary for their integration into the labour market.

O.C. 1062-2007, s. 3; O.C. 1194-2009, s. 2.

**4.** To be recognized as a training mutual, the applicant must show that the employers prepared to participate in the training mutual form a type of group authorized by section 3 and share common problems associated with skills development and recognition.

The applicant must also show that the mutualisation of training services is an appropriate manner of addressing those problems, that the employers concerned share a desire to work collaboratively and that their number is sufficient to ensure the viability of the training mutual.

Problems are considered common where employers face difficulties of the same nature as to the improvement of their workforce qualifications and skills or to the management and organization of their workforce training.

O.C. 1062-2007, s. 4; O.C. 1194-2009, s. 3.

**5.** An application to have a training mutual recognized must contain the following information and documents provided by the applicant:

- (1) the applicant's name and address;
- (2) the applicant's Québec business number assigned under section 37 of the Act respecting the legal publicity of enterprises (chapter P-44.1);
- (3) the applicant's sector of economic activity, region, industrial domain or the characteristic specific to the workforce concerned;
- (4) a description of the composition of its board of directors;
- (5) identification of the employers who are members of the group;
- (6) a resolution of the board of directors of the legal person applying for recognition;
- (7) in the case of a sectoral group of employers for which a sectoral workforce committee exists, a resolution of the board of directors of the sectoral committee in support of the application; and
- (8) in the case of a group of employers with a workforce belonging to a specific clientele addressed by an integration and job retention committee, a resolution of the board of directors of that committee in support of the application.

O.C. 1062-2007, s. 5; O.C. 1194-2009, s. 4.

### **DIVISION III**

#### **DURATION, SUSPENSION AND REVOCATION OF RECOGNITION**

**6.** A training mutual is recognized for a period of 3 years.

The recognition may be renewed thereafter for the same period provided that the applicant complies with the conditions set out in this Regulation.

O.C. 1062-2007, s. 6.

**7.** The Minister may suspend or revoke a training mutual's recognition for fraud or misrepresentation or if the Minister becomes aware that the conditions set out in the Act or in this Regulation were not or are no longer being complied with.

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

O.C. 1062-2007, s. 7.

**8.** The Minister is to give public notice of the suspension or revocation of a training mutual's recognition by any means the Minister considers appropriate.

O.C. 1062-2007, s. 8.

### **DIVISION IV**

#### **FINANCIAL PROVISIONS, STATEMENT AND ATTESTATION**

**9.** The sums received by a training mutual as payments made by an employer or the expenditures incurred by the employer with the training mutual must be used in their entirety for

- (1) the services or activities relating to skills development and recognition for the workforce of the employer members having made a payment or incurred an expenditure, such as determination of personnel

training needs, preparation of an adapted training offer, training planning, management and organization, training impact analyses or negotiation of agreements with service providers;

- (2) training activities and their assessment; and
- (3) the training mutual's expenses.

The same applies to interest earned on employer payments.

O.C. 1062-2007, s. 9; O.C. 1194-2009, s. 5.

**10.** A training mutual must maintain a detailed statement of revenue and expenditure for the purposes of this Regulation and retain all relevant vouchers. It must forward to the Minister any voucher the Minister may request.

The accounting must be separate from that of its other activities.

O.C. 1062-2007, s. 10.

**11.** Payments received by a training mutual must be deposited in a trust account, a chartered bank or other institution authorized by law to receive deposits.

O.C. 1062-2007, s. 11.

**12.** When a training mutual ceases its activities, the sum of the unexpended payments received by the mutual and the interest earned on those sums must be paid into the Workforce Skills Development and Recognition Fund.

The amounts paid into the Fund pursuant to the first paragraph are reserved, for a period not exceeding 3 years from the date on which the mutual ceases its activities, to be used to train the workforce for which the training mutual was recognized.

O.C. 1062-2007, s. 12; O.C. 1194-2009, s. 6.

**13.** For each calendar year and for the purposes of the Act, a training mutual is to give each employer having participated in the training mutual a statement of payments made to the training mutual or expenditures incurred with the training mutual.

O.C. 1062-2007, s. 13; O.C. 1194-2009, s. 7.

**14.** A training mutual must ensure that employees participating in a training activity it organizes receive a participation voucher once their participation has ended. It must also be able to issue such a voucher at any subsequent time, at the request of a participant.

O.C. 1062-2007, s. 14.

## **DIVISION V**

### **ACCOUNTABILITY**

**15.** A training mutual must maintain and make available to the Minister a record in which it enters, for each training activity,

- (1) the title;
- (2) a statement of the objectives, content and duration of the activity;
- (3) the names of the recognized educational institution, instructor or training body;

- (4) the names of the employers involved;
- (5) the number of participating employees and the classes of employment involved;
- (6) the cost; and
- (7) the result of the assessment.

O.C. 1062-2007, s. 15.

**16.** A training mutual must file with the Minister, on or before 31 March of each year, audited financial statements and an annual report of activities. The report must include

- (1) a list of employers having made a payment or incurred an expenditure;
- (2) the amount of the sums obtained from the employers referred to in paragraph 1;
- (3) a list of the activities held; and
- (4) the clientele to whom the activities were directed and the number of participation vouchers issued pursuant to section 14.

O.C. 1062-2007, s. 16.

## **DIVISION VI**

### **FEEs**

**17.** The fees for the processing of a recognition application or renewal application are \$250, except for a sectoral committee.

O.C. 1062-2007, s. 17.

## **DIVISION VII**

### **TRANSITIONAL AND FINAL**

**18.** This Regulation replaces the Regulation respecting collector organizations (O.C. 874-97, 97-07-02).

A collector organization recognized by that Regulation has 6 months from 1 January 2008 to obtain recognition pursuant to this Regulation as a training mutual. If that recognition is not obtained, the sums collected by the organization and the interest earned on unexpended sums must be paid into the Workforce Skills Development and Recognition Fund. The second paragraph of section 12 of this Regulation applies, with the necessary modifications, to those sums.

O.C. 1062-2007, s. 18.

**19.** *(Omitted).*

O.C. 1062-2007, s. 19.

### **UPDATES**

O.C. 1062-2007, 2007 G.O. 2, 3683

O.C. 1194-2009, 2009 G.O. 2, 3907

S.Q. 2010, c. 7, s. 282

