

1995, chapter 43
**AN ACT TO FOSTER THE DEVELOPMENT
OF MANPOWER TRAINING**

Bill 90

Introduced by Madam Louise Harel, Minister of State for Concerted Action and Minister of Employment

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Assented to 22 June 1995

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Legislation amended:

Education Act (R.S.Q., chapter I-13.3)

Act respecting the Ministère du Revenu (R.S.Q., chapter M-31)

Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20)

Act respecting the Société québécoise de développement de la main-d'oeuvre (R.S.Q., chapter S-22.001)



CHAPTER 43

An Act to foster the development of manpower training

[Assented to 22 June 1995]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PRELIMINARY PROVISIONS

Object

1. The object of this Act is to improve manpower qualification through increased investment in training and through concerted action between management, unions and community partners and the education sector, and thereby foster employment, manpower adjustment, integration into employment and labour mobility.

Government
bound

2. This Act binds the Government, its departments and the bodies which are mandataries thereof.

National
Assembly
bound

Similarly, this Act binds the National Assembly, any body whose members are appointed by it and any person it designates to perform duties under its jurisdiction.

CHAPTER II

EMPLOYER PARTICIPATION

DIVISION I

GENERAL PROVISIONS

Partic-
ipating
employers

3. Every employer whose total payroll for a calendar year exceeds the amount fixed by regulation of the Government is required to participate for that year in the development of manpower training by allotting an amount representing at least 1 % of his total payroll to eligible training expenditures.

Total payroll	4. The total payroll is calculated in accordance with the schedule.
Enterprises exempted	Salary or wages relating to enterprises exempted from participating in the development of manpower training by the regulations of the Société québécoise de développement de la main-d'oeuvre are not included in the calculation of the total payroll.
Determination of eligible training expenditures	5. Eligible training expenditures are determined in accordance with the regulations made by the Société.
Eligible training expenditures	Eligible training expenditures are expenditures incurred by the employer for the benefit of his personnel, including apprentices, and may also be incurred for the benefit of trainees or teachers undergoing refresher training in the workplace.
Eligible training expenditures	Eligible training expenditures may be in the form of support for training or the implementation of a training plan referred to in section 8, in particular the supply of personnel or equipment or the granting of training leave.
Expenditures incurred for the benefit of personnel	6. Expenditures incurred for the benefit of personnel may involve, in particular, <ol style="list-style-type: none"> (1) training given by a recognized educational institution; (2) training given by a training body, including a non-profit organization, or by a training service or instructor accredited by the Société and, where required, for which accreditation has been granted; (3) training organized by a professional order governed by the Professional Code (R.S.Q., chapter C-26); (4) transferable or qualifying training given within the scope of a training plan established by an enterprise, a government department or a public body after consultation with a committee formed within the enterprise, government department or body and whose composition is consistent with the rules determined by regulation of the Société, if any; (5) the drawing up of the plan referred to in subparagraph 4 and the assessment of personnel training needs.
Public bodies	For the purposes of subparagraph 4 of the first paragraph, the National Assembly and any person it designates to perform duties under its jurisdiction are held to be public bodies.

Recognized
educational
institutions

7. Recognized educational institutions are

(1) the schools and adult education centres of the school boards and those of the Conseil scolaire de l'Île de Montréal as well as the school boards;

(2) the general and vocational colleges;

(3) the institutions governed by the Act respecting private education (R.S.Q., chapter E-9.1), in relation to educational services for which a permit issued under that Act is required;

(4) the university level educational institutions and the bodies for which authorization to grant degrees, diplomas, certificates or other attestations of university studies in relation to the university education programs they offer is conferred by statute;

(5) the Conservatoire de musique et d'art dramatique du Québec;

(6) the Institut de tourisme et d'hôtellerie du Québec and the other institutions maintained by law by a government department or a body that is a mandatary of the Government;

(7) the institutions whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles (R.S.Q., chapter M-21.1);

(8) the other institutions mentioned in the lists established by the Minister of Education under subparagraphs 1 to 3 of the first paragraph of section 56 of the Act respecting financial assistance for students (R.S.Q., chapter A-13.3), in relation to the study programs recognized by the Minister for the purposes of eligibility for financial assistance.

Employer
payments
to sectorial
associations

8. Payments made by an employer to a sectorial or regional association, a joint committee, a community organization or other body recognized by the Société for the purposes of the implementation of a training plan accredited by the Société are eligible as expenditures incurred for the benefit of personnel, on the conditions fixed by regulation of the Société.

Eligible
training ex-
penditures

9. All expenditures incurred in relation to the implementation of a training plan that is the subject of an agreement between the employer and an association or union certified under an Act to represent employees or a group of employees are eligible training expenditures.

Exclusive
use of
equipment
and
premises

10. Expenditures incurred to acquire equipment and expenditures incurred to acquire, build or organize premises are eligible, to the extent of the annual depreciation cost calculated in accordance with the regulations of the Société, if the equipment and the premises are devoted exclusively to the training of personnel, including apprentices, or trainees, or to the implementation of a plan referred to in section 8.

Non-
exclusive
use of equip-
ment and
premises

Expenditures incurred to acquire equipment and expenditures incurred to acquire, build or organize premises may also be eligible, in the cases and to the extent determined by the regulations of the Société, where the equipment or premises are not devoted exclusively to such a purpose.

Excess
eligible
training ex-
penditures

11. Where the total of an employer's eligible training expenditures applicable to a year is greater than the amount of his minimum participation fixed pursuant to section 3 for that year, the excess amount is carried forward to the following year and becomes eligible training expenditures for that following year.

Training
expendi-
tures eli-
gible the
following
year

Training expenditures incurred by an employer in the year preceding the year in which he becomes subject to Division I, and that would have been eligible had he been subject to this Act, are carried forward to the following year and become eligible training expenditures for that year.

Employer
contribu-
tions to a
training
fund

12. Contributions paid in a year by an employer in the construction industry to a training fund administered by the Commission de la construction du Québec pursuant to the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) are included in the calculation of the employer's participation in the development of manpower training for that year, on the condition that the Commission attest that the outlays for the training activities were made out of the fund in that same year.

Deemed
eligible
training ex-
penditures

For that purpose and on that condition, the contributions are considered to be eligible training expenditures.

Extent **13.** An employer subject to the provisions of this division may, in a note to his financial statements, indicate the extent to which his resources were devoted to training.

DIVISION II

SUPPLETIVE PROVISIONS

Contribution to Fund **14.** An employer subject to the provisions of Division I whose total eligible training expenditures applicable to a year are less than the amount of the minimum participation fixed pursuant to section 3 for that year is required to pay into the Fonds national de formation de la main-d'oeuvre established under Chapter III a contribution equal to the difference between those amounts.

Time limit **15.** The contribution to the Fund in respect of a year must be paid to the Minister of Revenue on or before the day on which the employer is required to file the return provided for in Title XXVII of the Regulation respecting the Taxation Act (R.R.Q., 1981, chapter I-3, r.1) in respect of the payments to be made under section 1015 of the Taxation Act (R.S.Q., chapter I-3) in relation to the salary or wages for that year.

Return **16.** An employer subject to the provisions of Division I must file each year on the prescribed form a return in respect of the total payroll on which his minimum participation in the development of manpower training must be calculated and in respect of his eligible training expenditures.

Applicable provisions Title XXVII of the Regulation respecting the Taxation Act (R.R.Q., 1981, chapter I-3, r.1), adapted as required, applies to the return.

Consultation **17.** The Minister of Revenue may consult the Société on the eligibility of any training expenditure.

Remittance **18.** The Minister of Revenue shall, each year, remit to the Société the sums he is required to collect as the contribution referred to in section 14, after deduction of agreed collection costs; the Société shall pay the sums into the Fund.

Fiscal law **19.** This division constitutes a fiscal law within the meaning of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

DIVISION III

REGULATION AND CERTIFICATES

Regulations

20. The Société may make regulations to

(1) define, within the meaning of this chapter, eligible training expenditures, and provide for exclusions, limits or deductions;

(2) establish rules for the calculation and substantiation of eligible training expenditures applicable to a year, including the expenditures referred to in section 9, where applicable;

(3) exempt classes of employers or enterprises from the application of this chapter on such conditions as may be prescribed therein.

Content

The content of the regulations may vary according to the class of employer, enterprise or expenditure.

Regulations

21. A regulation made pursuant to subparagraph 1 of the first paragraph of section 20 may, in particular,

(1) subject, where expedient, the eligibility of training expenditures for the benefit of apprentices or involving activities other than those listed in section 6 to accreditation or recognition by the Société of instruction, training, plans, programs, training instructors or bodies;

(2) set out the principles, criteria or factors taken into account by the Société for the purpose of granting accreditation or recognition referred to in Division I or in the regulations made pursuant to paragraph 1 of this section or the conditions to be fulfilled for that purpose and, where expedient, determine the fees payable and the period for which the accreditation or recognition is valid;

(3) determine the conditions to be fulfilled by accredited or recognized persons or bodies including the documents and information to be sent to the Société, related inspections and the conditions on which accreditation or recognition may be renewed, suspended or revoked;

(4) determine, where applicable, rules pertaining to the composition of a committee referred to in subparagraph 4 of the first paragraph of section 6 and to the designation of its members.

Approval **22.** The regulations of the Société made pursuant to section 20 require the approval of the Government. Before recommending such approval, the Minister of Employment shall obtain the opinion of the Minister of Revenue which he shall attach to his recommendation.

Certificate **23.** The Société shall issue, at the request of an employer and on payment of the fees prescribed by regulation of the Société, a certificate attesting that a proposed initiative, action or activity may be eligible as a training expenditure.

DIVISION IV

ANNUAL REPORT

Participation report **24.** The Société shall transmit each year to the Minister of Employment, before the date fixed by the Minister, a report on the participation of employers in the development of manpower training for the preceding year.

Information The report must be drawn up in the form determined by the Minister and contain any information he indicates.

Proposal The report may also contain any proposal intended to facilitate the achievement of the object of this Act.

Tabling **25.** The Minister shall table the annual report before the National Assembly within 15 days of receiving it or, if the Assembly is not sitting, within 15 days of resumption.

CHAPTER III

FONDS NATIONAL DE FORMATION DE LA MAIN-D'OEUVRE

DIVISION I

ESTABLISHMENT

Establishment **26.** The “Fonds national de formation de la main-d’oeuvre”, hereinafter referred to as “the Fund”, is established for the promotion and financial or technical support of manpower training and related measures and initiatives meeting the priority orientations and criteria for action defined by the asset allocation plan established under section 30 to promote the achievement of the object of this Act.

Funding

27. The Fund consists of

(1) the sums remitted by the Minister of Revenue as employer contributions and the interest accrued thereon;

(2) the sums paid into the Fund by the Minister of Finance pursuant to sections 36 and 37.

Sums to be
taken out of
Fund

28. The sums required for the remuneration of the persons assigned by the Société to the carrying out of this Act and for the payment of the expenses related to their social benefits and other conditions of employment shall be taken out of the Fund.

Administra-
tive
expenses

The consideration that may be paid to a body to cover administrative expenses incurred to implement any part of the asset allocation plan shall also be taken out of the Fund.

Maximum
amount

The Société may by by-law determine the maximum amount that may be taken out of the Fund for such purposes.

Insufficient
resources

In the case of insufficient resources in the Fund, the sums referred to in the first and second paragraphs shall be taken out of the revenues collected by the Société as costs and fees pursuant to Chapter II.

DIVISION II

ADMINISTRATION

Powers of
the Société

29. The Société shall have full control over and exclusive administration of the Fund and may take any measure suitable to allocate the assets of the Fund. The Société may, however, entrust certain of those powers and duties to the regional council of a regional manpower development corporation, on the conditions it determines.

Mingling of
assets
prohibited

The assets of the Fund shall be held in the name of the Société or its delegate but shall not be mingled with those of the Société or its delegate.

Asset allo-
cation plan

30. The Société shall, each year, submit a plan for the allocation of the assets of the Fund to the Minister of Employment on the date the Minister determines.

Information

The asset allocation plan must be drawn up in the form determined by the Minister and contain any information he indicates.

- Approval The asset allocation plan requires the approval of the Minister.
- Advisory
functions **31.** The regional councils of the regional manpower development corporations are responsible for advising the Société on any question relating to the asset allocation plan, in particular with respect to the adaptation of the plan to the needs of their regions.
- Power to
delegate **32.** The Société may, on the conditions it determines, entrust the regional council of a regional manpower development corporation or an employer association or other body accredited by the Société for that purpose, with the implementation of any part of the asset allocation plan.
- Financial
assistance **33.** The Société or a body referred to in section 32 may, within the scope of the asset allocation plan and the related programs of the Société, and on the conditions it determines, grant financial support to manpower training by means of subsidies.
- Subsidy
program **34.** A subsidy program must set out the eligibility criteria for and the scales and limits of subsidies and the terms and conditions on which a subsidy may be granted.
- Approval The scales and limits of the subsidies require the approval of the Minister.

DIVISION III

FINANCIAL PROVISIONS AND REPORTS

- Investment **35.** The Société may invest any sum paid into the Fund in the manner it determines by regulation.
- Approval Such a regulation requires the approval of the Government.
- Power to
borrow **36.** As the administrator of the Fund, the Société may borrow from the Minister of Finance sums taken out of the financing fund established at the Ministère des Finances under section 69.1 of the Financial Administration Act (R.S.Q., chapter A-6).
- Advances **37.** The Minister of Finance may, with the authorization of the Government and on the conditions it determines, advance to the Fund sums taken out of the consolidated revenue fund.
- Restriction **38.** The Fund may not make payments or assume obligations the cost of which exceeds, in the same fiscal year, the sums at its

disposal for the year in which the payments or obligations are made or assumed.

Commit-
ments

Nothing in this section shall prevent a commitment for a term of more than one fiscal year.

Interim
reports

39. The Minister of Employment may require the Société to submit interim reports on the financial position of the Fund on the dates and in the form he determines.

Information

The Minister may also require the Société to provide him with any information concerning the carrying out of this Act.

Fiscal year

40. The fiscal year of the Fund ends on 30 June.

Annual
report

41. The Société shall file with the Minister of Employment, not later than 30 September each year, the financial statements of the Fund and a report on the activities of the Société concerning the carrying out of this Act for the preceding fiscal year.

Expenses

The expenses relating to the carrying out of this Act shall be stated separately in the financial statements.

Subsidies

The report shall state the names of the recipients of subsidies and the amounts granted to each.

Information

The financial statements and the report shall, in addition, contain any information that the Minister may prescribe.

Tabling

42. The Minister shall table the activity report and the financial statements before the National Assembly within 15 days of receiving them or, if the Assembly is not sitting, within 15 days of resumption.

Examina-
tion

43. The competent Committee of the National Assembly shall, each year, examine the financial statements and the report and for that purpose shall hear the chairman of the Société.

Audit

44. The books and accounts of the Fund shall be audited each year by the Auditor General and also whenever ordered by the Government.

Auditor's
report

The Auditor General's report shall accompany the activity report and the financial statements of the Fund.

CHAPTER IV

AMENDING PROVISIONS

EDUCATION ACT

c. I-13.3,
s. 255,
replaced

45. Section 255 of the Education Act (R.S.Q., chapter I-13.3) is replaced by the following sections:

Powers

“255. A school board may

(1) contribute to the development of the region through manpower training activities and technical assistance to enterprises in that respect;

(2) provide services for cultural, social, sports, scientific or community purposes.

Purpose

The fundamental purpose of the exercise of such powers is not the making of a profit or the operation of a commercial enterprise.

Management
committee

“255.1 A school board may, to the extent and on the conditions it determines, entrust the management of all or any part of the activities referred to in section 255 to a committee it establishes or to a body it designates.”

c. I-13.3,
s. 258, am.

46. Section 258 of the said Act is amended

(1) by replacing the figure “256” in the first line by the figure “255”;

(2) by replacing the words “from the users of the services it provides or, in the case of day care,” in the fourth and fifth lines by the words “as consideration for the services it provides; in the case of day care, a financial contribution may be required”.

c. I-13.3,
s. 287, am.

47. The said Act is amended by inserting, after the second paragraph of section 287, the following paragraph:

Information

“The financial statements of a school board that has entrusted a body with the management of certain of the activities referred to in section 255 must be accompanied with any document or information required by the Minister in respect of those activities.”

ACT RESPECTING THE MINISTÈRE DU REVENU

c. M-31,
s. 24.0.1,
am.

48. Section 24.0.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 11 of chapter 46 of the statutes of 1994 and in the English text by section 204 of chapter 1 of the statutes of 1995, is again amended by replacing the words “or the Act respecting labour standards (R.S.Q., chapter N-1.1)” in that part preceding subparagraph *a* of the first paragraph by the words “, the Act respecting labour standards (R.S.Q., chapter N-1.1) or the Act to foster the development of manpower training (1995, chapter 43).”

c. M-31,
s. 62, am.

49. Section 62 of the said Act, amended by section 12 of chapter 46 of the statutes of 1994, is again amended by replacing the second paragraph by the following paragraph:

Applicabil-
ity

“This section does not apply in respect of Chapter III.1 of the Act respecting labour standards or Division II of Chapter II of the Act to foster the development of manpower training.”

c. M-31,
s. 69.1, am.

50. Section 69.1 of the said Act, amended by section 213 of chapter 64 of the statutes of 1993, section 44 of chapter 79 of the statutes of 1993, section 13 of chapter 46 of the statutes of 1994 and section 213 of chapter 1 of the statutes of 1995, is again amended by adding, at the end of the second paragraph, the following subparagraph:

“(h) the Société québécoise de développement de la main-d’oeuvre, in respect of the name and address of an employer referred to in the Act to foster the development of manpower training, his total payroll, his eligible training expenditures within the meaning of the regulations of the Société made pursuant to that Act and his contribution to the Fonds national de formation de la main-d’oeuvre.”

c. M-31,
s. 93.2, am.

51. Section 93.2 of the said Act, amended by section 97 of chapter 15 of the statutes of 1993 and section 14 of chapter 46 of the statutes of 1994, is again amended by adding, after paragraph *j*, the following paragraph:

“(k) an assessment relating to contributions owed by a person under Division II of Chapter II of the Act to foster the development of manpower training, the amount of which does not exceed \$4 000.”

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND
MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY

c. R-20, s. 9,
am.

52. Section 9 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by replacing the second sentence by the following paragraphs:

Training
fund

“The report must give an account of the use made of any training fund administered by the Commission under paragraph 9 of section 4 and to that effect, contain any information the Minister indicates.

Proposal

It may, in addition, contain any proposal to promote the achievement, in the construction industry, of the object of the Act to foster the development of manpower training (1995, chapter 43), taking into account the manpower training development participation imposed by the Act on employers.

Tabling

The Minister shall table the report before the National Assembly within 15 days of receiving it or, if the Assembly is not sitting, within 15 days of resumption.”

c. R-20,
s. 18.2, am.

53. Section 18.2 of the said Act is amended by adding, at the end, the following paragraphs:

Proposal

“It shall also make any proposal intended to promote the achievement, in the construction industry, of the object of the Act to foster the development of manpower training (1995, chapter 43), taking into account the manpower training development participation imposed by the Act on employers.

Training
fund

In addition, the Committee shall determine the general rules for the use of a training fund administered by the Commission under paragraph 9 of section 4.”

c. R-20,
s. 18.10, am.

54. Section 18.10 of the said Act is amended by replacing the word “Every” in the first line by the words “To be valid, a decision or”.

c. R-20,
s. 18.10.1,
added

55. The said Act is amended by inserting, after section 18.10, the following section:

Decisions
binding

“18.10.1 The decisions by the Committee concerning the general rules for the use of a training fund administered by the Commission bind the Commission.”

c. R-20,
s. 85.1, am.

56. Section 85.1 of the said Act is amended by adding, at the end, the following paragraph:

Purpose

“A further purpose of vocational training is to foster manpower adjustment, re-employment and mobility.”

c. R-20,
s. 85.4.1,
added

57. The said Act is amended by inserting, after section 85.4, the following section:

Statements
of contribu-
tions

“85.4.1 Within the first two months of a year, the Commission shall issue, for the purposes of the Act to foster the development of manpower training (1995, chapter 43), statements of contributions paid by employers in the preceding year into a training fund it administers.

Outlays

It shall also attest in the statements whether or not outlays for training activities were made out of the fund in the preceding year.”

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DE DÉVELOPPEMENT
DE LA MAIN-D'OEUVRE

c. S-22.001,
s. 12, am.

58. Section 12 of the Act respecting the Société québécoise de développement de la main-d'oeuvre (R.S.Q., chapter S-22.001) is amended

(1) by inserting the words “or of the Fonds national de formation de la main-d'oeuvre” after the word “Société” in the third line of the first paragraph;

(2) by inserting the words “or of the Fund” after the word “Société” in the fourth line of the second paragraph.

c. S-22.001,
s. 21.1,
added

59. The said Act is amended by inserting, after section 21, the following section:

Powers and
duties

“21.1 The Société shall exercise the powers and duties conferred on it by the Act to foster the development of manpower training (1995, chapter 43). In particular, it shall administer the Fonds national de formation de la main-d'oeuvre.”

c. S-22.001,
s. 27, am.

60. Section 27 of the said Act is amended by adding, at the end, the following paragraph:

Applicabil-
ity

“This section does not apply to the programs of the Fonds national de formation de la main-d'oeuvre.”

c. S-22.001,
s. 29, am.

61. Section 29 of the said Act is amended by adding the words “, except with respect to the exercise of the powers and duties conferred on him by the Act to foster the development of manpower training” after the word “functions” in the third line of the first paragraph.

c. S-22.001,
s. 43, am.

62. Section 43 of the said Act is amended

(1) by inserting the words “and the education sector” after the word “partners” in the second line of paragraph 5;

(2) by inserting the words “, manpower training” after the word “assistance” in the first line of paragraph 6.

c. S-22.001,
s. 46.1,
added

63. The said Act is amended by adding, at the beginning of Chapter IV, the following section:

Applicabil-
ity

“46.1 This chapter does not apply in respect of the Fonds national de formation de la main-d’oeuvre or of activities related to the carrying out of the Act to foster the development of manpower training.”

CHAPTER V

FINAL PROVISIONS

Applicabil-
ity

64. Employer participation in manpower training applies from the year 1996.

Regulatory
powers

65. Before 1 January 1996, the Government shall exercise, in the place and stead of the Société, the regulatory powers conferred on it under Chapter II in respect of eligible training expenditures, except the powers under paragraphs 2 and 3 of section 21.

Opinion

Before recommending that such a regulation be made, the Minister of Employment shall obtain the opinion of the Minister of Revenue which he shall attach to his recommendation.

Deemed
regulation

Such a regulation is deemed to be a regulation of the Société.

First
examination

66. The first examination in parliamentary committee pursuant to section 43 shall be held in respect of the financial statements and activity report of the Société for the fiscal year ending on 30 June 1998.

Ministers
responsible

67. The Minister of Employment is entrusted with the administration of this Act, except Division II of Chapter II, the administration of which shall be the responsibility of the Minister of Revenue.

Implemen-
tation
report

68. The Minister shall, not later than 22 June 2000 and every five years thereafter, make a report to the Government on the implementation of this Act and on the advisability of maintaining the Act in force or of amending it.

Tabling

The report shall be tabled before the National Assembly 15 days thereafter or, if the Assembly is not sitting, within 15 days of resumption. The competent Committee of the National Assembly shall examine the report.

Coming into
force

69. This Act comes into force on 22 June 1995.

SCHEDULE

(Section 4)

TOTAL PAYROLL

1. The total payroll in respect of a year is the total of the amounts each of which is

(1) the salary or wages that an employer pays, allocates, grants or awards and the salary or wages that the employer is deemed to pay under the second paragraph of section 979.3 and section 1015.2 of the Taxation Act (R.S.Q., chapter I-3) to an employee;

(2) the salary or wages he pays to a trustee or custodian in respect of an employee;

(3) the portion referred to in section 43.2 of the Taxation Act of any contribution and the related tax, paid by the employer to the administrator of a multi-employer insurance plan within the meaning of section 43.1 of that Act in respect of an employee, except to the extent that that portion is otherwise covered in this paragraph.

2. For the purposes of the calculation of the total payroll,

“employee” means an employee within the meaning of section 1 of the Taxation Act who reports for work at an establishment of his employer in Québec or to whom a salary or wages, if he is not

required to report for work at an establishment of his employer, are paid from such an establishment in Québec. The word “establishment” includes an establishment within the meaning of Chapter III of Title II of Book I of Part I of the Taxation Act;

“salary or wages” means the income computed in accordance with Chapters I and II of Title II of Book III of Part I of the Taxation Act, except sections 36.1 and 43.3 of that Act and section 58.1 thereof, where it refers to an amount that must be included in computing income under sections 979.9 to 979.11 of that Act, and any amount paid by an employer to a trustee or custodian, as the case may be, under a profit sharing plan, an employee trust or an employee benefit plan, within the meaning of section 1 of the Taxation Act.