



PROBATIONARY PERIOD GUIDE

Practical advice for trainees
and supervisors

Drafting

Direction de la qualification

AUTORITÉ DES MARCHÉS FINANCIERS

© Autorité des marchés financiers, 2021

Legal deposit – Bibliothèque et Archives nationale du Québec – 2021

ISBN 978-2-550-88357-9 (PDF)

Table of contents

INTRODUCTION	4
Part 01	
GENERAL INFORMATION ABOUT THE PROBATIONARY PERIOD	6
1.1 Learning during the probationary period	7
Part 02	
BEFORE THE PROBATIONARY PERIOD	9
2.1 The supervisor	9
2.2 The probationary certificate	10
2.3 Filing an application for authorization of probationary period	11
2.4 The importance of holding a valid probationary certificate before starting the probationary period	15
Part 03	
DURING THE PROBATIONARY PERIOD	16
3.1 The professional acts that a trainee may perform	16
3.2 The trainee's obligations during the probationary period	17
3.3 The supervisor's responsibilities during the probationary period	18
3.4 Trainee non-compliance during the probationary period	20
3.5 Special situations	21
3.5.1 Trainee's vacation	21
3.5.2 Supervisor's vacation	21
3.5.3 Calculation of the minimum number of hours worked during statutory holidays ...	24
3.5.4 Calculation of vacation days	24
3.5.5 Interruption, discontinuation or cancellation of the probationary period	25
3.5.6 Change in the start date of the probationary period	26
3.5.7 Change in supervisor	26
Part 04	
AFTER THE PROBATIONARY PERIOD	27
4.1 The supervisor's recommendation	27
4.2 The administrative period	27
4.3 Application for a representative's certificate	28
4.4 Probationary period not successfully completed	28
4.5 Resuming the probationary period	29
4.6 The continued development and consolidation of professional competencies	30

Introduction

In order to be authorized to act as a representative in insurance of persons and group insurance of persons, damage insurance or mortgage brokerage, or as a claims adjuster, a person must hold a certificate issued by the Autorité des marchés financiers (AMF) in the appropriate sector.

If you wish to obtain such a certificate, you must complete the following four major steps.



1. Satisfy the minimum qualifications

You must satisfy the required minimum qualifications for the chosen sector.

2. Pass the exams

You must then apply for authorization to register for the AMF exams. After the application is accepted and you have passed the exams, you must complete a probationary period.

3. Complete the probationary period

The firm must submit an application for a probationary period informing the AMF of all the participants involved (the firm, the trainee and the supervisor(s)). The duration of the probationary period will vary depending on which sector or sector class the application is for (six or 12 weeks). Successful completion of the probationary period will be contingent on the supervisor's recommendation at the end of the period. The recommendation will have to be accepted by the firm.

4. Apply for a certificate

After the probationary period is successfully completed, the last step in obtaining the right to practise is to apply for a representative's certificate. The application can be made during the administrative period following the probationary period in order to avoid interrupting your practice. This information is outlined in detail in section 4.2 of the guide.

This guide provides the information required for a comprehensive understanding of the probationary period. The information in the guide will help to clarify the process for filing an application for authorization of probationary period and the rights and obligations of the trainee, the supervisor and the firm. The guide is structured as follows:

- general information on the probationary period;
- before the probationary period;
- during the probationary period;
- after the probationary period.

This guide and most information about the probationary period are also available in the “Becoming a professional” section on the AMF’s website.¹

1. Refer to the AMF’s website (www.lautorite.qc.ca) for the qualification requirements for each sector.



01

GENERAL INFORMATION ABOUT THE PROBATIONARY PERIOD

As mentioned previously, one of the prerequisites for obtaining a representative's certificate in insurance, mortgage brokerage or claims adjustment is successful completion of a probationary period.

During the probationary period, the trainee must complete at least **28 hours**² of work per week during a **six-** or **12-week** period, depending on the sector or sector class involved.

Sectors with a compulsory 12-week probationary period	Sector classes with a compulsory 6-week probationary period
<ul style="list-style-type: none"> ■ Insurance of persons 	<ul style="list-style-type: none"> ■ Accident and sickness insurance
<ul style="list-style-type: none"> ■ Group insurance of persons 	<ul style="list-style-type: none"> ■ Group insurance plans ■ Group annuity plans
<ul style="list-style-type: none"> ■ Damage insurance 	<ul style="list-style-type: none"> ■ Personal-lines damage insurance ■ Commercial-lines damage insurance
<ul style="list-style-type: none"> ■ Claims adjustment 	<ul style="list-style-type: none"> ■ Claims adjustment in personal-lines damage insurance ■ Claims adjustment in commercial-lines damage insurance
<ul style="list-style-type: none"> ■ Mortgage brokerage 	<ul style="list-style-type: none"> ■ N. A.

The probationary period must provide the trainee with the opportunity to take on a range of files covering all the types of products in the sector or sector class involved.

If the sector in which the trainee is completing a probationary period is made up of two sector classes, as in the case of the group insurance of persons, damage insurance and claims adjustment sectors, the trainee will have to develop his or her competencies in one class over a six-week period and then in the other class over another six-week period. For example, in the damage insurance sector, the trainee will have to develop his or her competencies in personal-lines damage insurance during the first six weeks and then in commercial-lines damage insurance over another six-week period.

2. For statutory holidays, the trainee is deemed to have worked seven hours.

The period during which the candidate is authorized to practise in each of the sector classes is indicated on the probationary certificate and in the public register available on the AMF's website at <https://lautorite.qc.ca/en/general-public/registers/register-of-firms-and-individuals-authorized-to-practise/>.

1.1 Learning during the probationary period

While the first week of the probationary period may include a phase comprising observation, training on products and computer systems and familiarization with the different facets of the occupation, the trainee must gradually take on tasks reserved for representatives. The supervisor must guide and assist the trainee in acquiring and consolidating his or her knowledge (theoretical knowledge, information), hard skills (technical skills, acquisition of techniques) and soft skills (social skills, behaviours, attitudes).

The following are examples of the knowledge, hard skills and soft skills the trainee must develop during his or her probationary period. The trainee must be able to apply the acquired knowledge and skills in performing the professional activities reserved for certified representatives.

Knowledge	Hard skills	Soft skills
<ul style="list-style-type: none"> Industry-specific vocabulary 	<ul style="list-style-type: none"> Develop efficient working methods appropriate to the tasks of a representative 	<ul style="list-style-type: none"> Adjust his or her behaviour to client characteristics and a variety of situations
<ul style="list-style-type: none"> The various insurance contracts or types of mortgage products used and their structure 	<ul style="list-style-type: none"> Carry out tasks quickly and efficiently 	<ul style="list-style-type: none"> Be professional and courteous with clients
<ul style="list-style-type: none"> Features of the products or services offered by the employer 	<ul style="list-style-type: none"> Synthesize the information gathered 	<ul style="list-style-type: none"> Communicate with others and practise active listening
<ul style="list-style-type: none"> The employer's standards 	<ul style="list-style-type: none"> Manage a call or meeting 	<ul style="list-style-type: none"> Hold a discussion and convince people in order to reach an agreement on a given subject
<ul style="list-style-type: none"> The tools available to avoid omissions or errors 	<ul style="list-style-type: none"> Analyze financial security needs (for the insurance of persons and group insurance of persons sectors and the classes of those sectors) 	

Knowledge	Hard skills	Soft skills
<ul style="list-style-type: none"> ■ The characteristics of the target clientele 	<ul style="list-style-type: none"> ■ Offer and recommend a product adapted to a client's needs 	
<ul style="list-style-type: none"> ■ Certain sections of legislation and codes, and certain agreements 	<ul style="list-style-type: none"> ■ Evaluate the impacts of an insurance contract, if applicable (for the damage insurance sector or any class of that sector) 	
	<ul style="list-style-type: none"> ■ Settle a claim based on the client's coverage (for the claims adjustment sector or any class of that sector) 	
	<ul style="list-style-type: none"> ■ Inform a client about financing options and his or her contractual obligations (for the mortgage brokerage sector) 	
	<ul style="list-style-type: none"> ■ Be able to refer a client to an independent professional if necessary 	



02

BEFORE THE PROBATIONARY PERIOD

The trainee is responsible for finding an employer (firm) registered with the AMF in the desired sector and a supervisor who will assist and guide him or her in developing his or her competences.

The choice of supervisor and employer is important. We suggest that the trainee and the supervisor meet before the probationary period starts in order to talk about their respective expectations, how they would like to work together, the type of assistance the supervisor will provide, the supervisor's availability, and the level of autonomy that is expected from the trainee. During the meeting, the trainee and the supervisor should make sure they will also be able to fulfill the obligations and responsibilities prescribed by the *Regulation respecting the issuance and renewal of representatives' certificates*.

The Regulation is available for reference in the "Regulations and obligations" section of the AMF's website.

2.1

The supervisor

A person must be authorized by the AMF to act as a supervisor. A representative may act as a supervisor or replacement supervisor if he or she is authorized to pursue activities as a representative at the time of the probationary period and has held an active certificate for at least 24 of the past 36 months in the same sector or sector class in which the candidate is applying for a probationary certificate. In addition, the supervisor and the replacement supervisor must satisfy certain integrity criteria, including:

- in the five years preceding the candidate's application, the supervisor and the replacement supervisor have not been the subject of a disciplinary sanction, in particular a fine or a suspension, imposed by a discipline committee established under the *Act respecting the distribution of financial products and services*, the *Real Estate Brokerage Act* (for the mortgage brokerage sector) or the Court of Québec sitting in appeal of a decision issued by such a committee;
- in the five years preceding the candidate's application, the supervisor and the replacement supervisor have never been struck off the roll by a discipline committee of a professional order;
- the supervisor and the replacement supervisor are not subject to any conditions or restrictions affecting their ability to act as supervisors;
- the supervisor and the replacement supervisor have not received a second written notice from the AMF during the past year for a failure to fulfill their obligations as supervisors.

Other than these eligibility criteria, the supervisor must have the time, the qualities and the skills needed to properly supervise a trainee.

If, at any point during the probationary period, the supervisor no longer meets any of the above criteria, he or she must cease immediately to act as the trainee's supervisor.



Where a trainee has only one supervisor, the latter may be replaced by a replacement supervisor who must have been identified in the ***Application for authorization of probationary period, change in supervisor, extension of probationary certificate, add trainee's vacation*** form. The replacement supervisor is authorized to assume supervision of the trainee for a predetermined period. The link to this form can be found in Appendix 3 of this guide.

A trainee can also have two supervisors, so that, if one is absent, unavailable or too busy, the other can take over. In such a case, both supervisors are considered as having a trainee under their charge and must therefore meet the supervision criteria.

The trainee's work must be supervised at all times by at least one supervisor or replacement supervisor authorized by the AMF.

The supervisor, or replacement supervisor, may have no more than five trainees under his or her responsibility.

2.2 The probationary certificate

The probationary certificate is an official document issued by the AMF. It includes the information necessary to identify the trainee and information related to the validity of the probationary certificate. A probationary certificate confers on the candidate the title of trainee for the duration of the probationary period. A sample probationary certificate can be found in Appendix 4 of this guide.

To be eligible for the probationary certificate, the candidate must:

- have passed each of the exams prescribed by the AMF, the results of which must be valid at the time the probationary period is undertaken;
- hold the necessary authorizations issued by a competent authority, where applicable, for employment in Québec;
- not be in any of the situations set out in sections 219 and 220 of the *Act respecting the distribution of financial products and services*. These sections specify the situations for which the AMF may refuse to issue a representative's certificate. These include where the candidate or the certificate holder:
 - has been convicted by a court inside or outside Canada of an indictable offence or criminal act which, in the opinion of the AMF, is linked to the pursuit of the activity of representative;
 - has been assigned a tutor, curator or adviser;
 - has made an assignment of property or has been placed under a receiving order pursuant to the *Bankruptcy and Insolvency Act*;
 - does not possess the degree of honesty the AMF considers necessary to pursue activities in a sector, or is in a situation the AMF considers to be incompatible with the pursuit of activities in that sector.

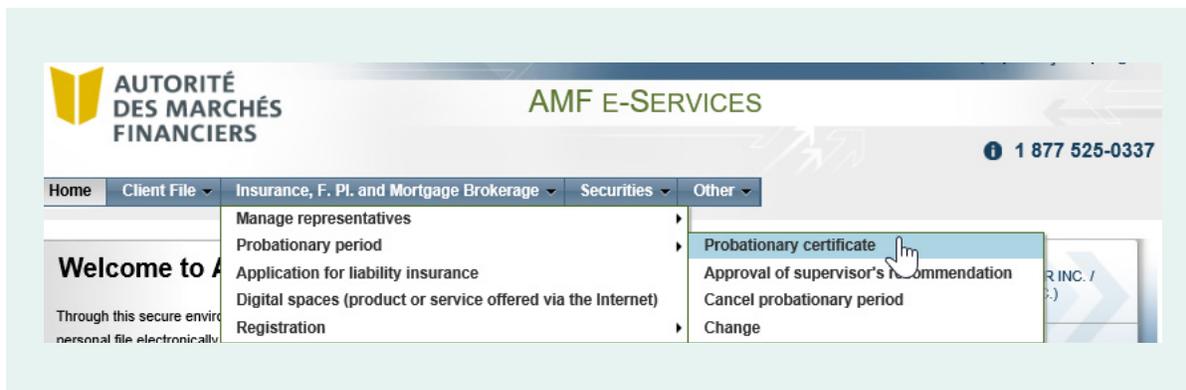
2.3

Filing an application for authorization of probationary period

To obtain a probationary certificate, an employer may submit an application for authorization of probationary period in one of two ways: via E-Services or by mail. To apply on-line, the employer must make sure that all the parties involved are registered for AMF E-Services. If they are not, the application must be sent by mail. The application for authorization of a probationary period is completed in three steps.

Step 1: Application for authorization of probationary period

First, the employer or firm must complete the electronic application form by selecting “Probationary period”, then “Probationary certificate” in the “Insurance, F. Pl. and Mortgage Brokerage” menu heading. It is important to indicate the date on which the applicant wishes to start his or her probationary period, and to also pay the fees. The application for authorization of probationary period must be signed by a responsible officer/partner or a signatory authorized by the AMF.



⚠ IMPORTANT

Choice of sector

When filing an application for authorization, it is important to choose only one sector or sector class.

Choice of probationary period

Indicate the desired start date (the duration of the administrative period will be calculated automatically). It is **IMPORTANT** to specify the candidate's vacation at this step (if applicable).

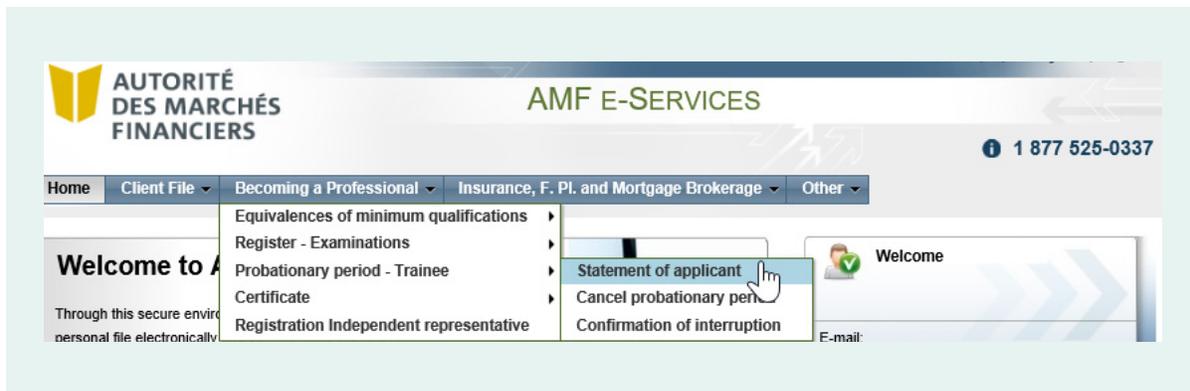
Choice of supervisor/replacement supervisor

The trainee must be supervised at all times. If the supervisor plans on taking a vacation, he or she must appoint another supervisor or a replacement supervisor. Identifying two supervisors will avoid having to submit an application for modification of probationary period.

The required fees must be paid and the declaration regarding the information provided in the form accepted before the application can be submitted.

Step 2: Statement of applicant

After the employer or the firm submits the application for authorization of probationary period, the trainee must complete the statement of applicant by accessing AMF E-Services and selecting “Probationary period – Trainee”, then “Statement of applicant” under the “Becoming a Professional” menu heading.



⚠ IMPORTANT

Choice of probationary period

The candidate must confirm the information submitted by the firm. The Statement of applicant form **MUST** be viewed in order to be completed. The candidate will be asked to confirm the information and provide a statement of participation.

Supporting document(s) required

The supporting documents to be provided depend on the answers given in the statement.

No fees are payable for the statement of applicant.

Step 3: Approval of supervisor

The supervisor(s) must also agree to act as supervisor by accessing E-Services and clicking on “Probationary period – Supervisor”, then “Approval of supervisor” under the “Insurance, F. PI Mortgage Brokerage” menu heading.



! IMPORTANT

Choice of probationary period

The supervisor must confirm the information submitted by the firm. The Approval of supervision form **MUST** be viewed in order to continue with the approval of supervisor. The supervisor will be asked to confirm the information and provide an approval of supervisor.

Supporting document(s) required

The supporting documents to be provided will depend on the answers given in the statement.

No fees are payable for the approval of supervisor.

NOTE

In order for the application to be processed, **all** the parties involved in the probationary period must have completed and submitted their statements and approval(s) of supervisor. Allow five business days for the processing of applications submitted via AMF E-Services. The trainee and the supervisor **may not** begin the probationary period before receiving the AMF's **authorization**.

Filing of application by mail



To apply by mail, the trainee's employer must submit a duly completed *Application for authorization of probationary period, change in supervisor, extension of probationary certificate, add trainee's vacation* form to the AMF. This form contains the statement of applicant and statement(s) of supervisor(s), which must be completed by the signatories of the form. Allow at least 10 business days for the processing of applications sent by mail.

The form is available in the "Becoming a professional" section of the AMF's website.

NOTE

The application for authorization of probationary period will be completed and processed only after the firm's initial application, the statement of applicant and the approval(s) of supervisor have been received. The trainee and the supervisor **may not** begin the probationary period before receiving the AMF's **authorization**.

Background check

Regardless of the application method used, the AMF will have to complete a background check on the applicant before the latter can begin the probationary period. An incomplete application may require additional processing time and delay the start of the probationary period. A candidate may not begin the probationary period until he or she receives the probationary certificate.

2.4

The importance of holding a valid probationary certificate before starting the probationary period

Representatives' activities are regulated. No person may act as or purport to be a representative without holding the appropriate certificate. The AMF may, however, issue a probationary certificate to a trainee whose professional acts are overseen by an authorized supervisor. An individual who performs professional acts reserved for a representative without holding a valid probationary certificate, a training attestation (in the case of a training period) or a representative's certificate will be prosecuted for illegal practice by the AMF. If the individual is found guilty, his or her eligibility for a representative's certificate could be compromised.

Throughout the probationary certificate validity period, the trainee will be listed in the public register available on the AMF's website.³ This register confirms to consumers that the candidate is authorized to pursue activities as a trainee. If the validity period of the probationary certificate is extended or shortened, the information in the public register will be updated in real time. Consequently, it is important for the trainee, the supervisor and the firm to verify whether the trainee's name is listed in the register before he or she may be allowed to perform any professional act reserved for a certified representative.

During the full probationary certificate validity period, the trainee's acts are covered by the professional liability insurance of the firm, independent partnership or independent representative, as applicable, as well as by the Fonds d'indemnisation des services financiers (financial services compensation fund). A probationary certificate issued by the AMF protects consumers by enabling them to be compensated in the event of injury caused to them by errors, omissions, fraud or embezzlement committed by a trainee.

3. Autorité des marchés financiers. *Register of firms and individuals authorized to practise*. [online]. [Consulted March 31, 2021]. <https://lautorite.qc.ca/en/general-public/registers/register-of-firms-and-individuals-authorized-to-practise/>



03

DURING THE PROBATIONARY PERIOD

As with a new employee, there's an adjustment period when a trainee comes on board. The first week of the probationary period is a time for the trainee to get to know his or her supervisor and co-workers and become acquainted with new procedures, tasks to be completed and a new work setting. The trainee must become progressively more independent so that, by the end of the probationary period, he or she is able to handle a file usually entrusted to representatives just entering their career.

3.1

The professional acts that a trainee may perform

The holder of a probationary certificate may, under the supervision of his or her supervisor, carry out the following professional acts, depending on the sector or sector class concerned.

In the insurance of persons or group insurance of persons sector

The trainee may gather information, analyze a client's financial security needs and propose to his or her supervisor products or services adapted to the client's needs and, if those products or services are approved by the supervisor, propose and sell them to the client.

In the personal-lines damage insurance sector class

The trainee may gather information, propose and sell to the client products, coverages or guarantees adapted to their needs. The supervisor must approve them the next business day.

In the commercial-lines damage insurance sector class

The trainee may gather information and propose to his or her supervisor products, coverages or guarantees adapted to the client's needs and, if those products or services are approved by the supervisor, propose and sell them to the client.

In the claims adjustment sector

The trainee may gather information, propose to his or her supervisor the components of a claims investigation, the assessment of damage or the negotiation of a settlement, present the components of the negotiation of a settlement to the insured once they are approved by his or her supervisor and assist the supervisor in negotiating a settlement. The trainee may present the settlement proposal to the client on his or her own if the supervisor has approved its contents beforehand.

In the mortgage brokerage sector

The trainee may assess the client's financial situation, suggest to his or her supervisor the proposed loan and any other recommendation pertaining to the mortgage brokerage transaction before proposing the loan or making the recommendation to the client. The trainee may also forward the mortgage loan application to the lender, but only after it has been approved by the supervisor.

3.2 The trainee's obligations during the probationary period

During the probationary period, the trainee must:

- present him or herself publicly as a trainee;
- comply with all laws, regulations and codes of ethics or rules of conduct governing representatives;
- notify the AMF of any change to the information or to a document that he or she has furnished to the AMF within five days of such change, where such change occurs during the probationary period;
- upon first meeting a client, give the client a document, such as a business card, which must indicate the information set out in the *Regulation respecting the issuance and renewal of representatives' certificates*. If the trainee deals with the client other than in person, he or she must provide the client with this information and, in such case, send the client, at his or her request, a business card when initially sending other documents;
- for probationary periods in the "group insurance plans" and "group annuity plans" sector classes, complete, at around the fifth week of training, a case study on the process for developing a recommendation;
- not be in any of the situations referred to in section 56 of the *Regulation respecting the issuance and renewal of representatives' certificates*. This section specifies that the candidate must not be the subject of a disciplinary sanction (fine or suspension), be in default of paying any fine or any amount ordered by final judgment under certain laws or be in default of paying the fees and annual fees payable under the Regulation respecting fees and contributions payable.

3.3

The supervisor's responsibilities during the probationary period

During the probationary period, the supervisor is responsible for all professional acts performed by the trainee. His or her supervision is important to ensure that the trainee does not commit any errors or omissions.

To begin the probationary period properly, the supervisor recognized by the AMF must hold an orientation session with the trainee in order to present the goals of the probationary period and explain how it will proceed. The supervisor must also explain his or her role in the context of the probationary period and his or her responsibility to provide the trainee with a work setting that is conducive to learning. In particular, the supervisor must:

- determine the tasks the trainee must carry out, specifying the time limits in which they must be completed. These tasks must encompass all the activities that a representative carries out in the sector or sector class in which the trainee wishes to obtain a certificate;
- for each trainee, compile a file demonstrating the quality of the supervision provided by the supervisor and the firm. The file must contain:
 - ✓ a list of the tasks carried out by the trainee;
 - ✓ summaries of the meetings held with the trainee and notes showing what he or she has learned during the probationary period.

In preparation for the AMF's inspection of the firm,⁴ the supervisor must:

- ✓ include the list of files that the trainee has worked on;
- ✓ note the reasons and compensatory measures taken in the event the trainee is unable to perform all the activities reserved for representatives;
- ✓ ensure the file is kept for five years;
- allow the trainee to gradually carry out all the activities reserved for representatives;
- at least once a week, evaluate and review the tasks carried out by the trainee. The supervisor may perform closer supervision if he or she deems it necessary;
- inform the AMF within five days if the trainee discontinues or interrupts his or her probationary period;
- submit his or her recommendation, within 10 days of the end of the probationary period, by completing the ***Supervisor's Recommendation related to Representative's Certificate form***. The link to this form is in Appendix 3 to this guide.



Depending on the sector or sector class that the trainee is registered in, the supervisor must fulfill specific responsibilities.

4. When inspecting firms, the AMF inspectors check trainees' files to ensure compliance with the regulatory requirements governing probationary periods.

In the group insurance of persons sector and its sector classes

The supervisor must have the trainee complete a case study on the process for developing a recommendation and another on the process for setting up a group insurance plan and/or group annuity plan. As it is impossible to complete all steps in these processes within the time prescribed by the *Regulation respecting the issuance and renewal of representatives' certificates*, these case studies are intended to validate the trainee's understanding of these processes. For the purposes of this exercise, firms can model the case studies on those available on the AMF's website or use previously completed files or any other similar case study.

In the insurance of persons, commercial-lines damage insurance and mortgage brokerage sectors or sector classes (except for personal-lines damage insurance sector class and the claims adjustment sector)

The supervisor must approve the products and services offered by the trainee before they are recommended to the client, enter this approval in the client file and countersign, where applicable, any proposal or form, including replacement notices.

In the personal-lines damage insurance sector class

Where products and services pertaining to personal-lines damage insurance are offered, the supervisor must, within the next business day, review the trainee's work and enter the review in the client file.

In the claims adjustment sector

The supervisor must verify the information gathered by the trainee, approve the components of a claims investigation, the assessment of damage or the negotiation of a settlement, enter the approval in the client file, and accompany and assist the trainee when presenting these components to the insured. He or she may be assisted by the trainee during the negotiation of the settlement.

In the mortgage brokerage sector

The supervisor must approve the proposed loan and any other recommendation pertaining to the mortgage brokerage transaction before the trainee proposes the loan or makes the recommendation to the client. The supervisor must also approve the loan application before it is forwarded to the lender.

3.4

Trainee non-compliance during the probationary period

The supervisor and the employer are also responsible for interrupting a trainee's probationary period as soon as they realize that he or she will not obtain a representative's certificate.

EXAMPLE

A supervisor who notes that his or her trainee has not completed 28 hours of work in a week is responsible for immediately terminating the probationary period, since the supervisor knows that the trainee will not meet the recommendation criteria for the probationary period. It is therefore preferable for the supervisor to not allow the trainee to continue the probationary period and to immediately submit an *Application to cancel or interrupt probationary period or Request to confirm cancellation or interruption of probationary period* form to the AMF.



However, the supervisor may not interrupt a trainee's probationary period simply because of an inadvertent error by the trainee. Since the probationary period is one stage in the future representative's learning process, the trainee must be given a chance to develop his or her competencies. It is up to the supervisor to gauge the seriousness of the non-compliance and how it might affect his or her overall judgment when making a recommendation. The supervisor will then have to take necessary measures to guide and supervise the trainee.

Inspection

If the AMF deems it necessary, it may request, particularly during inspections, to see the evidence that meetings were held with the trainee or that the supervisor's review of the work performed by the trainee was entered in the client file. In the event of non-compliance with any of the above obligations, the AMF may revoke the supervisor's right to act as a supervisor for one year.

3.5 Special situations

The probationary period must be completed by the trainee without interruption, and the supervisor must supervise his or her work during the entire period. However, special situations may arise, the most frequent of which are:

- trainee's vacation;
- supervisor's vacation;
- calculation of the minimum number of hours worked during statutory holidays;
- calculation of vacation days;
- interruption, discontinuation or cancellation of the probationary period;
- change in the start date of the probationary period;
- change in supervisor.

3.5.1 Trainee's vacation

The trainee is allowed to take vacation. He or she may notify the AMF of this fact when submitting an application for a probationary certificate. The trainee may also submit an application to extend the probationary period, together with the required fees, before starting his or her vacation. This application cannot be submitted using E-Services. If the trainee takes vacation without notifying the AMF when submitting his or her application, the probationary certificate will be revoked and the probationary period cancelled.

A 12-week probationary period may be extended by up to two weeks to enable the trainee to take two weeks of vacation during the period. A six-week probationary period may be extended by only one week.

During their vacation, trainees may not carry out reserved professional acts, but supervisors are not relieved of their duties.

3.5.2 Supervisor's vacation

If a trainee has two supervisors, one of the two may take vacation during the probationary period. There is no need to inform the AMF, because the other supervisor will take over supervision of the trainee. However, because a supervisor must oversee the trainee's work at all times, the supervisors may not take vacation at the same time.

If a trainee has only one supervisor, the latter may still take vacation during the probationary period. Two options are available:

- 
 - the supervisor may notify the AMF of this fact when submitting the ***Application for authorization of probationary period, change in supervisor, extension of probationary certificate, add trainee's vacation*** form by completing parts 6.1 (Supervisor 1) and 6.3 (Replacement Supervisor 1);
- 
 - the supervisor may also notify the AMF of this fact during the probationary period by completing a new ***Application for authorization of probationary period, change in supervisor, extension of probationary certificate, add trainee's vacation*** form and indicating the expected vacation dates in part 6.1 (Supervisor 1). The AMF must receive these documents at least 10 business days before the date on which the supervisor intends to begin his or her vacation. In such cases, the required fees must also be paid.

The following are examples of situations that might result in changes to the probationary period.

EXAMPLES

Situation A

The supervisor informs the AMF less than ten days before the date on which his or her vacation is to begin or within five days after the date on which the vacation began.

- 
 - the moment the trainee ceases to be supervised, he or she must immediately stop performing activities reserved for professionals. The probationary period may not be interrupted for more than four weeks.
- 
 - if the employer (firm or independent partnership) has representatives who are qualified to act as supervisors and who wish to supervise the trainee, the trainee may change supervisors and continue his or her probationary period by completing the ***Application for authorization of probationary period, change in supervisor, extension of probationary certificate, add trainee's vacation*** form and paying the required fees. The trainee will not be able to continue with the initial supervisor even when the latter comes back from vacation. The initial supervisor will have to submit a letter to the AMF explaining why he or she did not make reference to the vacation period when completing the ***Application for authorization of probationary period, change in supervisor, extension of probationary certificate, add trainee's vacation*** form. If this situation were to happen again, because it constitutes a failure by the supervisor to fulfill his or her obligations, the representative could be disqualified from acting as a supervisor for one year.

EXAMPLES (CONTINUED)

- 
- 
- if the firm has representatives who meet the criteria to act as supervisors but do not wish to perform the role, the probationary period is cancelled. If none of the representatives in the firm are qualified to act as supervisors or the supervisor in question is an independent representative, the trainee may continue his or her probationary period when the supervisor returns from vacation by completing the ***Application for authorization of probationary period, change in supervisor, extension of probationary certificate, add trainee's vacation*** form and paying the required fees. The supervisor will have to submit a letter to the AMF explaining why he or she did not make reference to the vacation period when completing the ***Application for authorization of probationary period, change in supervisor, extension of probationary certificate, add trainee's vacation*** form. If this situation were to happen again, because it constitutes a failure by the supervisor to fulfill his or her obligations, the representative might be disqualified from acting as a supervisor for one year. The AMF must receive the explanatory letter from the supervisor before it can authorize an extension of the probationary period.

Situation B

The trainee or the supervisor informs the AMF more than five days after the date on which the supervisor's vacation began.

- since the trainee was responsible for notifying the AMF of any change in his or her eligibility for the probationary period (section 37 of the *Regulation respecting the issuance and renewal of representatives' certificates*) within five business days, the AMF will cancel the probationary period.
- since the representative responsible for supervising the trainee did not carry out his or her responsibilities (section 50 of the *Regulation respecting the issuance and renewal of representatives' certificates*), he or she will receive a written notice from the AMF of his or her failure to comply. A supervisor who receives a second written notice from the AMF (sections 46 to 50 of the *Regulation respecting the issuance and renewal of representatives' certificates*) may not act as a supervisor for one year from the date of the last notice.

3.5.3

Calculation of the minimum number of hours worked during statutory holidays

During the probationary period, for each statutory holiday, the trainee is deemed to have worked seven hours. The following is a complete list of the recognized statutory holidays under the *Act respecting labour standards*:

- January 1 (New Year's Day);
- good Friday or Easter Monday, at the option of the employer;
- the Monday preceding May 25 (Journée nationale des patriotes);
- June 24 (Québec's National Holiday);
- July 1, or July 2 where July 1 falls on a Sunday;
- the first Monday in September (Labour Day);
- the second Monday in October (Thanksgiving);
- December 25 (Christmas Day).

It is important to distinguish between statutory holidays and a firm's business days. During the probationary period, the trainee must work a minimum of 28 hours per week. For a week that includes a statutory holiday, if the trainee cannot work a minimum of 21 hours owing to the firm's business hours or the availability of a supervisor or replacement supervisor, he or she will have to notify the AMF of his or her vacation period or this interruption.

3.5.4

Calculation of vacation days

During the probationary period, the trainee must complete at least 28 hours of work per week (i.e., a period of 7 calendar days) for 6 or 12 weeks, depending on the sector or sector class concerned.

For a probationary period beginning on Tuesday, the 28 hours must be completed from Tuesday to the following Monday (7 days).

EXAMPLES

Situation C

Calculation of number of hours worked

Start of the probationary period: Tuesday, November 6, 2019

The trainee will have until Monday, November 12 to complete the 28 hours of work required for his or her first week.

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

EXAMPLES (CONTINUED)

Situation D

Calculation of vacation days

Start of the probationary period: Tuesday, November 6, 2019

Vacation period: Sunday, November 18 and Monday, November 19

The 28 hours are distributed as follows:

- 1st week of probationary period: from Tuesday, November 6 to Monday, November 12
- 2nd week of probationary period: from Tuesday, November 13 to Wednesday, November 21 (7 days excluding vacation days)

The 7 calendar days for the following weeks will then be calculated starting on a Thursday:

- 3rd week of probationary period: from Thursday, November 22 to Wednesday, November 28

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

The days taken as vacation are therefore added to the probationary period and will extend the end date, in this case by two days, since there were two vacation days.

3.5.5

Interruption, discontinuation or cancellation of the probationary period

The probationary period is interrupted if the holder of a probationary certificate is in any of the following situations:

- he or she is no longer under the supervision of an authorized person;
- he or she is unable to continue with the probationary period due to disability, in particular as the result of a preventive withdrawal, because he or she is on parental leave or where warranted by exceptional circumstances;
- he or she did not begin the probationary period at the scheduled time;
- he or she did not receive a probationary certificate before the start of the probationary period.

In these situations, the candidate must immediately cease to perform professional acts reserved for holders of a probationary certificate or a representative's certificate. This interruption may not last more than four weeks. If the reasons for interrupting the probationary period are valid, the trainee may apply to the AMF for authorization to extend the probationary period for its remaining duration by submitting an application for extension through E-Services, along with the documentation of the reason for the interruption. If the reasons do not reveal exceptional circumstances or if the reasons are not considered valid, the trainee will have to start the probationary period over again and submit another application for authorization of probationary period.

3.5.6

Change in the start date of the probationary period

The start date of the probationary period cannot be changed once the probationary certificate has been issued. If the candidate is unable to start the probationary period on the date indicated on the certificate issued, he or she must contact the AMF to cancel the probationary period. The candidate must then submit another application for probationary certificate, indicating the possible start date of the new probationary period, allowing for a delay of at least 10 business days.

3.5.7

Change in supervisor

The holder of a probationary certificate may change supervisors during the probationary period without affecting its duration, and without interruption, provided the AMF is notified of such change at least 10 days prior to the proposed change and the new supervisor acts on behalf of the same firm or the same independent partnership, as applicable. If the new supervisor does not act on behalf of the same firm or the same independent partnership, the probationary period must be started over again; as a result, the candidate must submit another application for authorization of probationary period.



04

AFTER THE PROBATIONARY PERIOD

4.1

The supervisor's recommendation



When the probationary period is over, the ***Supervisor's Recommendation related to Representative's Certificate*** form must be sent to the AMF within 10 business days following the end of the probationary period. (The link to this form is in Appendix 3.) If a trainee has two supervisors, they must both agree on the evaluation of the trainee's competencies, but only one of the supervisors must submit the recommendation form. This recommendation must be approved by the management of the firm or independent partnership or by the independent representative who supervised the trainee. The AMF reserves the right to contact the supervisor who signed the recommendation for details about the reasons why the supervisor recommended or did not recommend the trainee. Note that a recommendation for a representative's certificate in a sector or sector class is not commitment by the firm, independent partnership or independent representative agrees to offer the trainee a job.

If a supervisor fails to submit this form within 10 business days following the end of the probationary period, the AMF will send him or her a reminder letter. Since submitting the form is the supervisor's responsibility under the *Regulation respecting the issuance and renewal of representatives' certificates*, if a supervisor fails to submit the duly completed form after the reminder, or if he or she fails multiple times to submit the form within the prescribed time period, the AMF may subsequently refuse to allow him or her to act as a supervisor.

4.2

The administrative period

At the end of the probationary period, if the period is successfully completed, the trainee benefits from a 30-day administrative period to submit an application for a representative's certificate to the AMF. If the application for a certificate is submitted during the administrative period, this period may be extended by up to 15 days. During the administrative period, the trainee may continue to act for the same firm, independent partnership or independent representative, as applicable. Since the trainee does not yet hold a representative's certificate, he or she must continue to work under supervision. The trainee is no longer required to work a minimum of 28 hours per week during the administrative period.



It is possible to change supervisors during the administrative period by completing the ***Application for authorization of probationary period, change in supervisor, extension of probationary certificate, add trainee's vacation*** form. The same obligations and responsibilities as for the probationary period will apply to the trainee and supervisor for the aforementioned 45 days or, if the certificate is issued before the end of the administrative period, until the representative's certificate is issued. If the trainee ceases to be supervised or does not successfully complete his or her probationary period, he or she must no longer carry out reserved professional acts.



4.3

Application for a representative's certificate

Once the trainee has successfully completed the probationary period, he or she may apply for a representative's certificate at any time, provided his or her exams are valid, by completing the *Application for a Representative's Certificate* or *Registration of Independent Representative* form, as applicable. The links to these forms are in Appendix 3. Where one or more exams are no longer valid at the end of the probationary period, the trainee must apply for a certificate within 30 days following the end of the probationary period and prior to the start of the administrative period. Failure to do so will result in the trainee having to retake and pass the exams that are no longer valid and successfully complete a new probationary period. In the insurance of persons, group insurance of persons and mortgage brokerage sectors, the candidate may have to repeat his or her specific training.

4.4

Probationary period not successfully completed

The following situations must result in a decision not to recommend the trainee for a representative's certificate.

The trainee did not:

- work at least 28 hours per week;
- complete a probationary period corresponding to the prescribed duration;
- gradually take on professional acts reserved for a certified representative;
- comply with legislation and the rules of professional ethics and conduct applicable to the pursuit of activities as a representative.

At the end of the probationary period, the supervisor judges that the trainee:

- does not have the knowledge, hard skills or soft skills required to practise as a representative starting out in his or her career;
- did not successfully complete the prescribed case studies in the group insurance plans or group annuity plans sector classes;
- is not able to take on, with a level of autonomy expected of a new representative, files that match in complexity those normally entrusted to a representative just starting out in his or her career;
- could, by his or her professional acts, pose a risk to consumer protection.



The supervisor must justify his or her reasons for refusing to recommend a trainee in the **Supervisor's Recommendation related to Representative's Certificate** form.

A candidate's failure to reach the sales objectives set by an employer is not considered by the AMF to be sufficient reason for a supervisor to refuse to recommend a trainee for a representative's certificate.

4.5 Resuming the probationary period

Since the aim of the probationary period is to develop the competencies needed by the candidate to pursue his or her professional activities, the AMF will agree to issue a second probationary certificate only if the reasons submitted are in line with this aim. For example, a candidate may apply for a second probationary certificate if the candidate's supervisor did not recommend him or her for a representative's certificate at the end of the first probationary period. In this case, a second probationary certificate would be justified to allow the candidate to acquire the knowledge, skills and attitudes needed to pursue activities as a new representative. The candidate will then have to submit, through his or her employer, a new application for authorization of probationary period. The candidate's exams will also have to be valid when he or she undertakes a second probationary period.

In order for the AMF to issue a second probationary certificate to a candidate, the candidate must provide a written document to the AMF explaining what actions he or she intends to take to address the deficiencies noted in the supervisor's report or by the AMF. This document must be signed by the candidate and the supervisor.

The AMF will not issue a second probationary certificate for a candidate who has already successfully completed his or her probationary period.

The AMF only exceptionally allows a candidate to complete a third probationary period. To be eligible for a third probationary period, the candidate must be under the responsibility of a different supervisor. The AMF may also require that this probationary period be carried out within a different context from the first two, such as under the supervision of a different employer.

4.6

The continued development and consolidation of professional competencies

At the end of the probationary period, it is suggested that the supervisor provide the trainee with feedback in order to highlight his or her progress, identify his or her strengths and target areas for improvement. This information is important for the continued development and consolidation of the trainee's professional competencies after the probationary period. The future representative will, for example, be able to consider the supervisor's comments when choosing the professional development courses needed to renew his or her representative's certificate.

In conclusion, the probationary period is an important step in the career entry process. It is an excellent opportunity for the supervisor to pass on his or her expertise and knowledge to the trainee, thereby facilitating the trainee's entry into the profession and helping the trainee acquire the professional competencies required for his or professional practice. For the trainee, the probationary period is a time to confirm his or her choice of career, benefit from the advice of a seasoned representative and put his or her skills into practice in a supervised setting in order to acquire the level of autonomy appropriate to professional practice.

We encourage you to consult the AMF's website (www.lautorite.qc.ca) to find out what qualifications are required in each sector in order to obtain a representative's certificate.



Appendix 01

THE PROBATIONARY PERIOD IN BRIEF (TRAINEE)

The probationary period is an opportunity to incorporate in the workplace, under the supervision of a licensed representative, the knowledge, skills and professional attitudes required of representatives.

By the end of the probationary period, you should be able to assume responsibility, in a competent and autonomous manner, for files that are normally assigned to representatives at the start of their careers.

Responsibilities

For all sectors and sector classes, you must:

- ✓ present yourself publicly as a trainee at all times;
- ✓ complete at least 28 hours of work per week during your probationary period;
- ✓ comply with all laws, regulations and codes of ethics governing a representative's profession;
- ✓ upon initially meeting a client, give the client a document, such as a business card, which indicates the information set out in the *Regulation respecting the issuance and renewal of representatives' certificates*. If you deal with clients other than in person, you must communicate this information and, at their request, include your card or any other equivalent document when initially sending documentation;
- ✓ if a change occurs during the probationary period, notify the AMF within five days following the date of the change, via AMF E-Services.



For the group insurance plans and group annuity plans sector classes, you must:

- ✓ toward the fifth week of the probationary period, carry out a case study of the process for developing a recommendation.

Situations resulting in cancellation or interruption of training period

- you are no longer under the supervision of an authorized person. You may change supervisors during your probationary period without affecting its duration provided that you inform the AMF of the change using the prescribed form for such purpose **at least 10 days** prior to the proposed change. The new supervisor must act on behalf of the same firm or independent partnership, as applicable;
- you are unable to continue your probationary period due to disability (in particular as the result of a preventive withdrawal), parental leave or exceptional circumstances.

Depending on your situation, an application to extend, cancel or interrupt the probationary period must be submitted. Supporting evidence of the reason for the probationary period interruption must be provided.

In all other situations, the probationary period is considered to be discontinued.

Vacation request

A trainee may take vacation during the probationary period.

Duration of probationary period	Authorized duration of vacation
■ 12 weeks	■ 2 weeks
■ 6 weeks	■ 1 week

You can submit a request to extend the probationary period by using the prescribed form and paying the required fees before starting your vacation. This request cannot be submitted using E-Services.

IMPORTANT

If you take vacation without notifying the AMF, your probationary certificate will be revoked and your probationary period will be deemed to have been discontinued.

Successful completion of probationary period

Successful completion of the probationary period is not based on the achievement of specific prospection or sales goals but rather on the trainee's ability to work independently on files normally handled at the start of a career.

Application for representative's certificate

At the end of the probationary period, your probationary certificate remains valid for a 30-day administrative period. During this time, your supervisor has 10 days to submit his or her recommendation to the AMF. The recommendation must be approved by the employer.

Once this stage is completed, you can apply to the AMF for a representative's certificate. If your application for a certificate is made during the 30-day administrative period, your certificate will remain valid an extra 15 days.

FOR ADDITIONAL INFORMATION

Consult the complete version of our Probationary Period Guide available on our website.



Appendix 02

THE PROBATIONARY PERIOD IN BRIEF (SUPERVISOR)

RESPONSIBILITY

During the probationary period, the supervisor is responsible for all of the trainee's professional acts. The supervisor also provides the trainee with a working environment conducive to learning and to developing his or her skills.

Main duties

A supervisor must:

- ✓ at the start of the training period, present trainees with the objectives of the period and the tasks which each must carry out;
- ✓ open a file for each trainee and enter the tasks he or she carries out and notes concerning his or her progress, as well as a summary of meetings;
- ✓ determine the trainee's tasks and then evaluate and review them at least once a week;
- ✓ ensure that trainees:
 - comply with legislation, rules of ethics and rules of professional conduct;
 - have the required knowledge, competencies, behaviours and attitudes;
- ✓ help trainees gradually pursue the activities reserved for certified representatives at the start of their careers.



Cancellation or interruption of training period by trainee

Within five days following the date on which the trainee has discontinued or interrupted his or her probationary period, the supervisor must inform the AMF thereof via E-Services. Otherwise, the supervisor will remain responsible for all acts performed by the trainee.



Vacation request

If a trainee has two supervisors, one supervisor may take vacation during the probationary period. The AMF need not be informed of this. However, the supervisors may not take vacation at the same time.

If a trainee has only one supervisor, the supervisor may take vacation during the probationary period. To do so, the supervisor must inform the AMF by completing the appropriate form.

The AMF must receive the request along with the required fees at least 10 business days before the start of the vacation.

IMPORTANT

Failure to respect the deadline for submitting a vacation application may result in the issuance of a notice of non-compliance.

Successful completion of probationary period

The successful completion of the probationary period by the supervised trainee is not based on the achievement of specific prospection or sales goals but rather on the trainee's ability to work independently on files normally handled at the start of a career.

Submission of recommendation at end of probationary period

At the end of the probationary period, **the supervisor has 10 days to submit his or her recommendation to the AMF** respecting the issuance of the trainee's representative's certificate.

The replacement supervisor cannot send the recommendation at the end of the probationary period.

IMPORTANT

Failure to respect the deadline for submitting the recommendation may result in the issuance of a notice of non-compliance.

FOR ADDITIONAL INFORMATION

Consult the complete version of our Probationary Period Guide available on our website.



Appendix 03

FORMS



Here are the probationary period forms:

- Application for authorization of probationary period, change in supervisor, extension of probationary certificate, add trainee's vacation
- Application for authorization of probationary period, change in supervisor, extension of probationary certificate outside Québec
- Analysis of future supervisor's file
- Application to cancel or interrupt probationary period or Request to confirm cancellation or interruption of probationary period
- Supervisor's recommendation related to representative's certificate
- Statement of guilt
- Dual employment form
- Statement of bankruptcy
- Consent for communicating personal information
- Request for access to solutions – Case study – Group insurance plans & Group annuity plans

These forms are available on the AMF's website under [Becoming a professional / Probationary period / Probationary period forms](#), or at:

<https://lautorite.qc.ca/en/becoming-a-professional/probationary-period/probationary-period-forms/>



Here are the registration forms:

- Application for a representative's certificate
- Registration of independent representative

These forms are available on the AMF's website under [Professionals / Firms and representatives / Representatives / Forms - Representatives](#), or at:

<https://lautorite.qc.ca/en/professionals/firms-and-representatives/firms-independent-partnerships-and-independent-representatives/forms>



Appendix 04

SAMPLE PROBATIONARY CERTIFICATE



January 7, 2020

MR. BRIAN MASTINE
2854, TWAIN DR
MONTREAL (QC) H3K 0R2

Mr. Mastine:

Client No.: XXXXXXXXXX
Decision No.: 20XX-XX-0000000

Subject: Probationary certificate

This is to confirm that you hold a probationary certificate issued by the Autorité des marchés financiers (the "AMF"). This certificate authorizes you to pursue activities under the supervision of the firm X during the following periods:

Sector or sector class: 4c

From January 13, 2020 to February 23, 2020 in 4c Commercial lines damage insurance (Broker)

This probationary certificate is issued pursuant to section 31 of the Regulation respecting the issuance and renewal of representatives' certificates.¹

Please note that any change in your file could affect your probationary certificate.

Yours truly,

Direction de la qualification

¹ CQLR, c. D-9.2, r. 7



**AUTORITÉ
DES MARCHÉS
FINANCIERS**