

Gazette officielle du Québec

Part 2 Laws and Regulations

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PROVINCE OF QUÉBEC

1st SESSION

36th LEGISLATURE

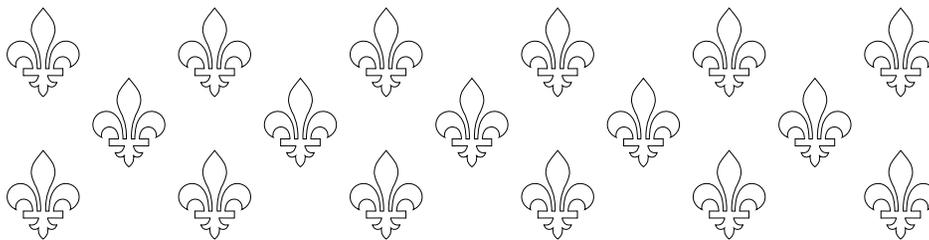
QUÉBEC, 15 NOVEMBER 2000

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 15 November 2000*

This day, at forty-two minutes past three o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 97 An Act to amend the Taxation Act and other legislative provisions of a fiscal nature
- 120 An Act to amend the Animal Health Protection Act and other legislative provisions and to repeal the Bees Act

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 120
(2000, chapter 40)

**An Act to amend the Animal Health
Protection Act and other legislative
provisions and to repeal the Bees Act**

**Introduced 10 May 2000
Passage in principle 1 June 2000
Passage 7 November 2000
Assented to 15 November 2000**

**Québec Official Publisher
2000**

EXPLANATORY NOTES

The purpose of this bill is to effect a comprehensive revision of provisions relating to animal health protection and to render more efficient the sanitation controls required to protect the health of animals and persons who are in contact with animals or consume animal products. To that end, the bill consolidates the health-related provisions in the Bees Act and the Act respecting commercial fisheries and aquaculture into the Animal Health Protection Act.

The provisions dealing with disease are broadened to include infectious agents and syndromes.

The bill provides for the establishment of an animal identification system.

As regards artificial insemination of animals, the bill repeals provisions relating to certain permits and provisions that relate to the establishment of or compliance with standards for equipment that is not directly related to animal health.

The bill contains various provisions to ensure the safety of animal feed and to regulate its composition.

As concerns veterinary medications, the bill provides that a prescription from a veterinarian will be required to obtain and keep certain substances, defines the obligations of persons transporting animals to the slaughterhouse and provides for order-making powers to control medicinal residues. Administrative penalties in this respect are introduced.

As for animal safety and well-being, the bill confers on the Government the power to designate the species and categories of animals concerned, introduces provisions concerning the transportation of animals, and proposes provisions enabling a municipality, an urban community or the Kativik Regional Government to enter into an inspection agreement with the Minister.

Lastly, the bill introduces regulatory provisions allowing fees to be established for inspections, sample taking and sample analysis. Provisions granting authority to enter into intergovernmental agreements as well as consequential amendments and transitional provisions are also contained in the bill.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1);
- Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01);
- Animal Health Protection Act (R.S.Q., chapter P-42).

LEGISLATION REPEALED BY THIS BILL :

- Bees Act (R.S.Q., chapter A-1).

Bill 120

AN ACT TO AMEND THE ANIMAL HEALTH PROTECTION ACT AND OTHER LEGISLATIVE PROVISIONS AND TO REPEAL THE BEES ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 2 of the Animal Health Protection Act (R.S.Q., chapter P-42) is amended

(1) by inserting the following paragraph before paragraph 1 :

“(0.1) “infectious agent” means an organism, micro-organism or protein particle capable of causing an infection or a disease in animals or in humans and designated by regulation;”;

(2) by replacing “, except an animal kept in a zoological garden” in the second line of paragraph 1 by “and applies, wherever the context permits, to any part of such an animal”;

(3) by adding the following paragraph after paragraph 3 :

“(4) “syndrome” means a syndrome designated by regulation.”;

(4) by adding the following paragraph at the end :

“For the purposes of subparagraph 1, fish, amphibians, echinoderms, crustaceans or shellfish produced or bred in a fish-breeding plant or fishing pond referred to in section 12 of the Act respecting commercial fisheries and aquaculture (chapter P-9.01) are deemed to be kept in captivity.”

2. Section 2.1 of the said Act is replaced by the following section :

“2.1. The owner or custodian of an animal belonging to a species or to a category determined by regulation must, in compliance with the conditions prescribed by regulation, subject the animal or samples of its tissues, products, secretions, excreta or dejecta, or samples of its environment, to a screening test for a contagious or parasitic disease, an infectious agent or a syndrome designated under subparagraph *a* of paragraph 1 of section 3.”

3. Section 3 of the said Act is amended

(1) by replacing “The Government may make regulations to:” in the first line by “The Minister may make regulations to”;

(2) by replacing paragraph 1 by the following paragraphs:

“(1) designate the contagious or parasitic diseases and the infectious agents or the syndromes for the purposes of each of the following provisions:

(a) the provisions of section 2.1 relating to screening tests;

(b) the provisions of section 3.1 relating to mandatory reports;

(c) the provisions of sections 3.2 to 3.4 relating to treatments or sanitary measures;

(d) the provisions of section 8 relating to the transfer or transportation of animals;

(e) the provisions of section 9 relating to the health certification of imported animals;

(f) the provisions of the third paragraph of section 10.1 relating to the health certification of animals likely to be in direct contact with the public.

The diseases, infectious agents or syndromes so designated may vary according to the species or category of animal;

“(1.0.1) designate sanitary zones that the Minister considers free from a contagious or parasitic disease, an infectious agent or a syndrome, and determine the species or categories of animals likely to contract or transmit the disease, infectious agent or syndrome that may not be brought into the sanitary zones without a certificate from a veterinary surgeon stating that the animal is free from the disease, syndrome or infectious agent;”;

(3) by replacing paragraph 3.1 by the following paragraphs:

“(3.1) determine, for the purposes of section 2.1, the species or categories of animals that must be subjected to a screening test or the samples of animals in those species or categories that must be subjected to such a test, prescribe the frequency of and standards applicable to such a test, in particular the place where a sample to be analyzed must be sent; the species or categories determined may vary according to territory or sector;

“(3.2) prescribe the content of the reports required under section 3.1 and the rules relating to the sending and keeping of the reports and the use of the documents relating to the reports;

“(3.3) determine the species or categories of animals to which the prohibition in the first paragraph of section 8 or in the provisions of the first paragraph of section 10 applies;

“(3.4) fix the period for which the certificate provided for in section 9 is valid ;

“(3.5) determine, for the purposes of section 10.1, the species or categories of animals for which the holding of a certificate is mandatory, fix the period of validity of the certificate and establish the conditions of its issue ;

“(3.6) fix the fees payable for the analysis of the samples required under section 2.1, for the issue of the certificates referred to in sections 8 and 10.1 or for the review of an application for authorization referred to in section 10, and for inspections, determine the persons who are to pay the fees and the cases and manner in which the fees are to be paid ;

“(3.7) establish standards for the particulars to be given by the operators of pet shops, pounds or animal houses to the purchaser of any animal of a species or category determined, with respect to the sanitary measures required to reduce the health risk for the animal or the persons who are in contact with the animal ;”.

4. The said Act is amended by inserting the following section after section 3 :

“3.0.1. The Government may, by regulation, to the extent and on the terms and conditions it fixes, require the owner of an animal of a species or category it determines to register with the Minister, and determine the information and documents to be kept and furnished by the owner and the applicable registration fees according to the species or the category of the animal.

Notwithstanding the first paragraph, a farm producer within the meaning of the Farm Producers Act (chapter P-28) must register with the Minister if the farm producer is in possession of an animal intended for human consumption or whose products are intended for human consumption. The farm producer must, for that purpose, furnish information pertaining to the farm producer’s identity, location and operations.

The second paragraph does not apply to such a farm producer who has consented in writing to have the information furnished pursuant to the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) stand in lieu of registration.”

5. Section 3.1 of the said Act is amended

(1) by inserting “, an infectious agent or a syndrome” after “disease” in the second line of the first paragraph ;

(2) by replacing “of a contagious or parasitic disease” in the third line of the second paragraph by “in which the veterinary surgeon suspects the existence of a contagious or parasitic disease or the existence of an infectious agent or a syndrome” ;

(3) by adding the following paragraph after the second paragraph:

“The head of a laboratory where samples of animal tissues, products, secretions, excreta or dejecta or samples of an animal’s environment have been analysed shall report immediately to the Minister or to any other person designated by the Minister any analysis results indicating the existence of a contagious or parasitic disease, an infectious agent or a syndrome designated under subparagraph *b* of paragraph 1 of section 3.”

6. Section 3.2 of the said Act is amended by inserting “, an infectious agent or a syndrome” after “disease” in the second line of the first paragraph.

7. Section 3.4 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“3.4. A designated veterinary surgeon who has reasonable cause to believe that there is a high risk of propagation of a contagious or parasitic disease, an infectious agent or a syndrome may require the owner or custodian to destroy or dispose of the contagious or infected animal and, where applicable, dispose of its carcass, according to the veterinary surgeon’s instructions. The veterinary surgeon shall give notice to that effect by means of a written statement delivered personally to the owner or custodian.”;

(2) by replacing the third paragraph by the following paragraph:

“Upon failure by the owner or custodian of an animal to comply with a destruction and disposal order under the first paragraph, the animal shall be confiscated by the designated veterinary surgeon so as to be destroyed and its carcass disposed of at the expense of the owner or custodian. The costs shall bear interest at the rate determined under section 28 of the Act respecting the Ministère du Revenu (chapter M-31).”

8. Section 6 of the said Act, amended by section 236 of chapter 40 of the statutes of 1999, is again amended by replacing “by a designated veterinary surgeon” in the second and third lines of the first paragraph by “under the provisions of this division”.

9. Section 8 of the said Act is amended

(1) by inserting “of a species or category prescribed by regulation and” after “animal” in the first line of the first paragraph and by inserting “, an infectious agent or a syndrome” after “disease” in the second line of the first paragraph;

(2) by adding the following paragraph at the end:

“In the case of a zone designated as free from disease, infectious agent or syndrome pursuant to paragraph 1.0.1 of section 3, the certificate provided for

in the second paragraph may be issued only upon proof of the absence of any risk of propagation of the disease, infectious agent or syndrome.”

10. Section 9 of the said Act, amended by section 236 of chapter 40 of the statutes of 1999, is again amended

(1) by inserting “or their products” after “animals” in the first line, by inserting “or products” after “animals” in the third line and by replacing “free from disease” at the end of the fourth line by “free from a contagious or parasitic disease, an infectious agent or a syndrome”;

(2) by adding the following paragraph :

“The Minister may, for scientific purposes, authorize a person to derogate from the provisions of the first paragraph. The holder of the authorization must comply with the conditions determined by the Minister.”

11. Section 10 of the said Act is replaced by the following sections :

“10. Livestock auctions where animals of a species or category determined by regulation are present shall take place only on sites approved by the Minister. No approval shall be given unless, after an examination of the site location, the environmental features and the animal species involved, the Minister is satisfied that there is an acceptably low level of risk of propagation of disease to neighbouring animal production operations.

The application for authorization must be accompanied by documents giving the location of the site and describing the project implementation. In addition, the Minister may require any information, study or research the Minister considers necessary to decide on the acceptability of the site.

The following auction sites are not subject to authorization :

(1) auction sites referred to in section 54 ;

(2) auction sites operating on 10 May 2000 in compliance with the provisions of section 10 as it read on 14 November 2000.

“10.1. No owner or custodian of an animal of a species or category prescribed by regulation shall bring an animal or cause it to be brought into a place where the animal is likely to be in direct contact with the public.

No person shall receive or keep such an animal in a place referred to in the preceding paragraph.

The prohibitions do not apply if the owner, custodian or possessor holds a certificate issued by a designated veterinary surgeon stating that the animal is free from any contagious or parasitic disease, infectious agent or syndrome.”

12. Section 11.1 of the said Act is amended

(1) by replacing the first paragraph by the following paragraphs :

“11.1. The Minister may, where the Minister has reasonable cause to believe that there is a chemical, physical or biological agent present which may constitute a health risk for animals or for persons who are in contact with them or consume them or their products, order the owner or custodian of the animals, or if necessary, all the owners or custodians situated in the sector determined by the Minister, to segregate the animals, subject to the conditions fixed by the Minister, until the results of the analyses of the samples taken are known.

If the analyses confirm the Minister’s fears or the Minister is of the opinion, on the basis of an epidemiological study, that such an agent is present, the Minister may, in an emergency or in the public interest, order the owner or custodian of the animals, or as the case may be, all the owners or custodians situated in the sector determined by the Minister regardless of whether or not an order has been issued in their respect under the first paragraph, to segregate, treat, mark, immunize the animals, destroy them or dispose of them and dispose of their carcasses within the time and subject to the conditions specified by the Minister.”;

(2) by adding “or their products” at the end of the second paragraph ;

(3) by inserting “referred to in any provision of this section” after “order” in the first line of the third paragraph.

13. The said Act is amended by inserting the following sections after section 11.2 :

“11.3. The Minister may, subject to the applicable legislative provisions, enter into agreements with the Minister of Health and Social Services, the Régie des assurances agricoles du Québec, the Minister of Agriculture and Agri-Food of Canada, the Minister of Fisheries and Oceans of Canada or the Canadian Food Inspection Agency, to obtain from them or communicate to them information necessary for the purposes of the provisions of Division I

(1) to identify the owners or custodians of animals referred to in the provisions of this division, and the places where the animals are kept, including by means of the pairing or cross-matching of files ;

(2) to know the prevalence of diseases, infectious agents or syndromes likely to affect animals or the persons who are in contact with them or consume them or their products, including by means of the pairing or cross-matching of files.

The agreements shall specify, in particular, the nature of the information to be transmitted, the means to be used to ensure that the information transmitted remains confidential as well as the security measures.

The agreements must be submitted to the Commission d'accès à l'information for an opinion as provided in section 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

“11.4. The Minister or the person designated by the Minister may, in the public interest, disclose information in the Minister's possession that is necessary for the protection of the health or safety of the persons who are in contact with the animals or consume them or their products.

The first paragraph applies notwithstanding subparagraphs 5 and 9 of the first paragraph of section 28 and section 53 of the Act respecting Access to documents held by public bodies and the Protection of personal information.

“11.5. Where the Minister is of the opinion that animals may constitute a risk for the health or safety of the persons who consume them or their products, in particular because of the chemical, physical or biological agent the animals could be carrying, the Minister may prescribe, by regulation, special standards for their destruction, disposal or elimination, according to species or category.

Any person in possession of an animal to which the regulation applies must comply with the regulation.

The provisions of Divisions III and IV of the Regulations Act (chapter R-18.1) relating to the publication and coming into force of proposed regulations and regulations do not apply to a regulation made by the Minister pursuant to this section. The regulation shall be published in the *Gazette officielle du Québec*. However, it comes into force on the date it is made by the Minister and shall be disseminated by any other means the Minister considers necessary.

“§1. — *Special provisions respecting bees*

“11.6. For the purposes of subparagraph 3 of the first paragraph of section 2, the presence in a bee of an undesirable genotype related to African subspecies or hybrids of those subspecies is considered to be a parasitic disease of the bee.

“11.7. An order made pursuant to the provisions of Division I may, as it specifies, apply to hives, frames and other apiary equipment.

“11.8. The prohibitions in sections 8 to 10.1 apply to previously used hives, frames and other apiary equipment.

“11.9. No owner or custodian of a hive shall leave in the open any frames, honeycombs or apiary accessories infected by bees affected with a contagious or parasitic disease, an infectious agent or a syndrome.

“11.10. No person shall keep bees in hives without movable frames.

“11.11. If bees are kept in hives without movable frames, any designated veterinary surgeon may order their owner or custodian to move the bees into hives with movable frames. Upon failure by the owner or custodian to comply with the order, the designated veterinary surgeon may destroy the hives and the bees in the hives.

The owner or custodian of a hive to whom an order is notified without prior notice because, in the opinion of the designated veterinary surgeon, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the designated veterinary surgeon.

“11.12. No person shall spray, by sprinkler or otherwise, or dust, using chemical or biological products that are toxic to bees, a fruit tree or a plant of a species or category designated by regulation while the fruit tree or plant is in bloom.

That prohibition does not apply in the cases and on the conditions prescribed by regulation or where the spraying or dusting takes place as part of emergency measures taken pursuant to the provisions of Division IV of the Public Health Protection Act (chapter P-35) or Chapter III of the Act respecting the protection of persons and property in the event of disaster (chapter P-38.1).

“11.13. No person shall place a hive containing a bee colony within 15 metres of a public road or dwelling.

That prohibition does not apply if the land upon which the hive is placed has, on the side nearest to the dwelling or public road, as the case may be, a solid fence at least 2.5 metres in height that extends beyond the limits of the hive for a distance of not less than 4.5 metres.

“11.14. The Minister may, by regulation,

(1) determine, for the purposes of section 11.12, the species or categories of plants likely to be foraged by bees and that may not be sprayed or dusted with toxic substances, and prescribe in what cases and on what conditions the prohibition in section 11.12 does not apply ;

(2) require the owner of hives to affix on each hive an inscription identifying the owner, and determine the form and tenor of the inscription ;

(3) make applicable to insect pollinators other than bees those provisions of Division I the Minister indicates.”

14. The said Act is amended by inserting the following division after Division II:

“DIVISION II.1

“IDENTIFICATION OF ANIMALS

“22.1. The Government may, by regulation, to ensure animal traceability, establish an identification system for any species or category of animal it determines, require animals to be identified subject to the conditions and according to the rules or procedure it fixes, prescribe the obligations of owners or custodians of animals or of any other person it determines and determine the applicable fees payable.

The identification system established pursuant to the first paragraph shall concern the following information only: the name and address of the operation from which the animal originates, the name and address of the successive owners or, if applicable, custodians of the animal, the registration number of the operation if it is registered under the provisions of Division VII.2 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation, the species or category of the animal, the identification of the animal, the date of issue of the identification, the date of identification of the animal, the animal’s sex and age and, if applicable, any replacement identification, and the movements of the animal outside the operation from which the animal originates. Where the operation comprises more than one production site, the identification system may also concern the location of each site and the movements of the animal from one site to another.

“22.2. The inspectors responsible for the enforcement of the provisions of this division shall be designated by the Minister.

“22.3. The Minister may, by way of a memorandum of agreement, entrust to a body the management of an identification system established under section 22.1.

The memorandum of agreement may provide for an inspection program and, in particular, for the terms and conditions of the program, and for the remuneration and other expenses of the inspectors which shall be borne by the body that is a party to the memorandum of agreement.

“22.4. The Minister may, subject to the applicable legislative provisions, enter into an agreement with the Minister of Agriculture and Agri-Food of Canada, the Minister of Fisheries and Oceans of Canada or the Canadian Food Inspection Agency or a body that administers an identification system for animals established under the Health of Animals Act (Statutes of Canada, 1990, chapter 21), or with the Régie des assurances agricoles du Québec to obtain from them or communicate to them nominative information necessary for the purposes of an animal identification system established under section 22.1, in particular, to identify the operation from which the animal

originates, the animal's movements and its successive owners or possessors, including by means of the pairing or cross-matching of files.

The Minister or any body referred to in section 22.3 may, for the purpose of identifying persons to whom an agreement under this section applies, communicate their names, addresses and agricultural operation registration numbers. The Minister or the body receiving such information must, unless legally entitled to retain it, destroy the information once the purpose for which it was communicated has been fulfilled.

The agreements shall specify, in particular, the nature of the information to be transmitted, the means to be used to ensure that the information transmitted remains confidential as well as the security measures.

The agreements must be submitted to the Commission d'accès à l'information for an opinion as provided in section 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information.

“22.5. Every person authorized to act as an inspector under this division who has reasonable grounds to believe that an animal that is required to be identified pursuant to a regulation under section 22.1 has not been identified, may, whether or not the animal has been seized, order the owner or custodian of the animal who is unable to furnish proof of the animal's identification within the time the authorized person fixes, to take the animal within the time the authorized person indicates to the nearest slaughterhouse to be slaughtered under the authorized person's supervision, at the expense of the owner.

An animal slaughtered pursuant to such an order is deemed unfit for human consumption.

Upon failure by the owner or custodian of the animal to comply with the order, the authorized person may confiscate the animal so that it may be brought to the slaughterhouse indicated by the authorized person and slaughtered at the expense of the owner or custodian.

The costs payable by an owner or custodian of animals shall bear interest at the rate determined under section 28 of the Act respecting the Ministère du Revenu.

“22.6. The Minister may, on the conditions the Minister determines and with the approval of the Government, enter into an agreement with a person or a body with respect to the voluntary implementation of animal identification measures if the Minister considers that the special measures encourage the competitiveness of the breeding sector and ensure animal traceability that is equivalent to the traceability afforded by the identification system established under section 22.1.

Every person to whom the agreement applies is exempted, to the extent and on the conditions provided for in the agreement, from the application of the

provisions of a regulation made under section 22.1. Animals identified pursuant to the agreement are then deemed to be identified in accordance with the provisions of the regulation.”

15. Section 23 of the said Act is amended

(1) by replacing “, male or female as the case may be” in the first and second lines of paragraph *a* by “or of any other species prescribed by regulation”;

(2) by striking out paragraph *b*.

16. Section 24 of the said Act is amended by striking out “, keep animal semen in his possession, deliver it to any person” in the first and second lines.

17. Section 27 of the said Act is amended by striking out the first paragraph.

18. Section 28 of the said Act is amended

(1) by adding “, fix fees for the taking of specimens or their analysis, and for inspection” at the end of paragraph 12;

(2) by replacing “a permit holder” in the first and second lines of paragraph 13 by “a person who takes semen from an animal, keeps animal semen in his possession, delivers semen to any person or artificially inseminates an animal,” and by replacing “he” in the second line of that paragraph by “the person”;

(3) by adding the following paragraph after paragraph 14:

“(14.1) determine the animal species to which this division applies in addition to those specified in paragraph *a* of section 23;”.

19. Section 30 of the said Act is amended

(1) by inserting “caprine,” after “bovine,” in the first line of paragraph *a*;

(2) by adding “as well as any animal of another species prescribed by regulation” at the end of paragraph *a*.

20. Section 45 of the said Act, amended by section 66 of chapter 50 of the statutes of 1999, is again amended

(1) by inserting the following subparagraph after subparagraph *c* of the first paragraph:

“(c.1) determine animal species to which this division applies in addition to those specified in paragraph *a* of section 30;”;

(2) by replacing “infected by a contagious disease” in the first and second lines of subparagraph *e* of the first paragraph by “affected with a contagious or parasitic disease, an infectious agent or a syndrome designated by regulation”.

21. Section 55 of the said Act is repealed.

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

“DIVISION IV.0.1

“ANIMAL FEED

“55.0.1. No person shall give food that is unfit for animal consumption or that is so deteriorated as to be unfit for animal consumption or that does not meet applicable regulatory standards to domestic animals or animals kept in captivity if the animals or their products are intended for human consumption, or prepare, keep, transport or supply such food for remuneration.

“55.0.2. The Government may make regulations to

(1) prohibit or restrict the addition of the substances it determines to food preparations for the animals to which section 55.0.1 applies ;

(2) prohibit or restrict the direct or indirect administration of the substances it indicates to the animals to which section 55.0.1 applies ;

(3) prescribe the methods, conditions and procedure for the taking and analysis of samples for the purpose of detecting the presence of a substance the use of which is forbidden or restricted under a regulation made pursuant to paragraphs 1 and 2, determine the place where samples must be sent for analysis and fix the fees payable by the persons it indicates for the taking and analysis of samples and for inspection ;

(4) establish standards respecting the composition, preparation, conditioning, handling, keeping, packaging or labelling of products for animal consumption ;

(5) determine, among the provisions of a regulation under this section, the provisions the contravention of which is punishable under section 55.43.”

23. The said Act is amended by inserting the following sections after section 55.3 :

“55.3.1. The holder of a permit issued for an activity referred to in subparagraph 1 or 4 of the first paragraph of section 55.2 may sell or supply by retail a medicinal premix or medicinal food containing a medication appearing on the list prepared pursuant to section 9 of the Veterinary Surgeons Act (chapter M-8) only upon the purchaser handing over a prescription from a veterinary surgeon.

“55.3.2. No person shall be in possession of a medication mentioned in section 9 of the Veterinary Surgeons Act that was obtained without a prescription from a veterinary surgeon, or be in possession of a medication whose administration is prohibited under a regulation made under subparagraph 7 of the first paragraph of section 55.9 of this Act or which is subject to a prohibition under the Food and Drug Regulations (Consolidated Regulations of Canada, chapter 870) made under the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27), with a view to administering the medication to an animal.

In the absence of any evidence to the contrary, the possession of a medication referred to in the first paragraph in a place where animals are kept is proof that the medication is possessed with a view to administering it to an animal.”

24. Section 55.4 of the said Act is amended

(1) by inserting “or allow to be administered” after “administer” in the first line;

(2) by replacing “or feed them” in the fourth line by “, give them or allow them to be given”.

25. Section 55.7 of the said Act is replaced by the following sections:

“55.7. No person may deliver or send to a slaughterhouse, for the purposes of human consumption, an animal whose tissues are not totally free of any trace of metabolite of a medication or of medicinal residue other than those allowed by the Food and Drug Regulations or whose quantity or concentration in the tissues of the animal exceeds that permitted by those regulations.

“55.7.1. Where the examination of the tissues of an animal that has been slaughtered for the purposes of human consumption reveals the presence of medications or medicinal residues that are forbidden or that exceed the quantity or concentration permitted, the Minister may, for a period not exceeding 60 days, order the immediate owner or the custodian of the animal, and the former owners or custodians of the animal to suspend or restrict, to the extent determined by the Minister, the delivery to any slaughterhouse for human consumption of any animal of the same species from the same operation as the animal carrying the medication or the medicinal residues.

The order shall contain a statement of the Minister’s reasons and refer to any written statement, analysis or other technical report considered by the Minister for the purposes of the order.

“55.7.2. The owner or custodian of an animal to whom an order under section 55.7.1 is notified without prior notice because, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister.”

26. The said Act is amended by inserting the following section after section 55.8:

“55.8.1. Where the Minister is of the opinion that animals may constitute a risk for the health or safety of the persons who consume them, in particular because of the medicinal residues or metabolites the animals could be carrying, the Minister may prescribe, by regulation, special standards for their destruction, disposal or elimination, according to species or category.

Any person in possession of an animal to which the regulation applies must comply with the regulation.

The provisions of Divisions III and IV of the Regulations Act relating to the publication and coming into force of proposed regulations and regulations do not apply to a regulation made by the Minister pursuant to this section. The regulation shall be published in the *Gazette officielle du Québec*. However, it comes into force on the date it is made by the Minister and shall be disseminated by any other means the Minister considers necessary.”

27. Section 55.9 of the said Act is amended

(1) by inserting the following subparagraph after subparagraph 4.1:

“(4.2) prescribe standards applicable to the labelling of medicinal premixes or medicinal food and prescribe the mandatory inscriptions with respect to their ingredients or the waiting period applicable to the medications they contain;”;

(2) by adding “, fix fees for the taking of samples or their analysis and for inspection, and determine the persons who are to pay the fees and the cases and manner in which the fees are to be paid” at the end of subparagraph 10.

28. Section 55.9.1 of the said Act is replaced by the following section:

“55.9.1. The provisions of this division apply to domestic animals and animals kept in captivity, other than those governed by the Act respecting the conservation and development of wildlife (chapter C-61.1) and that belong to a species or category designated by regulation of the Government.”

29. Section 55.9.2 of the said Act is amended

(1) by adding “or is not properly transported in an appropriate vehicle” at the end of paragraph 2;

(2) by adding the following paragraph at the end:

“(5) subject to the preceding paragraphs, the animal is kept or transported in contravention of the regulatory standards established pursuant to section 55.9.14.1.”

30. Section 55.9.4 of the said Act is amended by inserting “, including a municipality, an urban community or the Kativik Regional Government,” after “person” in the first line of the second paragraph.

31. Section 55.9.9 of the said Act is repealed.

32. Section 55.9.10 of the said Act is amended

(1) by replacing “upon expiry of the period provided for in section 55.9.9” in the second and third lines of the first paragraph by “within 90 days after the date of seizure”;

(2) by inserting the following paragraph after the first paragraph :

“A justice of the peace may, however, order the period of seizure extended by not more than 90 days.”

33. The said Act is amended by inserting the following section after section 55.9.14 :

“55.9.14.1. The Government may by regulation fix, for the purposes of section 55.9.2, standards for the custody and transportation of animals.”

34. Section 55.9.16 of the said Act is amended by inserting “and those of any regulation made under section 55.9.14.1” after “division” in the first line.

35. The said Act is amended by inserting the following section after the heading of subdivision 1 of Division IV.2 :

“55.9.17. The Minister shall appoint the veterinary surgeons, inspectors, analysts or other persons necessary for the carrying into effect of this Act and may provide for the remuneration of such persons among them who are not appointed and remunerated according to the Public Service Act (chapter F-3.1.1).”

36. Section 55.10 of the said Act is amended by striking out “12,” in the sixth line.

37. Section 55.25 of the said Act is amended by inserting “an infectious agent or a syndrome,” after “disease,” in the third line of the first paragraph.

38. The said Act is amended by adding “AND OTHER SANCTIONS” at the end of the heading of Division IV.5.

39. Section 55.43 of the said Act, amended by section 236 of chapter 40 of the statutes of 1999 and by section 56 of chapter 26 of the statutes of 2000, is again amended

(1) by inserting “10.1, 11.9, 11.12, 55.0.1,” after “10,” in the first line of the first paragraph;

(2) by inserting “55.3.1, 55.3.2,” after “55.2,” in the first line of the first paragraph;

(3) by inserting “, paragraph 5 of section 55.0.2” after “3” in the third line of the first paragraph;

(4) by inserting “or any provision of a regulation made under section 11.5 or section 55.8.1 or any condition of an authorization issued pursuant to the second paragraph of section 9” after “55.8” in the fourth line of the first paragraph.

40. The said Act is amended by inserting the following sections after section 55.43.1 :

“55.43.2. Every person who contravenes an order issued pursuant to section 3.2, 3.4, 11.1, 22.5, 55.7.1 or 55.25 is liable to a fine of \$1,600 to \$5,000 in the case of a natural person and of \$5,000 to \$15,000 in the case of a legal person.

For any subsequent conviction, the offender is liable to a fine of \$3,200 to \$15,000 in the case of a natural person and of \$15,000 to \$45,000 in the case of a legal person.

“55.43.3. Every person who contravenes a provision of a regulation made under section 22.1 is liable to a fine of \$250 to \$2,450 in the case of a natural person and of \$625 to \$6,075 in the case of a legal person.

For any subsequent conviction, the offender is liable to a fine of \$1,225 to \$12,150 in the case of a natural person and of \$3,650 to \$36,425 in the case of a legal person.

“55.43.4. Every person who contravenes the provisions of sections 11.10, 11.13 or an order issued pursuant to section 11.11 is liable to a fine of not less than \$100 and not more than \$300 and, for any subsequent conviction in both cases, of a fine of not less than \$300 and of not more than \$900.”

41. Section 55.50 of the said Act is amended by adding the following paragraph :

“The cost of inspection, analysis or specimen or sample taking as established by a regulation made under section 3, 28, 55.0.2 or 55.9 of this Act is included in the costs of the proceedings in the case of penal proceedings.”

42. The said Act is amended by inserting the following section after section 55.51 :

“55.52. The Minister may claim, in the same manner as any debt owing to the Government, from an offender who has been convicted of an offence under section 55.6 or 55.7, the costs of specimens or samples taken and analyses made to ascertain, during a period of one year following the date of the final judgment of conviction, the absence of medicinal residues or metabolites of a medication, or to ensure that the quantities and concentrations permitted in the offender’s animals are being complied with.”

43. The Bees Act (R.S.Q., chapter A-1) is repealed.

44. Section 149 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended by adding the following paragraph after paragraph 6 :

“(7) require the operator of an establishment referred to in paragraph *c* of section 30 of the Animal Health Protection Act (chapter P-42) to insure the animals kept by the operator in that establishment and determine the risks to be insured and the amount of the insurance.”

45. Section 19 of the Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01) is amended by replacing “by an inspector or officer in application of section 47” in the second and third lines of the second paragraph by “in an order made pursuant to the provisions of Division I of the Animal Health Protection Act (chapter P-42)”.

46. Sections 47 and 48 of the said Act are repealed.

47. Section 49 of the said Act, amended by section 209 of chapter 40 of the statutes of 1999, is again amended by striking out paragraph 11.

TRANSITIONAL AND FINAL PROVISIONS

48. Notwithstanding section 47 of this Act, the provisions of section 14 of the Commercial Aquaculture Regulation, made by the Government by Order in Council 1311-87 (1987, G.O. 2, 3368) remain in force until they are replaced or repealed by a regulation made by the Minister of Agriculture, Fisheries and Food under section 3 of the Animal Health Protection Act. Such provisions are deemed to have been made under subparagraph *c* of paragraph 1 of section 3 of the Animal Health Protection Act.

49. Notwithstanding sections 43 and 46 of this Act, an order made under section 6 or 7 of the Bees Act or under section 47 of the Act respecting commercial fisheries and aquaculture before 15 November 2000 remains in force until the date on which it would have expired.

50. The provisions of this Act come into force on 15 November 2000, except the provisions of section 5, section 14 to the extent that it introduces section 22.5, sections 15 to 18 and sections 28 to 33 which come into force on the date or dates to be fixed by the Government.

Regulations and other acts

Gouvernement du Québec

O.C. 1370-2000, 22 November 2000

Automobile Insurance Act
(R.S.Q., c. A-25)

Lump-sum compensation for non-pecuniary damage

Regulation respecting lump-sum compensation for non-pecuniary damage

WHEREAS under paragraph 12 of section 195 of the Automobile Insurance Act (R.S.Q., c. A-25), as replaced by paragraph 1 of section 38 of chapter 22 of the Statutes of 1999, the Société de l'assurance automobile du Québec may make regulations to determine the injuries, the functional or cosmetic sequelae and the minimum eligibility requirements applicable to the compensation of non-pecuniary damage under section 73 of the Act, as replaced by section 15 of chapter 22 of the Statutes of 1999, and to prescribe rules for evaluating non-pecuniary damage and rules for fixing indemnity amounts;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) a draft of the Regulation respecting lump-sum compensation for non-pecuniary damage was published in Part 2 of the *Gazette officielle du Québec* of 9 August 2000 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS, at a sitting of its board of directors on 24 October 2000, the Société made the Regulation respecting lump-sum compensation for non-pecuniary damage;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation respecting lump-sum compensation for non-pecuniary damage, attached hereto, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting lump-sum compensation for non-pecuniary damage

Automobile Insurance Act
(R.S.Q., c. A-25, s. 195, par. 12; 1999, c. 22, s. 38, par. 1)

DIVISION I GENERAL PROVISIONS

1. This regulation applies to victims of automobile accidents that have occurred since January 1, 2000.

2. Lump-sum compensation for non-pecuniary damage is determined in accordance with:

(1) The provisions of Division II when the severity of the permanent functional or esthetic impairments affecting a victim correspond or is comparable to a situation described in one of the categories of severity set out in the Schedule of Permanent Functional and Esthetic Impairments (Appendix I);

(2) The provisions of Division III when the victim has no permanent impairments or the severity of the impairments is insufficient to entitle the victim to lump-sum compensation under the provisions of Division II;

(3) The provisions of Division IV when the victim dies.

DIVISION II NON-PECUNIARY DAMAGE IN THE EVENT OF PERMANENT IMPAIRMENTS

3. Any functional or esthetic impairment is considered permanent when examinations and accepted medical knowledge do not point to any significant foreseeable improvement or deterioration in the victim's condition in the short or medium term.

4. The evaluation of permanent impairments to functional or esthetic units must allow for the determination as warranted of functional limitations, functional restrictions, and esthetic changes affecting the victim as well as the importance of these impairments in relation to the situations described in the categories of severity provided in Appendix I. Deterioration that may occur in the long term must not be taken into consideration. In the event of such deterioration, a new evaluation will determine any increase in impairment.

The evaluation of permanent impairments must be performed in accordance with the guidelines provided in Appendix I and the result must be explainable by accepted medical knowledge supported by the objective findings found on clinical examination.

5. The category of severity of an esthetic or functional unit impairment is determined by the situation having the maximum impact among the situations that correspond to the result of the evaluation of the permanent impairments.

When the evaluation of permanent impairments reveals situations that are not described in any of the categories of severity, they are compared to similar situations listed therein whose severity is equivalent in terms of the after-effects experienced in daily life such as loss of enjoyment of life, mental suffering, pain, and other consequences.

Only one category of severity may be assigned for each unit impairment and the percentage corresponding to that category may only be awarded once.

6. Non-pecuniary damage is evaluated as follows:

(1) In the event of functional impairments

(a) Identify the functional units listed in Appendix I that are permanently impaired;

(b) Determine for each functional unit identified the category of severity that best represents the victim's situation and the corresponding percentage. Any injury or illness that occurs subsequent to the accident and that is unrelated thereto is not taken into consideration;

(c) If the case arises, determine a percentage for a bilateral impairment of the upper limbs:

i. Identify the right and left functional units that are permanently impaired. Only the functional units "Ability to Move and Maintain the Position of Upper Limbs" and "Manual Dexterity" are taken into consideration. There must be at least one permanent impairment that is related to the accident and that is sufficiently serious to correspond to a category of severity;

ii. Determine for each functional unit identified the category of severity that best represents the victim's situation and the corresponding percentage. Any functional unit impairments related to the accident or present prior to the accident and sufficiently serious to correspond to a category of severity are taken into consideration. Impairments that occur subsequent to the accident and that are unrelated thereto are not taken into consideration;

iii. Apply the following calculation method:

Sum of the % of the two functional units on the left side	+	Sum of the % of the two functional units on the right side	=	Retained percentage for a bilateral impairment
8				

The minimum is 0.5% and the maximum is the sum of the percentages of the two functional units on the least-impaired side. When the retained percentage includes decimals, only the first is kept. When the decimal is between 1 and 4, it is increased to 5; when it is between 6 and 9, the result is rounded up to the next full percentage.

(d) In cases where the victim was impaired prior to the accident

i. Determine for each functional unit identified the category of severity that best represents the situation prior to the accident and the corresponding percentage;

ii. Determine the percentage for the bilateral impairment to the upper limbs prior to the accident;

In each case, the retained percentage in relation to the accident is the difference between the percentage corresponding to the victim's situation as determined by the evaluation and the percentage corresponding to the victim's situation prior to the accident.

(2) In the event of esthetic impairments:

(a) Identify the esthetic units listed in Appendix I that are permanently impaired;

(b) Determine for each esthetic unit identified the category of severity that best represents the victim's situation in relation to the accident and the corresponding percentage.

In cases where several percentages have been calculated, an overall percentage is determined using the following method:

(1) The highest percentage is applied to 100%:

$$[100\%] \times [\text{the highest } \%] = A\% ;$$

(2) The second highest percentage is applied to the remainder, which is the difference between 100% and the highest percentage:

$[100\% - A\%] \times [\text{the second highest } \%] = B\%$. (If the percentage obtained has more than two decimals, only the first two are retained and the second decimal is rounded up one unit when the third is greater than 4.)

(3) The other percentages are applied in the same way to the successive remainders, beginning with the highest:

$[100\% - (A\% + B\%)] \times [\text{the third highest \%}] = C\%$.
(If the percentage obtained has more than two decimals, only the first two are retained and the second decimal is rounded up one unit when the third is greater than 4.)

(4) The resulting percentages are then added up:

Overall % = A% + B% + C% + (...). When the result includes decimals, it is rounded up to the next full percentage.

7. The lump-sum compensation awarded to the victim for all non-pecuniary damage is the amount obtained by multiplying the percentage calculated in accordance with Section 6 by the amount of \$175 000 prescribed in section 73 of the Automobile Insurance Act, enacted by Section 15 of Chapter 22 of the Statutes of 1999.

DIVISION III NON-PECUNIARY DAMAGE IN THE EVENT OF INJURIES

8. When the victim does not suffer any permanent functional or esthetic impairment or the severity of the impairments is insufficient to entitle the victim to lump-sum compensation under the provisions of Division II, non-pecuniary damage is evaluated as follows:

(1) Identify the injuries listed in Appendix II that the victim sustained in the accident and determine their corresponding severity rating. For any injury not listed, assign the severity rating corresponding to a similar injury of equivalent severity;

(2) Determine the injury with the highest severity rating for each of the titles indicated in Appendix II;

(3) Add the square of the highest severity ratings among those previously identified up to a maximum of three ratings;

(4) Determine the category of severity using Table I;

The amount of lump-sum compensation awarded to the victim is the sum indicated in Table I for the corresponding category of severity determined. Category of severity b is the minimum required for compensation.

Table I

Result of Addition	Category of Severity	Amount of Compensation
1 to 8	a	\$0
9 to 15	b	\$300
16 to 24	c	\$500
25 to 35	d	\$800
36 and over	e	\$1,000

DIVISION IV NON-PECUNIARY DAMAGE IN THE EVENT OF DEATH

9. In the event of the death of the victim, lump-sum compensation for non-pecuniary damage is determined in accordance with:

(1) The provisions of Division II when the victim dies more than 12 months after the accident and permanent impairments sufficiently serious to correspond to a category of severity were medically foreseeable. Compensation is calculated on the basis of the impairments that the victim would have probably suffered on a permanent basis;

(2) The provisions of Division III:

(a) When the victim dies more than 24 hours after the accident but within 12 months thereof;

(b) When the victim dies more than 12 months after the accident and it was medically foreseeable that no permanent functional or esthetic impairment would have been suffered or that the severity of the impairments would have been insufficient to entitle the victim to lump-sum compensation under the provisions of Division II.

DIVISION V FINAL PROVISIONS

10. This regulation replaces the Regulation respecting lump-sum compensation for non-pecuniary damage made by Order in Council number 1333-99 dated 1 December 1999.

11. This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

APPENDIX I

(s. 2,4 and 6)

SCHEDULE OF PERMANENT FUNCTIONAL AND ESTHETIC IMPAIRMENTS

FUNCTIONAL UNITS

1. Mental function
2. State of consciousness
3. Cognitive aspect of language
4. The functions of the visual system are composed of two units :
 - 4.1. Vision
 - 4.2. Ancillary functions of the visual system
5. The functions of the auditory system are composed of two units :
 - 5.1. Hearing
 - 5.2. Ancillary functions of the auditory system
6. Taste and smell
7. Skin sensitivity is composed of seven units :
 - 7.1. Skin sensitivity of the skull and face
 - 7.2. Skin sensitivity of the neck
 - 7.3. Skin sensitivity of the trunk and genital organs
 - 7.4. Skin sensitivity of the right upper limb
 - 7.5. Skin sensitivity of the left upper limb
 - 7.6. Skin sensitivity of the right lower limb
 - 7.7. Skin sensitivity of the left lower limb
8. Clinical pictures of balance disorders
9. Phonation
10. Mimic
11. Ability to move and maintain the position of head
12. Ability to move and maintain the position of trunk
13. Ability to move and maintain the position of upper limbs is composed of two units :
 - 13.1. Ability to move and maintain the position of right upper limb
 - 13.2. Ability to move and maintain the position of left upper limb
14. Manual dexterity (prehension and manipulation) is composed of two units :
 - 14.1. Right manual dexterity
 - 14.2. Left manual dexterity

15. Locomotion
16. Protection provided by the skull
17. Protection provided by the rib cage and abdominal wall
18. Nasopharyngeal respiration
19. The digestive functions are composed of four units :
 - 19.1. Ingestion (chewing and swallowing including prehension and salivation)
 - 19.2. Digestion and absorption
 - 19.3. Excretion
 - 19.4. Hepatic and biliary functions
20. Cardio-respiratory function
21. The urinary functions are composed of two units :
 - 21.1. The renal function
 - 21.2. Micturition
22. The genito-sexual functions are composed of three units :
 - 22.1. Genital Sexual Activity
 - 22.2. Procreation
 - 22.3. Termination of Pregnancy
23. Endocrine, hematological, immune, and metabolic functions
24. Clinical pictures of paraplegia and quadriplegia

ESTHETIC UNITS

25. There are eight esthetic units :
 - 25.1. Esthetic of the skull and scalp
 - 25.2. Esthetic of the face
 - 25.3. Esthetic of the neck
 - 25.4. Esthetic of the trunk and genital organs
 - 25.5. Esthetic of the right upper limb
 - 25.6. Esthetic of the left upper limb
 - 25.7. Esthetic of the right lower limb
 - 25.8. Esthetic of the left lower limb

1. THE MENTAL FUNCTION

The various dimensions of the mental function have an impact on all activities of daily living.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. Evaluation must take into account the following criteria for determining the overall impact of an impairment of the mental function on daily life :

- The degree of independence and social functioning evaluated on the basis of the need to turn to compensating strategies, technical aids, or human surveillance and/or assistance
- The importance of the impact of a cognitive disorder on the performance of activities of daily living
- The importance of the impact of affective or mental disorders on the performance of activities of daily living evaluated using the “Global Assessment of Functioning Scale” proposed by the American Psychiatric Association.

GLOBAL ASSESSMENT OF FUNCTIONING (GAF)*

100 91	Superior functioning in a wide range of activities, life’s problems never seem to get out of hand, is sought out by others because of his or her many positive qualities. No symptoms.
90 81	Absent or minimal symptoms (e.g., mild anxiety before an exam), good functioning in all areas, interested and involved in a wide range of activities, socially effective, generally satisfied with life, no more than everyday problems or concerns (e.g., an occasional argument with family members).
80 71	If symptoms are present, they are transient and expectable reactions to psychosocial stressors (e.g., difficulty concentrating after family argument), no more than slight impairment in social, occupational, or school functioning (e.g., temporarily falling behind in schoolwork).
70 61	Some mild symptoms (e.g., depressed mood and mild insomnia) OR some difficulty in social, occupational, or school functioning (e.g., occasional truancy, or theft within the household), but generally functioning pretty well, has some meaningful interpersonal relationships.
60 51	Moderate symptoms (e.g., flat affect and circumstantial speech, occasional panic attacks) OR moderate difficulty in social, occupational, or school functioning (e.g., few friends, conflicts with peers or co-workers).
50 41	Serious symptoms (e.g., suicidal ideation, several obsessional rituals, frequent shoplifting) OR any serious impairment to social, occupational, or school functioning (e.g., no friends, unable to keep a job).
40 31	Some impairment in reality testing or communication (e.g., speech is sometimes illogical, obscure, or irrelevant) OR major impairment in several areas, such as work or school, family relations, judgment, thinking, or mood (e.g., depressed man avoids friends, neglects family, and is unable to work; child frequently beats up younger children, is defiant at home, and is failing at school).
30 21	Behavior is considerably influenced by delusions or hallucinations OR serious impairment in communication or judgment (e.g., sometimes incoherent, acts grossly inappropriately, suicidal preoccupation) OR inability to function in almost all areas (e.g., stays in bed all day; no job, home, or friends).

- 20 | Some danger of hurting self or others (e.g., suicide attempts without clear expectation of death; frequently violent; manic excitement) OR occasionally fails to maintain minimal personal hygiene (e.g., smears feces)
11 | OR gross impairment in communication (e.g., largely incoherent or mute).
- 10 | Persistent danger of severely hurting self or others (e.g., recurrent violence) OR persistent inability to
1 | maintain minimal personal hygiene OR serious suicidal act with clear expectation of death.

* American Psychiatric Association: *Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV), 4th Edition, Washington, DC, 1994, p. 32

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	If symptoms are present, they have no significant impact on personal and social functioning. The after-effects of the permanent impairment are less than those that would result from the situations described for category of severity 1.
SEVERITY 1 2%	Affective or mental disorders that affect personal and social functioning and that are between 71 and 80 on the “Global Assessment of Functioning Scale”; or Regular and permanent need to take prescription medication that may cause side effects.
SEVERITY 2 5%	Affective or mental disorders that affect personal and social functioning and that are between 61 and 70 on the “Global Assessment of Functioning Scale”; or Minor cognitive impairment such as shorter attention span while performing complex tasks, occasionally combined with fatigability. The difficulties experienced require slight changes in the organization of activities.
SEVERITY 3 15%	Affective or mental disorders that affect personal and social functioning and that are between 51 and 60 on the “Global Assessment of Functioning Scale”; or Slight cognitive impairment such as attention, memory, or learning difficulties, occasionally combined with fatigability. The impairment is severe enough to affect the organization and performance of complex tasks such as making important decisions. The difficulties experienced require significant changes in the organization of activities and may necessitate human surveillance or assistance.
SEVERITY 4 35%	Affective or mental disorders that affect personal and social functioning and that are between 41 and 50 on the “Global Assessment of Functioning Scale”; or Moderate cognitive impairment such as attention, memory or learning difficulties, or reduced judgment, often combined with fatigability. The impairment is severe enough to affect the performance of routine tasks such as the planning of daily domestic activities (meals, housework, purchases). The difficulties experienced require a reorganization in the organization of activities and necessitate human surveillance or assistance.

SEVERITY 5 70%	Affective or mental disorders with major disruption of personal and social functioning, altered sense of reality; or Cognitive impairment severe enough to prevent the performance of simple routine tasks. The person can only be left alone for short periods.
SEVERITY 6 100%	The person is totally or almost totally dependent on human assistance for the performance of most activities of daily living. Protective measures may be necessary such as a protected environment, confinement, restraint.

2. STATE OF CONSCIOUSNESS

Consciousness is the faculty that makes a person aware and able to judge his or her own reality. Permanent impairments to the state of consciousness can show up as episodic disorders such as epilepsy, lipothymia, or fainting, or as ongoing disorders such as stupor, coma, or a chronic vegetative state.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. Impacts on other functional units, such as incontinence during an epileptic seizure, are taken into account in this unit.

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment are less than those resulting from the situation described in Severity 1.
SEVERITY 1 5%	Disturbances to the state of consciousness that slightly interfere with daily activities. Medication, which may have possible side effects, is necessary to keep conditions such as epilepsy under control. Response to medical treatment is adequate and sufficient to allow the patient to drive a car.
SEVERITY 2 15%	Disturbances to the state of consciousness that moderately interfere with daily activities. Response to medical treatment is sufficient to allow the patient to remain independent but not to perform tasks that could endanger his or her safety or that of others, such as driving a car.
SEVERITY 3 30%	Disturbances to the state of consciousness that significantly interfere with daily activities. The severity of the seizures in terms of their intensity (type), frequency despite medication, and circumstances (trigger, timing) justifies the regular intervention of another person (surveillance or assistance). However, the patient remains sufficiently independent to retain a certain level of social interaction.
SEVERITY 4 60%	Impairments to the state of consciousness that severely interfere with daily activities. Autonomy and social interactions are reduced to a minimum.
SEVERITY 5 100%	Total absence of interpersonal relationships, such as in a chronic vegetative state, making the person completely dependent on another person and on medical support.

3. COGNITIVE ASPECT OF LANGUAGE

The cognitive aspect of language refers to the mental ability to understand and produce oral and written language. Examples of impairments include dysphasia, aphasia, alexia, agraphia, and acalculia.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. The evaluation must take into account the following abilities in order to determine the overall impact on daily life:
 - Expressing oneself in speech
 - Expressing oneself in writing
 - Expressing oneself with gestures or expressions
 - Naming or describing objects
 - Spelling
 - Understanding verbal and nonverbal language
 - Reading with understanding
 - Understanding spoken or written directions
 - Repeating

Depending on the circumstances, the evaluation of functional impairments may be documented using any other relevant examination.

3. Peripheral sensory or motor impairments that may interfere with understanding and/or the mechanical expression of language must not be evaluated using the rules provided under this unit but using the rules provided in the functional units that specifically deal with the observed impacts.

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment are less than those resulting from the situation described in Severity 1.
SEVERITY 1 5%	Occasional trouble with word recall in written or spoken language.
SEVERITY 2 20%	Frequent word substitutions or deformations (paraphasia), or Difficulty in understanding long, complex sentences or abstract or figurative language.
SEVERITY 3 40%	Serious difficulty with writing (dysgraphia); or Difficulty in understanding simple sentences.
SEVERITY 4 70%	Major problems in understanding combined with difficulties with expression that make conversation very arduous.
SEVERITY 5 100%	Understanding is virtually or totally nonexistent and the person is completely incapable of expressing thoughts in language.

4. FUNCTIONS OF THE VISUAL SYSTEM

The function of the visual system is to put people in contact with the outside world by means of light.

The functions of the visual system are composed of two functional units.

4.1. Vision

4.2. Ancillary Functions of the Visual System

- Protection
- Eye lubrication
- Light sensitivity, photophobia, accommodation, convergence, color perception, etc

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. Reading difficulties related to a cognitive impairment must not be evaluated using to the rules provided in this unit but using the rules provided in the functional unit “Cognitive Aspect of Language”.
3. Specific guidelines are given at the beginning of each functional unit.

4.1. VISION

Specific Guidelines

The evaluation is conducted in four steps.

STEP 1: Evaluation of the three components required for optimal vision

A) Procedure to determine the retained percentages of central visual acuity for distance and close-up vision

- Central visual acuity is measured for each eye using the best optical correction that can be comfortably tolerated and that is acceptable for distance and close-up vision.
- The retained percentage of visual acuity for each eye, which is entered on the form for calculating the efficiency percentage for each eye in Step 2, is obtained using the following table:

RETAINED PERCENTAGE OF CENTRAL VISUAL ACUITY

Distance Vision (meters)	Close-up 0.4 M	0.5 M	0.6 M	0.8 M	1 M	1.25 M	1.6 M	2 M	2.5 M	3.2 M	4 M
	Vision										
6 / 4.5	100*	100	97	95	75	70	60	57	55	52	51
	50**	50	48	47	37	35	30	28	27	26	25
6 / 6	100	100	97	95	75	70	60	57	54	52	51
	50	50	48	47	37	35	30	28	27	26	25
6 / 7.5	97	97	95	92	72	67	57	55	52	50	48
	48	48	47	46	36	33	28	27	26	25	24

Distance Vision (meters)	Close-up Vision	0.4 M	0.5 M	0.6 M	0.8 M	1 M	1.25 M	1.6 M	2 M	2.5 M	3.2 M	4 M
6 / 9		95	95	92	90	70	65	55	52	50	47	46
		47	47	46	45	35	32	27	26	25	24	23
6 / 12		92	92	90	87	67	62	52	50	47	45	43
		46	46	45	43	33	31	26	25	23	22	21
6 / 15		87	87	85	82	62	57	47	45	42	40	38
		43	43	42	41	31	28	23	22	21	20	19
6 / 18		84	84	82	78	59	54	44	41	39	36	35
		42	42	41	39	30	27	22	21	19	18	17
6 / 21		82	82	79	77	57	52	42	39	37	35	33
		41	41	39	38	28	26	21	21	18	17	16
6 / 24		80	80	77	75	55	50	40	37	35	32	31
		40	40	38	37	27	25	20	18	17	16	15
6 / 30		75	75	72	70	50	45	35	32	30	27	26
		37	37	36	35	25	22	17	16	15	13	13
6 / 36		70	70	67	65	45	40	30	27	25	22	21
		35	35	33	32	22	20	15	13	12	11	10
6 / 45		66	66	63	61	41	36	26	23	21	18	17
		33	33	32	30	20	18	13	12	10	9	8
6 / 60		60	60	57	55	35	30	20	17	15	12	11
		30	30	28	27	17	15	10	9	7	6	5
6 / 90		57	57	55	52	32	27	17	15	12	10	8
		38	38	27	26	16	13	9	7	6	5	4
6 / 120		55	55	52	50	30	25	15	12	10	7	6
		27	27	26	25	15	12	7	6	5	3	3
6 / 240		52	52	50	47	27	22	12	10	7	5	3
		26	26	25	23	13	11	6	5	3	2	1

* Upper value: retained percentage of central visual acuity in the absence of monocular aphakia

** Lower value: retained percentage of central visual acuity with allowance for monocular aphakia

B) Procedure to determine the retained percentage of the visual field for each eye

- The extent of the visual field is determined using the usual perimetric methods. The conventional standard is the III-4e kinetic stimulus of the Goldman perimeter. The IV-4e stimulus should be used with a person with an aphakic eye corrected with prescription glasses and not contact lenses.

- The index finger or target is brought from the periphery to the visual field, i.e., from the unseen to the seen. The peripheral field is measured for each meridian. If the measurement differs from the clinical result, a second measurement that agrees with the first within 15° should be obtained. The result is recorded on an ordinary visual field chart for each of the eight principal meridians separated from one another by 45°. The meridians and the normal extent of the visual field from the point of fixation are recorded on the visual field chart shown in Diagram 1.

Where there is a deficit in a quadrant or a half field, or any other anomaly, the measurement will be the average of the values for the two adjacent meridians.

- The retained percentage of the visual field, which is entered on the form for calculating the percentage of visual field efficiency of each eye in Step 2, is obtained using the following formula:

$$\frac{\text{Total retained degrees}^*}{\text{Number of degrees prior to the accident}^{**}} \times 100 = \text{retained \% of visual field}$$

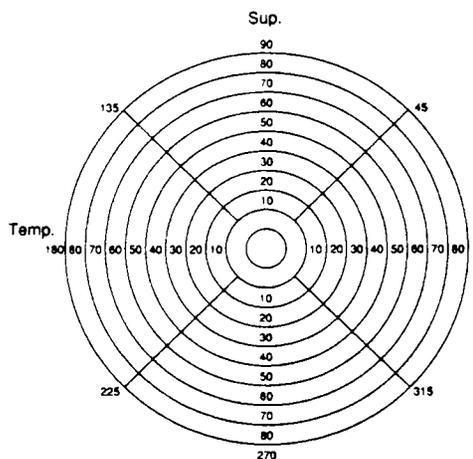
* Sum of retained degrees for the eight principal meridians shown in Diagram 1 (for the III-4e isopter)

** The extent of the visual field prior to the accident can vary depending on the person and on age. For the impaired eye, the extent of the visual field prior to the accident is determined by comparison with the other eye, if it is healthy. Where the contra lateral eye is not healthy, the normal value is presumed to be 500.

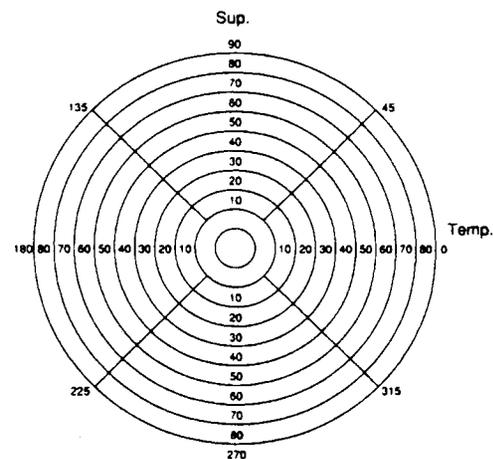
DIAGRAM 1

VISUAL FIELDS

LEFT EYE



RIGHT EYE

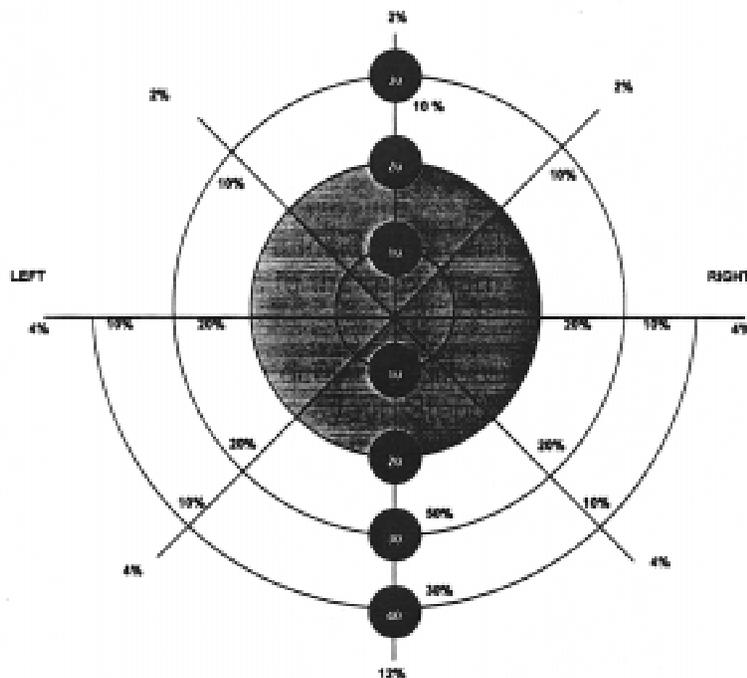


C) Procedure to determine the retained percentage of ocular motility

- The extent of the diplopia when the person looks in various directions is determined using the best correction possible (prism) comfortably tolerated and that is acceptable, but without colored lenses.
- The evaluation is conducted using a small test light or Goldman perimeter III-4e stimulus at 330 mm or any campimeter at 1 meter from the eye of the person.
- Results for image separation when the person looks in various directions are recorded on a visual field chart (Diagram 2) for each of the eight principal meridians.
- In the case of an impairment outside the central 20°, total percentage loss of ocular motility is calculated by adding the percentages of loss indicated in Diagram 2 corresponding to the separation of the two images as evaluated by the examination, up to a maximum of 92%.
- In the case of an impairment inside the central 20°, total percentage loss of ocular motility corresponds to the maximum of 92%.
- The retained percentage of ocular motility entered on the form to calculate the efficiency percentage of each eye in Step 2 is obtained by subtracting the percentage of loss from 100%. The result is applied to the eye with the greatest impairment. The other eye is attributed a normal value, i.e., 100%.

DIAGRAM 2

PERCENTAGE LOSS OF OCULAR MOTILITY



Loss of ocular motility

- Inside the central 20° equals 92%
- Outside the central 20° equals the sum of the percentages up to a maximum of 92 % for the meridians where a separation of images has been noted

STEP 2: Determination of the Percentage of Efficiency of Each Eye

	Retained %* of Visual Acuity	X	Retained %* of Visual Field	X	Retained %* of Ocular Motility**	=	% of Efficiency of Eye
Right Eye	_____	X	_____	X	_____	=	_____
Left Eye	_____	X	_____	X	_____	=	_____

* The retained percentages are those noted in the examination of the three components and calculated in Step 1.

** For calculation purposes, the retained percentage of ocular motility calculated in Step 1 is only applied to the most seriously impaired eye. The other eye is assigned an ocular motility value of 100%.

STEP 3: Determination of the Percentage of Visual Efficiency

% of Efficiency* of Better Eye		% of Efficiency* of Other Eye		% of Efficiency of Vision
(_____ X 3)	+	_____	=	_____
		4		

* The efficiency percentages for each eye are those obtained in Step 2.

STEP 4: Determination of the Percentage of Functional Loss of Vision

Normal Vision		% of Efficiency of Vision*		% of Functional Loss of Vision
100%	-	_____	=	_____

* The vision efficiency percentage is that obtained in Step 3.

For compensation purposes, the category of severity corresponds to the percentage of functional loss of vision. The result is rounded up to the nearest 0.5% or higher unit, with a maximum of 85%.

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment are less than those resulting from the situation described in Severity 0.5.
SEVERITY 0.5 0.5%	Inconvenience due to wearing a corrective device to provide normal vision Compensation in this category of severity is only awarded if the person was not wearing a corrective device prior to the accident.
SEVERITY 1 TO 85 1 TO 85%	Inconvenience due to a permanent impairment to vision that cannot be fully corrected with a corrective device (glasses, prisms, contact lenses). The category of severity corresponds to the extent of functional loss of vision as determined by an ophthalmologic evaluation. It varies from 1 to a maximum of 85.

4.2. ANCILLARY FUNCTIONS OF THE VISUAL SYSTEM

Specific Guidelines

1. Loss of accommodation and photophobia experienced by a person with an aphakic eye are already included in the visual acuity calculation in Step 1A of 4.1. (see Retained Percentage of Central Visual Acuity) and are not eligible for a category of severity in this section.

2. Fusion anomalies and convergence insufficiencies experienced by a person diagnosed with ocular motility impairments are already included in the ocular motility calculation in Step 1C of 4.1. and are not eligible for a category of severity in this section.

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment are less than those resulting from the situations described in Severity 1.
SEVERITY 1 1%	Slight photosensitivity or photophobia requiring, among other things, the wearing of sunglasses, such as with maculopathy, or corneal, pupillary or ocular media impairment, or Slight loss of accommodation ; or Color vision disorder ; or Slight fusion anomaly or slight paralysis of convergence, such as with decompensated, nonreducible, and occasionally symptomatic anterior heterophoria ; or Slight unilateral or bilateral intermittent lacrimation ; or Slight palpebral ptosis ; or Justification for therapeutic measures resulting in minor inconvenience such as having to take regular medication.

SEVERITY 2 3%	<p>Moderate photophobia that requires, among other things, the wearing of sunglasses, such as with maculopathy, or corneal, pupillary, or ocular media impairment;</p> <p>or Moderate or significant loss of unilateral or bilateral accommodation;</p> <p>or Moderate fusion anomaly or moderate paralysis of convergence, such as with decompensated, nonreducible, and daily symptomatic anterior heterophoria;</p> <p>or Paralysis of conjugate upward gaze;</p> <p>or Frequent unilateral or bilateral lacrimation;</p> <p>or Marked palpebral ptosis;</p> <p>or Superficial punctate keratitis.</p>
SEVERITY 3 5%	<p>Significant photophobia, such as with nonreactive mydriasis;</p> <p>or Complete paralysis of accommodation in one eye, such as with pseudophakia;</p> <p>or Lacrimation caused by complete stenosis of one inferior caniculus;</p> <p>or Moderate keratitis requiring frequent lubrication.</p>
SEVERITY 4 10%	<p>Maximum photophobia, such as with the loss of the iris;</p> <p>or Complete paralysis of accommodation in both eyes;</p> <p>or Complete paralysis of convergence;</p> <p>or Paralysis of conjugate downward or lateral gaze;</p> <p>or Severe and persistent unilateral or bilateral keratitis despite treatment;</p> <p>or Lacrimation caused by complete stenosis of the inferior caniculi of both eyes.</p>

5. FUNCTIONS OF THE AUDITORY SYSTEM

The function of the auditory system is to put people in contact with the outside world by means of sound (words, music, background noise, etc.).

The functions of the auditory system are composed of two functional units.

5.1. Hearing

5.2. Ancillary Functions of the Auditory System

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. Balance disorders and understanding difficulties related to a cognitive disorder must not be evaluated using the rules provided in this unit but using the rules provided in the functional units "Clinical Pictures of Balance Disorders" and "Cognitive Aspect of Language".
3. Specific guidelines for evaluating auditory impairments are given at the beginning of 5.1.

5.1. HEARING

Specific Guidelines

The evaluation is conducted in three steps:

STEP 1: Determination of the average hearing threshold for each ear (tonal audiometry) and of the factor of severity of the binaural impairment

A) Determination of the average hearing threshold for each ear (tonal audiometry)

The hearing threshold for each ear is evaluated by tonal audiometry without a hearing aid. The frequencies used are 500, 1,000, 2,000, and 4,000 hertz (Hz).

For calculation purposes, the maximum hearing threshold for a given frequency is set at 100 dB.

The average hearing threshold for each ear is obtained using the calculation method given below. For results above 25 dB, the average hearing threshold is rounded up or down to the nearest multiple of 5.

CALCULATION OF AVERAGE HEARING THRESHOLDS

	500 Hz	1,000 Hz	2,000 Hz	4,000 Hz		Average Hearing Threshold	Rounded Average (dB)
Right Ear	_____	+ _____	+ _____	+ _____	=	_____ ÷ 4 = _____	➔ _____
Left Ear	_____	+ _____	+ _____	+ _____	=	_____ ÷ 4 = _____	➔ _____

B) Determination of the factor of severity of the binaural impairment

The rounded averages obtained for each ear are entered in the table below to obtain the factor of severity.

The rounded average for a given ear must be 25 dB or more to entitle a person to compensation.

FACTORS OF SEVERITY FOR BINAURAL IMPAIRMENT

Rounded Average (dB) for Each Ear	< 25	25	30	35	40	45	50	55	60	65	≥ 70
< 25	NA	0.5	0.5	1	1.5	2.5	4.5	6.5	8	8.5	9
25	0.5	1.5	1.5	2	2.5	3.5	5.5	7.5	9	9.5	10
30	0.5	1.5	3	3.5	4	5	7	9	10.5	11	11.5
35	1	2	3.5	6	6.5	7.5	9.5	11.5	13	13.5	14
40	1.5	2.5	4	6.5	9	10	12	14	15.5	16	16.5
45	2.5	3.5	5	7.5	10	15	17	19	20.5	21	21.5
50	4.5	5.5	7	9.5	12	17	27	29	30.5	31	31.5
55	6.5	7.5	9	11.5	14	19	29	39	40.5	41	41.5
60	8	9	10.5	13	15.5	20.5	30.5	40.5	48	48.5	49
65	8.5	9.5	11	13.5	16	21	31	41	48.5	51	51.5
≥ 70	9	10	11.5	14	16.5	21.5	31.5	41.5	49	51.5	54

STEP 2: Determination of auditory discrimination for each ear (vocal audiometry) and of the adjustment factor

The percentages of auditory discrimination for each ear are obtained by vocal audiometry and entered in the table below to obtain the adjustment factor.

ADJUSTMENT FACTOR

% of Auditory Discrimination for Each Ear	90 to 100	70 to 89	50 to 69	< 50
90 to 100	0	1	2	3
70 to 89	1	2	3	4
50 to 69	2	3	4	5
< 50	3	4	5	6

STEP 3: Determination of the category of severity

The category of severity for auditory impairment is the sum of the factor of severity from Step 1 and the adjustment factor from Step 2.

Factor of Severity (Step 1)	Adjustment Factor (Step 2)	Category of Severity
_____ +	_____ =	_____

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment are less than those resulting from the situation described in Severity 0,5.
SEVERITY 0.5 TO 60	Inconvenience due to a permanent hearing loss.
0.5 TO 60%	The category of severity corresponds to the extent of functional hearing loss determined by an audiological evaluation. It varies from 0.5 to a maximum of 60.

5.2. ANCILLARY FUNCTIONS OF THE AUDITORY SYSTEM

CATEGORIES OF SEVERITY

Inconveniences experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment are less than those resulting from the situations described in Severity 1.
SEVERITY 1	Frequent or intense tinnitus* but with no significant effect on sleep ;
2%	or Medical necessity for preventive, palliative, or therapeutic measures that cause inconvenience, such as swimming forbidden because of a tympanic perforation.
SEVERITY 2	Recurring otorrhea due to tympanic perforation ;
3%	or Frequent irritation and infections, such as with external auditory canal stenosis ; or Frequent, episodic exacerbations, such as with cholesteatoma.
SEVERITY 3	Tinnitus* sufficiently frequent and intense to compromise sleep on a regular basis.
5%	

* Tinnitus being a subjective phenomena, it is considered for compensation purposes only if its occurrence, intensity and consequences have regularly been documented since the accident.

6. TASTE AND SMELL

Taste is the sensory function that provides people with information on the physical and chemical characteristics of food. It allows them to determine what is sweet, salty, bitter, or sour.

Smell is the sensory function that lets people distinguish odors. It determines whether odors are pleasant or unpleasant and helps people appreciate the flavor of food. In conjunction with the trigeminal system, it also provides a protection function by detecting potentially dangerous chemical substances.

Since they are closely related, taste and smell are considered as a single functional unit.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. Evaluating taste includes semi-objective chemical testing of the four basic sensations : sweet, salty, bitter, and sour.
3. Evaluating smell includes subjective sniff tests complemented by the following semi-objective methods :
 - Verification of the olfacto-respiratory reflex by testing the reaction to strong odors that normally cause reflex blockage of inhalation
 - Verification of trigeminal sensitivity by testing the reaction to irritating substances (vinegar, ammonia)

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following situations :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as partial loss of taste or smell, are less than those resulting from the situation described in Severity 1.
SEVERITY 1 3%	Perception of unpleasant or inappropriate taste or odors (dysgueusia, cacosmia, parosmia) that may interfere with daily activities.
SEVERITY 2 5%	Total loss of one of both functions with partial or total retention of the other.
SEVERITY 3 10%	Total loss of both functions : taste <u>and</u> smell.

7. SKIN SENSITIVITY

Skin sensitivity is the sensory function that puts people in contact with the outside world through skin contact. It allows them to explore the outside world and react to changes in the environment (warning and protection function).

Skin sensitivity is composed of seven functional units, each representing a separate region of the body :

- 7.1. Skin Sensitivity of Skull and Face**
- 7.2. Skin Sensitivity of Neck**
- 7.3 Skin Sensitivity of Trunk and Genital Organs**
- 7.4. Skin Sensitivity of Right Upper Limb**
- 7.5. Skin Sensitivity of Left Upper Limb**
- 7.6. Skin Sensitivity of Right Lower Limb**
- 7.7. Skin Sensitivity of Left Lower Limb**

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. Skin sensitivity impairment resulting from paraplegia or quadriplegia must not be evaluated using the rules provided in this chapter but using to the rules provided in the functional unit “Clinical Pictures of Paraplegia and Quadriplegia.”
3. The anatomical boundaries used to separate contiguous parts of the body are the following :

➤➤ Skull

Region inside the normal, usual hairline. In the presence of baldness, the anatomical boundary corresponds to what would have been the normal hairline.

➤➤ Face

Region defined by the anatomical boundaries of the skull and neck.

Lips area: Upper boundary is the base of the nose defined by the alae of the nose and the columella.

Lateral boundaries are the nasolabial creases

Lower boundary is the labiomenthal crease

➤➤ Neck

Upper boundary: line following the lower part of the body of the mandible, continuing along the vertical rami to the temporomandibular joints and then along the normal usual hairline

Lower boundary: line beginning at the jugular notch, continuing along the upper edge of the clavicle to the mid-point and then to the C7 spinous process

➤➤ Trunk and Genital Organs

Region defined by the anatomical boundaries of the neck, upper limbs, and lower limbs

➤➤ Upper Limb (upper boundary)

Circular line beginning at the apex of the armpit, extending backwards and forwards, and ending at the mid-point of the clavicle

➤➤ Lower Limb (upper boundary)

Line beginning at the median upper edge of the pubic symphysis, continuing obliquely to the antero-superior iliac spine, then along the upper edge of the iliac crest, and ending at the upper vertical boundary of the gluteal fold

7.1. SKIN SENSITIVITY OF SKULL AND FACE

(Including the buccal cavity, the gums, and the teeth)

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following:

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as a sensitivity impairment affecting an area of skin under 1 cm ² on the skull or the face (not including lips area), are less than those resulting from the situation described in Severity 1.
------------------------------------	---

SEVERITY 1	Sensitivity impairment affecting an area:
-------------------	---

1%	for the entire skull and face: between 1 and 25 cm ² ;
-----------	---

or	for the face: between 1 and 5 cm ² ;
-----------	---

or	for the lips area between: less than 1 cm ² ;
-----------	--

or	corresponding to one subdivision of the principal branches* of a trigeminal nerve
-----------	---

SEVERITY 2	Sensitivity impairment affecting an area :
3%	for the entire skull and face : more than 25 cm ² ; or for the face : greater than 5 cm ² up to 15 cm ² ; or for the lips area : between 1 and 5 cm ² ; or corresponding to two subdivisions of the principal branches* of a trigeminal nerve
SEVERITY 3	Sensitivity impairment affecting an area :
6%	for the face : greater than 15 cm ² up to 25% of the entire surface ; or for the lips area : greater than 5 cm ² up to 10 cm ² or corresponding to more than two subdivisions of the principal branches* of a trigeminal nerve
SEVERITY 4	Sensitivity impairment affecting an area :
10%	for the face : between 25% and 50% of the entire surface ; or for the lips area : greater than 10 cm ² ; or corresponding to a unilateral impairment of an entire trigeminal nerve
SEVERITY 5	Sensitivity impairment affecting an area greater than 50% of the entire surface of the face.
20%	

* The three principal branches of the trigeminal nerve are the ophthalmic, maxillary, and mandibular divisions.

7.2. SKIN SENSITIVITY OF NECK

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as a sensitivity impairment affecting an area of skin under 2 cm ² , are less than those resulting from the situation described in Severity 1.
SEVERITY 1	Sensitivity impairment affecting an area of skin equal to approximately 2 cm ² to 10 cm ² .
1%	
SEVERITY 2	Sensitivity impairment affecting an area of skin equal to approximately 10 cm ² to 25 cm ² .
2%	

SEVERITY 3 3%	Sensitivity impairment affecting an area of skin equal to approximately 25 cm ² or more up to 50% of the entire neck surface.
SEVERITY 4 5%	Sensitivity impairment affecting an area of skin greater than 50% of the entire neck surface.

7.3. SKIN SENSITIVITY OF TRUNK AND GENITAL ORGANS

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as a sensitivity impairment affecting an area of skin under 5 cm ² on the trunk or under 2 cm ² on the breasts (only applies to women) or genital organs, are less than those resulting from the situations described in Severity 1.
SEVERITY 1 1%	Sensitivity impairment affecting an area of skin approximately equal to 5 cm ² to 25 cm ² on the trunk, not including the breasts (only applies to women) and genital organs ; or 2 cm ² to 5 cm ² on the breasts (only applies to women) or genital organs.
SEVERITY 2 2%	Sensitivity impairment affecting an area of skin approximately equal to 25 cm ² to 100 cm ² on the trunk, not including the breasts (only applies to women) and genital organs ; or 5 cm ² to 25 cm ² on the breasts (only applies to women) or genital organs.
SEVERITY 3 4%	Sensitivity impairment affecting an area of skin approximately equal to 100 cm ² or more up to to 25% of the entire surface of the trunk, not including the breasts (only applies to women) and genital organs ; or greater than 25 cm ² on the breasts (only applies to women) or genital organs.
SEVERITY 4 7%	Sensitivity impairment affecting an area of skin approximately equal to 25% to 50% of the entire surface of the trunk.
SEVERITY 5 10%	Sensitivity impairment affecting an area of skin greater than 50% of the entire surface of the trunk.

7.4. SKIN SENSITIVITY OF RIGHT UPPER LIMB**7.5. SKIN SENSITIVITY OF LEFT UPPER LIMB****CATEGORIES OF SEVERITY**

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as a sensitivity impairment affecting an area of skin under 5 cm ² on the upper limb or under 1 cm ² on the hand, are less than those resulting from the situations described in Severity 1.
SEVERITY 1	Sensitivity impairment affecting an area of skin approximately equal to
1%	5 cm ² to 25 cm ² on the upper limb, not including the hand ; or 1 cm ² to 5 cm ² on the hand.
SEVERITY 2	Sensitivity impairment affecting an area of skin approximately equal to
3%	25 cm ² or more up to 25% of the entire surface of the upper limb, not including the hand ; or 5 cm ² or more up to 25% of the entire surface of the hand.
SEVERITY 3	Sensitivity impairment affecting an area of skin approximately equal to
5%	25% to 50% of the entire surface of the upper limb, not including the hand ; or 25% to 50% of the entire surface of the hand.
SEVERITY 4	Sensitivity impairment affecting an area of skin
8%	greater than 50% of the entire surface of the upper limb, not including the hand ; or greater than 50% of the entire surface of the hand.
SEVERITY 5	Sensitivity impairment affecting an area of skin greater than 50% of the entire surface of the <u>palm</u> .
10%	

7.6. SKIN SENSITIVITY OF RIGHT LOWER LIMB**7.7. SKIN SENSITIVITY OF LEFT LOWER LIMB****CATEGORIES OF SEVERITY**

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as a sensitivity impairment affecting an area of skin under 5 cm ² on the lower limb or under 2 cm ² on the sole of the foot, are less than those resulting from the situations described in Severity 1.
SEVERITY 1	Sensitivity impairment affecting an area of skin approximately equal to
1%	5 cm ² to 25 cm ² on the lower limb, not including the sole of the foot; or 2 cm ² to 5 cm ² on the sole of the foot.
SEVERITY 2	Sensitivity impairment affecting an area of skin approximately equal to
2%	25 cm ² to 100 cm ² on the lower limb, not including the sole of the foot; or 5 cm ² to 10 cm ² on the sole of the foot.
SEVERITY 3	Sensitivity impairment affecting an area of skin
4%	greater than 100 cm ² but less than 25% of the entire surface of the lower limb, not including the sole of the foot; or greater than 10 cm ² but less than 50% of the entire surface of the <u>sole of the foot</u> .
SEVERITY 4	Sensitivity impairment affecting an area of skin approximately equal to
6%	25% to 50% of the entire surface of the lower limb, not including the sole of the foot; or 50% or more of the entire surface of the <u>sole of the foot</u> .
SEVERITY 5	Sensitivity impairment affecting an area of skin greater than 50% of the entire surface of a lower limb.
8%	

8. CLINICAL PICTURES OF BALANCE DISORDERS

Balance is the sensory function that enables a person to keep his or her body in a stable position when in motion or at rest and to maintain a steady gaze with respect to head movements. It is controlled by the central nervous system, which combines and processes the visual, vestibular, and proprioceptive information required for appropriate motor responses.

For compensation purposes, all impacts related to balance disorders are presented under this single functional unit.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. Impacts on other functional units, such as locomotion impairments due to a balance disorder, are included in the categories of severity of this unit.

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment are less than those resulting from the situation described in Severity 1.
SEVERITY 1 2%	Regular but brief bouts of unsteadiness, dizziness, or vertigo that occur mainly during abrupt movements or changes of position but do not affect the ability to perform tasks of daily living. Regular therapeutic measures that may cause side effects are justified.
SEVERITY 2 5%	Regular bouts of unsteadiness, dizziness, or vertigo that occur despite therapeutic measures, such as difficulty walking (sensation of drunkenness), feeling of insecurity on uneven ground, in a crowd, or in the dark. The person can perform tasks of daily living but cannot take part in activities that could endanger his or her safety or that of others such as activities involving heights or ladders.
SEVERITY 3 15%	Regular bouts of unsteadiness, dizziness, or vertigo that occur despite therapeutic measures and whose severity makes it impossible to drive a car safely.
SEVERITY 4 30%	Regular bouts of unsteadiness, dizziness, or vertigo that occur despite therapeutic measures and whose severity makes the surveillance or assistance of another person necessary to perform many tasks of daily living. The person is still capable of independently performing simple tasks of daily living such as doing household chores or taking care of personal hygiene.
SEVERITY 5 60%	Regular bouts of unsteadiness, dizziness, or vertigo that occur despite therapeutic measures and whose severity makes the surveillance or assistance of another person necessary to perform most tasks of daily living. The person is still capable of taking care of personal hygiene.
SEVERITY 6 100%	Regular bouts of unsteadiness, dizziness, or vertigo that occur despite therapeutic measures and whose severity makes it impossible to stay upright. The person is confined to bed or a wheelchair, either at home or in an institution.

9. PHONATION

Phonation refers to the ability of mechanically producing vocal sounds that can be heard and understood and whose rate and flow can be maintained.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. The evaluation must take into account audibility, intelligibility, and flow quality.

- Audibility: Intensity of the voice
- Intelligibility: Quality of articulation and phonetic links
- Flow: Maintenance of rate and rhythm

3. Language disorders related to a cognitive impairment must not be evaluated using the rules provided in this chapter but using the rules provided in the functional unit “Cognitive Aspect of Language”.

CATEGORIES OF SEVERITY

Inconveniences experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment are less than those resulting from the situations described in Severity 1.	
SEVERITY 1	Minor but perceptible impairment to audibility, intelligibility, or flow ;	
1%	or	Change in speech timbre.
SEVERITY 2	Audibility:	Voice intensity is diminished but is sufficient to allow normal conversation ;
5%	or Intelligibility:	Some difficulties and inaccuracies but articulation is adequate for understanding ;
	or Fluidity:	Verbal flow is slow, hesitant, or interrupted but is adequate for normal conversation.
SEVERITY 3	Audibility:	Voice intensity quickly weakens. Close-up conversations are possible but difficult in noisy settings ;
10%	or Intelligibility:	Family and friends understand, but strangers find it difficult to understand and often ask the person to repeat ;
	or Fluidity:	Verbal flow is slow and hesitant enough to limit continuous speech to short periods.

SEVERITY 4 20%	<p>Audibility: Voice intensity is very weak, like whispering. Telephone conversations are impossible;</p> <p>or Intelligibility: Articulation is limited to pronouncing short, familiar words;</p> <p>or Fluidity: Verbal flow is very slow and arduous. Isolated words and short sentences can be spoken but continuous speech cannot be maintained.</p>
SEVERITY 5 30%	<p>Absence or almost total absence of vocal function.</p> <p>Speech is inaudible or incomprehensible.</p>

10. MIMIC

Mimic refers to the ability to produce facial expressions using neuromusculoskeletal structures.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment are less than those resulting from the situations described in Severity 1.
SEVERITY 1 1%	<p>Ability to produce facial expressions is slightly impaired such as with a partial and minor impairment to a branch of the facial nerve, or an equivalent impairment resulting from the loss of mimic muscle tissue;</p> <p>or Occasional involuntary movements, such as facial synkinesia.</p>
SEVERITY 2 3%	<p>Ability to produce facial expressions is impaired over an area equal to approximately one-quarter of the face such with a total impairment to a frontal or mandibular branch of the facial nerve, or with an equivalent impairment resulting from the loss of mimic muscle tissue;</p> <p>or Frequent involuntary movements, such as facial synkinesia;</p> <p>or Facial spasms.</p>
SEVERITY 3 7%	Ability to produce facial expressions is impaired over an area equal to approximately one-half of the face such as with a total unilateral impairment to a facial nerve or a partial bilateral impairment of the facial nerves, or an equivalent impairment resulting from the loss of mimic muscle tissue.
SEVERITY 4 12%	Ability to produce facial expressions is impaired over an area equal to approximately three-quarters of the face such with a complete unilateral impairment to the facial nerve combined to a partial contra lateral impairment, or an equivalent impairment resulting from the loss of mimic muscle tissue.
SEVERITY 5 15%	The ability to produce facial expressions is nonexistent or virtually nonexistent.

11. ABILITY TO MOVE AND MAINTAIN POSITION OF HEAD

The synergistic actions of anterior flexion, extension, lateral flexion and rotation of the neck make it possible to move and maintain the head in a stable position while performing numerous daily activities.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. The category of severity is determined by the situation with maximal impact, either the result of the overall weighted evaluation or any other situation described, including functional restrictions.
3. The overall weighted evaluation is performed in the event of a decrease of active mobilization.
 - a. The decrease in active mobilization is evaluated by measuring the maximum amplitudes of active movements obtained with optimal effort from the person being evaluated. The result must be consistent with the overall clinical evaluation. In the event of a discrepancy that cannot be explained with medically accepted knowledge, the passive movement measurement is used.
 - b. The normal limit of the amplitude of the movement is obtained by comparison with the equivalent contralateral movement, as required. When this cannot be done or when the contralateral movement is faulty, use conventional values generally accepted as normal for the age of the person.
 - c. For each movement, the importance of the loss is entered in the table. When, for a given movement, a result falls between two values, the closest value is used.

OVERALL WEIGHTED EVALUATION

	Active Mobilization of the Cervical Region					
	Anterior Flexion	Extension	Flexion to Left	Flexion to Right	Rotation to Left	Rotation to Right
Normal Limits (Normal \pm a few degrees)	0	0	0	0	0	0
Loss of approximately 25%	2	2	1	1	4	4
Loss of approximately 50%	6	6	3	3	8	8
Loss of approximately 75%	10	10	5	5	20	20
Loss of 90% or more	15	15	10	10	25	25

Total Overall Weighted Evaluation = _____ Points

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as the loss of a few degrees in the amplitude of movements without significant functional impact, are less than those resulting from the situation described in Severity 1.
SEVERITY 1 2%	The result of the overall evaluation of active mobilization capacity is between 1 and 10, indicating a slight difficulty with activities requiring moving and maintaining the position of the head.
SEVERITY 2 4%	The result of the overall evaluation of active mobilization capacity is between 11 and 20, indicating a moderate difficulty with activities requiring moving and maintaining the position of the head ; or Regular and permanent inconveniences due to a medical necessity to avoid activities requiring — Extended periods of immobilization of the head and neck ; or — Repetitive or frequent efforts that place significant strain on the neck.
SEVERITY 3 8%	The result of the overall evaluation of active mobilization capacity is between 21 and 40, indicating a significant difficulty with activities requiring moving and maintaining the position of the head ; or Regular and permanent inconveniences due to a medical necessity — To avoid activities requiring repetitive or frequent efforts equivalent to handling loads of 5 to 10 kg.
SEVERITY 4 15%	The result of the overall evaluation of active mobilization capacity is between 41 and 60, indicating a severe difficulty with activities requiring moving and maintaining the position of the head.
SEVERITY 5 30%	The result of the overall evaluation of active mobilization capacity is greater than 60. Capacity to move or maintain the position of the head is nonexistent or virtually nonexistent.

12. ABILITY TO MOVE AND MAINTAIN POSITION OF TRUNK

The synergistic actions of anterior flexion, extension, lateral flexion, and rotation of the dorsal, lumbar, and sacral regions make it possible to move and maintain the trunk in a stable position while performing numerous daily activities.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. Impacts on the ability to move and maintain the position of the trunk resulting from paraplegia or quadriplegia must not be evaluated using the rules provided in this unit but using the rules provided in the functional unit "Clinical Pictures of Paraplegia and Quadriplegia."
3. The category of severity is determined by the situation with maximal impact, either the result of the overall weighted evaluation or any other situation described, including functional restrictions.
4. The overall weighted evaluation is performed in the event of a decrease of active mobilization.
 - a. The decrease in active mobilization is evaluated by measuring the maximum amplitudes of active movements obtained with optimal effort from the person being evaluated. The result must be consistent with the overall clinical evaluation. In the event of a discrepancy that cannot be explained with medically accepted knowledge, the passive movement measurement is used.
 - b. The normal limit of the amplitude of the movement is obtained by comparison with the equivalent contralateral movement, as required. When this cannot be done or when the contralateral movement is faulty, use conventional values generally accepted as normal for the age of the person.
 - c. For each movement, the importance of the loss is entered in the table. When, for a given movement, a result falls between two values, the closest value is used.

OVERALL WEIGHTED EVALUATION

	Active Mobilization of the Trunk					
	Anterior Flexion	Extension	Flexion to Left	Flexion to Right	Rotation to Left	Rotation to Right
Normal Limits* (Normal \pm a few degrees)	0	0	0	0	0	0
Loss of approximately 25%	5	2	2	2	2	2
Loss of approximately 50%	10	5	5	5	5	5
Loss of approximately 75%	15	8	8	8	8	8
Loss of 90% or more	25	12	12	12	12	12
Total Overall Weighted Evaluation = _____ Points						

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as the loss of a few degrees in the amplitude of movements without significant functional impact, are less than those resulting from the situation described in Severity 1.
SEVERITY 1 2%	The result of the overall evaluation of active mobilization capacity is between 1 and 10, indicating a slight difficulty with activities requiring moving and maintaining the position of the trunk.
SEVERITY 2 4%	<p>The result of the overall evaluation of active mobilization capacity is between 11 and 20, indicating a moderate difficulty with activities requiring moving and maintaining the position of the trunk ;</p> <p>or Regular and permanent inconveniences due to a medical necessity to avoid activities requiring</p> <ul style="list-style-type: none"> — Extended periods of immobilization of the trunk. Functional restrictions are sufficient to limit periods of uninterrupted driving to one or two hours ; <p>or</p> <ul style="list-style-type: none"> — Repetitive or frequent efforts that place significant strain on the trunk.
SEVERITY 3 8%	<p>The result of the overall evaluation of active mobilization capacity is between 21 and 40, indicating a significant difficulty with activities requiring moving and maintaining the position of the trunk ;</p> <p>or Regular and permanent inconveniences due to a medical necessity to avoid activities requiring</p> <ul style="list-style-type: none"> — Extended periods of immobilization of the trunk. Functional restrictions are sufficient to limit periods of uninterrupted driving to less than one hour ; <p>or</p> <ul style="list-style-type: none"> — Repetitive or frequent efforts equivalent to handling loads of 5 to 10 kg.
SEVERITY 4 15%	<p>The result of the overall evaluation of active mobilization capacity is between 41 and 60, indicating a severe difficulty with activities requiring moving and maintaining the position of the trunk ;</p> <p>or Regular and permanent inconveniences due to a medical necessity to avoid activities requiring</p> <ul style="list-style-type: none"> — Extended periods of immobilization of the trunk. Functional restrictions are sufficient to prevent or limit periods of uninterrupted driving to a few minutes.
SEVERITY 5 30%	<p>The result of the overall evaluation of active mobilization capacity is greater than 60.</p> <p>Capacity to move or maintain the position of the trunk is nonexistent or virtually nonexistent.</p>

13. ABILITY TO MOVE AND MAINTAIN POSITION OF UPPER LIMB

The function of moving and maintaining the position of an upper limb, especially an hand*, makes it possible to reach and move objects in the pericorporeal space. It also makes it possible to reach various parts of the body, notably for personal care and hygiene.

* In the event of amputations, the distal extremity of the limb

This function is composed of two functional units.

13.1. Ability to Move and Maintain Position of Right Upper Limb

13.2. Ability to Move and Maintain Position of Left Upper Limb

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. Impacts on the ability to move and maintain the position of an upper limb resulting from quadriplegia must not be evaluated using the rules provided in this unit but using the rules provided in the functional unit “Clinical Pictures of Paraplegia and Quadriplegia.”
3. In the case of an amputation, “Manuel Dexterity” must also be evaluated.
4. The dominant limb shall be the limb most frequently used for daily activities, notably for writing.
5. The category of severity is determined by the situation with maximal impact, either the result of the overall weighted evaluation or any other situation described, including functional restrictions.
6. The overall weighted evaluation is performed in the event of a decrease of active mobilization.
 - a. The decrease in active mobilization is evaluated by measuring the maximum amplitudes of active movements obtained with optimal effort from the person being evaluated. The result must be consistent with the overall clinical evaluation. In the event of a discrepancy that cannot be explained with medically accepted knowledge, the passive movement measurement is used.
 - b. The normal limit of the amplitude of the movement is obtained by comparison with the equivalent contralateral movement. When this cannot be done or when the contralateral movement is faulty, use conventional values generally accepted as normal for the age of the person.
 - c. For each movement, the importance of the loss is entered in the table.
 - When the measure of the loss of amplitude of movement falls between two values, the closest value is used.
 - When an examination indicates a decrease in both amplitude of the movement and muscle strength, the highest score is used.

OVERALL WEIGHTED EVALUATION

		Active Mobilization						Elbow	
		Shoulder							
Muscle strength within normal limits (5/5)		Anterior Elevation	Extension	Abduction	Adduction	Internal Rotation	External Rotation	Flexion	Extension
Loss of Amplitude of Movements	Normal limits (Normal \pm a few degrees)	0	0	0	0	0	0	0	0
	Loss of approximately 10%	1	0.5	1	0.5	1	0.5	1	1
	Loss of approximately 25%	4	1	4	1	2	0.5	9	5
	Loss of approximately 50%	10	2	10	2	4	2	20	10
	Loss of approximately 75%	15	3	15	3	5	3	30	26
	Loss of 90% or more	21	5	21	5	8	5	35	35
	Total ankylosis in normal position of function				44				30
Total ankylosis in faulty position				65				35	
Muscle Weakness	Complete active movement against moderate resistance (4/5)	4	1	4	1	2	0.5	9	5
	Complete active movement against gravity (3/5)	10	2	10	2	4	2	20	10
	Complete active movement with gravity eliminated (2/5)	15	3	15	3	5	3	30	26
	Nonexistent active movement or limited to palpable contractions	21	5	21	5	8	5	35	35

Total of Overall Weighted Evaluation = _____ Points

13.1. ABILITY TO MOVE AND MAINTAIN POSITION OF RIGHT UPPER LIMB

13.2. ABILITY TO MOVE AND MAINTAIN POSITION OF LEFT UPPER LIMB

Non-dominant Limb : (ND)

Dominant Limb : (D)

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as the loss of a few degrees in the amplitude of movements without significant functional impact, are less than those resulting from the situation described in Severity 1.
SEVERITY 1 ND 1% D 1%	The result of the overall evaluation of active mobilization capacity is between 0.5 and 3, indicating a very slight difficulty with activities requiring moving and maintaining the position of the upper limb.
SEVERITY 2 ND 2% D 2.5%	The result of the overall evaluation of active mobilization capacity is between 3.5 and 6, indicating a slight difficulty with activities requiring moving and maintaining the position of the upper limb ; or Regular and permanent inconveniences due to a medical necessity to avoid activities requiring repetitive or frequent efforts — That place significant strain on the upper limb ; or — Requiring the moving of heavy objects.
SEVERITY 3 ND 4% D 5%	The result of the overall evaluation of active mobilization capacity is between 6.5 and 16, indicating a moderate difficulty with activities requiring moving and maintaining the position of the upper limb ; or Regular and permanent inconveniences due to a medical necessity to avoid activities requiring repetitive or frequent efforts — Equivalent to moving loads of approximately 5 to 10 kg.
SEVERITY 4 ND 8% D 10%	The result of the overall evaluation of active mobilization capacity is between 16.5 and 36, indicating a significant difficulty with activities requiring moving and maintaining the position of the upper limb.
SEVERITY 5 ND 15% D 18%	The result of the overall evaluation of active mobilization capacity is between 36.5 and 59, indicating a very significant difficulty with activities requiring moving and maintaining the position of the upper limb.
SEVERITY 6 ND 20% D 24%	The result of the overall evaluation of active mobilization capacity is between 60 and 89, indicating a severe difficulty with activities requiring moving and maintaining the position of the upper limb.
SEVERITY 7 ND 24% D 30%	Active mobilization capacity of the upper limb is nonexistent or virtually nonexistent. The result of the overall evaluation of active mobilization capacity is 90 or more.

14. MANUAL DEXTERITY (prehension and manipulation)

The manual dexterity function refers to the prehension, manipulation, and release of objects. Fine dexterity allows for the quick or precise manipulation of small objects with the fingers while gross dexterity allows for the manipulation of larger objects with the whole hand.

Manual dexterity is composed of two functional units:

14.1. Right Manual Dexterity

14.2. Left Manual Dexterity

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. Impacts on manual dexterity resulting from quadriplegia must not be evaluated using the rules provided in this unit but using the rules provided in the functional unit “Clinical Pictures of Paraplegia and Quadriplegia.”
3. Impacts resulting from an impairment to skin sensitivity of a hand must also be evaluated using the rules provided in the functional unit “Skin Sensitivity of Upper Limb.”
4. The dominant limb shall be the limb most frequently used for daily activities, notably for writing.
5. The category of severity is determined by the situation with maximal impact, either the result of the overall weighted evaluation or any other situation described, including functional restrictions.
6. The overall weighted evaluation is performed in the event of a decrease of active mobilization.
 - 1° The decrease in active mobilization is evaluated by measuring the maximum amplitudes of active movements obtained with optimal effort from the person being evaluated. The result must be consistent with the overall clinical evaluation. In the event of a discrepancy that cannot be explained with medically accepted knowledge, the passive movement measurement is used.
 - 2° The normal limit of the amplitude of the movement is obtained by comparison with the equivalent contra lateral movement. When this cannot be done or when the contra lateral movement is faulty, use conventional values generally accepted as normal for the age of the person.
 - 3° For each movement, the importance of the loss is entered in the tables provided.
 - 4° The result of the overall weighted evaluation is the sum of the scores obtained in Tables A, B and C.

Table A: Fine and Power Grasp

Table B: Manipulation: Contribution of the Fingers

Table C: Manipulation: Contribution of the Wrist and Elbow/Forearm

— In Table C, when the result falls between two values, the closest value is used.

— In Tables B and C, when the examination indicates a decrease in both amplitude of the movement and muscle strength, the highest score is used.

TABLE A
FINE AND POWER GRASP

The quality of the grasp is evaluated on the basis of precision, strength, and speed of execution in grasping, holding, and releasing objects.

- **Slight difficulty** The quality of the grasp is slightly diminished but grasping remains possible and efficient without compensation by other parts of the hand.
-
- **Difficult, but remains efficient** The quality of the grasp is diminished but grasping remains possible and efficient with synergistic compensation by other parts of the hand.
-
- **Difficult, not very efficient** Despite synergistic compensation by other parts of the hand, the quality of the grasp is significantly diminished. However, the grasp retains a certain usefulness.
-
- **Inefficient or impossible** Despite synergistic compensation by other parts of the hand, grasping is inefficient or impossible with this hand.

			Difficult			
			Remains Efficient	Not Very Efficient	Inefficient or Impossible	
			Within Normal Limits	Slight Difficulty		
Fine Grasp	Bipulpar / Ungual (sheet of paper/ paper clip)	0	1	3	12	20
	Tridigital (pen)	0	1	3	12	20
	Pollici-laterodigital (key)	0	1	3	12	20
Power Grasp	Hook (pail, briefcase)	0	1	3	12	20
	Cylindrical / Spherical (hammer / ball, bottle)	0	1	3	12	20
	Directional (screwdriver)	0	1	3	12	20

Total of Table A = _____ Points

TABLE B
MANIPULATION: CONTRIBUTION OF FINGERS

		Active Mobilization															
		Thumb*			Index Finger*			Middle Finger*			Ring Finger*			Little Finger*			
Loss of Amplitude of Movements	Muscle Strength (4 or 5/5)	IP	MP	CM	DIP	PIP	MP	DIP	PIP	MP	DIP	PIP	MP	DIP	PIP	MP	
		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		6	6	6	1.5	1.5	0.75	2	2	1	1	1	0.5	1.5	1.5	0.75	
		12	10	10	4	4	2	6	6	3	3	3	1.5	4	4	2	
		20	12	12	8	4	3	10	6	4	5	3	2	8	4	3	
Amputation		20	12	12	8	4	3	10	6	4	5	3	2	8	4	3	
<p>When the amputation of a phalanx is partial, the score used is the one indicated for the joint closest to the site of the amputation. In the case of the distal phalanx, no score is given if more than 50% of the normal length of the phalanx is preserved.</p>																	
Muscle Weakness (3/5 or less)		20	12	12	8	4	3	10	6	4	5	3	2	8	4	3	

Total of Table B = ____ Points

- * IP: Interphalangeal
 PIP: Proximal Interphalangeal
 DIP: Distal Interphalangeal
 MP: Metacarpo-phalangeal
 CM: Carpo-metacarpal

TABLE C

MANIPULATION: CONTRIBUTION OF WRIST AND ELBOW/FOREARM

		Active Mobilization					
		Wrist				Elbow/ Forearm	
		Flexion	Extension	Radial Deviation	Ulnar Deviation	Pronation	Supination
Loss of Amplitude of Movements	Muscle strength within normal limits (5/5)						
	Normal limits (Normal \pm a few degrees)	0	0	0	0	0	0
	Loss of approximately 10%	2	2	0.5	0.5	2	2
	Loss of approximately 25%	5	5	1	2	3	3
	Loss of approximately 50%	10	10	3	4	8	8
	Loss of approximately 75%	15	18	5	5	15	15
	Loss of 90% or more	18	20	6	6	18	18
	Total ankylosis in functional position			50			36
Total ankylosis in faulty position			60			40	
Muscle Weakness	Complete active movement against moderate resistance (4/5)	5	5	1	2	3	3
	Complete active movement against gravity (3/5)	10	10	3	4	8	8
	Complete active movement with gravity removed (2/5)	15	18	5	5	15	15
	Nonexistent active movement or movement limited to palpable contractions	18	20	6	6	18	18
Total of Table C = _____ Points							

14.1. RIGHT MANUAL DEXTERITY

14.2. LEFT MANUAL DEXTERITY

Non-dominant Limb : (ND)

Dominant Limb : (D)

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as the loss of a few degrees in the amplitude of movements without significant functional impact, are less than those resulting from the situation described in Severity 1.
SEVERITY 1	The result of the overall evaluation of active mobilization capacity is between 0.5 and 6.5, indicating a very slight difficulty for activities requiring manual dexterity ;
ND 1% D 1%	or Regular and permanent inconveniences due to the medical necessity to avoid exposure to cold such as with a vascular impairment like a Raynaud's phenomenon.
SEVERITY 2	The result of the overall evaluation of active mobilization capacity is between 7 and 14.5, indicating a slight difficulty for activities requiring manual dexterity.
ND 2% D 2.5%	
SEVERITY 3	The result of the overall evaluation of active mobilization capacity is between 15 and 29.5, indicating a moderate difficulty for activities requiring manual dexterity ;
ND 4% D 6%	or Clumsiness such as trembling or dysmetria that nevertheless allows the person to use the hand for personal care.
SEVERITY 4	The result of the overall evaluation of active mobilization capacity is between 30 and 49.5, indicating a significant difficulty for activities requiring manual dexterity.
ND 6% D 8%	
SEVERITY 5	The result of the overall evaluation of active mobilization capacity is between 50 and 79.5, indicating a very significant difficulty for activities requiring manual dexterity.
ND 12% D 15%	
SEVERITY 6	The result of the overall evaluation of active mobilization capacity is between 80 and 129.5, indicating a severe difficulty for activities requiring manual dexterity.
ND 18% D 22%	
SEVERITY 7	The result of the overall evaluation of active mobilization capacity is between 130 and 199.5, indicating a very severe difficulty for activities requiring manual dexterity. Manual dexterity is limited to a minimum of useful activities.
ND 28% D 35%	
SEVERITY 8	The result of the overall evaluation of active mobilization capacity is 200 or more. Manual dexterity is nonexistent or virtually nonexistent. No useful or effective action possible.
ND 40% D 50%	

15. LOCOMOTION

Locomotion is the capacity to move from place to place. It also allows people to adopt and change body positions. Locomotion is the result of the functional synergy between the two lower limbs, the pelvis, and the trunk.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. Impacts on locomotion resulting from paraplegia, quadriplegia, or balance disorders must not be evaluated using the rules provided in this unit but using the rules provided in the functional units “Clinical Pictures of Paraplegia and Quadriplegia” or “Clinical Pictures of Balance Disorders.”
3. The term “efficiency” used in the categories of severity refers to the time it takes to perform the activity and the quality of the result.

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as less than 1 cm difference in leg length or the loss of a few degrees of active mobilization with no significant functional impact, are less than those resulting from the situations described in Severity 1.
	Locomotion capacity is slightly reduced.
	Limitations: Walking at an ordinary pace, walking at a brisk pace, running, and performing complex movements are affected but remain efficient ⁽¹⁾ , notably by changing certain normal movements.
SEVERITY 1	For example, slight functional impact resulting from joint instability, patello-femoral syndrome, or a decrease in the amplitude of one or more hip, knee, or ankle movements.
2%	⁽¹⁾ Efficient: The time it takes to perform the activity and the quality of the result remain within normal limits.
	Restrictions: The extent compares to such restrictions as those imposed by the need to wear <ul style="list-style-type: none"> — A lift or corrective shoe insert to compensate for differences in leg lengths of 1 cm to 3.5 cm; — A custom-fitted shoe to compensate for a disfigurement of the foot; — Support stockings to satisfactorily control of circulatory disorders.

Locomotion capacity is moderately reduced.

Limitations: Walking occurs with a limp, despite the use of a technical aid like a corrective shoe insert,

or Walking at a brisk pace or running is less efficient but remains possible;

or Negotiating changes in ground level, stairs, and uneven ground is less efficient⁽¹⁾, but remains possible,

or Uninterrupted walking is limited to approximately 300 m to 500 m due to intermittent claudication;

or Complex movements like kneeling and crouching are less efficient but remain possible, notably by performing them more slowly and making changes to normal movements.

SEVERITY 2

6%

⁽¹⁾ **Less efficient:** Activity remains possible but takes more time to be performed OR the quality of the result is diminished.

Restrictions: The extent compares to such restrictions as those imposed by the need

— To wear a lift or corrective shoe insert to compensate for differences in leg lengths exceeding 3.5 cm;

— To wear a prosthesis or custom-fitted shoe because of the amputation of the 1st toe;

— To wear hinged knee brace, which is medically justified by symptomatic instability of the knee and necessary for performing demanding activities such as certain sports;

— To undergo medical or surgical treatments due to frequent, episodic exacerbations such as osteomyelitis relapses;

— To reduce locomotion activities due to circulatory problems that are poorly controlled despite therapeutic measures like with some cases of post-phlebitis syndrome.

Locomotion capacity is significantly reduced.

Limitations: Walking at brisk pace or running is only possible over very short distances such as with an arthrodesis of one ankle;

or Negotiating changes in ground level, stairs, and uneven ground is only possible over very short distances;

or Uninterrupted walking is limited to approximately 120 m to 300 m due to intermittent claudication;

or Complex movements like kneeling and crouching are inefficient or impossible.

SEVERITY 3

12%

Restrictions: The extent compares to such restrictions as those imposed by the need to wear

— A tibial-pedal prosthesis in the case of a neurological impairment with drop foot for example;

— A hinged knee brace, which is medically justified by symptomatic instability of the knee and permanently necessary for performing all activities;

— A prosthesis or custom-fitted shoe because of an amputation at the median point of a foot.

Locomotion capacity is very significantly reduced.

Limitations: Walking at brisk pace or running is inefficient or impossible even over very short distances;

or Uninterrupted walking is limited to approximately 75 m to 120 m due to intermittent claudication.

SEVERITY 4

20%

Restrictions: The extent compares to such restrictions as those imposed by the need to wear

— A prosthesis because of an amputation at the ankle.

Locomotion capacity is severely reduced.

Limitations: Uninterrupted walking is limited to under 75 m due to intermittent claudication,

SEVERITY 5

30%

Restrictions: The extent compares to such restrictions as those imposed by the need to wear

— A femoral-pedal orthosis due to a severe impairment to the entire limb;

— A prosthesis with patellar support due to an amputation below the knee;

— A prosthesis due to an amputation at the median point of both feet or both ankles.

Locomotion capacity is reduced to a minimum of useful activities.

SEVERITY 6**45%**

Limitations: Moving about requires the use of two canes or two crutches. Moving about out of doors may require the use of a walker or wheelchair.

Restrictions: The extent compares to such restrictions as those imposed by the need to wear

- A prosthesis due to a disarticulation of a knee, an amputation of a limb at the thigh level, or an amputation below the knee not permitting the wearing of a prosthesis with patellar support;
- Prosthesis with patellar support due to amputation below the knee of both limbs.

SEVERITY 7**60%**

Locomotion capacity is nonexistent or almost nonexistent.

Limitations: Moving about requires the use of a wheelchair.

Restrictions: The extent compares to such restrictions as those imposed by the need to wear

- Prosthesis due to amputation at the thigh of both limbs.

16. PROTECTION PROVIDED BY THE SKULL

The protection provided by the skull helps maintain the integrity of the brain.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. The evaluation must take into consideration the extent of any inconvenience resulting from preventive restrictions made necessary by a permanent, unrepairable loss of continuity of the skull.

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following:

**UNDER THE
MINIMUM
THRESHOLD**

After-effects of the permanent impairment, such as burr holes, are less than those resulting from the situation described in Severity 1.

SEVERITY 1**2%**

Preventive restrictions made necessary by a permanent loss of continuity of the skull such as an unrepaired section affecting an area equal to or greater than 3 cm².

17. PROTECTION PROVIDED BY THE RIB CAGE AND ABDOMINAL WALL

The protection provided by the rib cage and abdominal wall helps maintain the integrity of the contents of the thorax and abdomen.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. When the presence of hernia is noted, it may be incisional, inguinal, femoral, umbilical or epigastric.
3. Impacts on digestive or respiratory functions must not be evaluated using the rules provided in this chapter but using the rules provided in the functional units that specifically deal with the observed impacts.

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as a faulty consolidation of a rib or ribs with no functional impact or a repaired nonrecurrent hernia, are less than those resulting from the situations described in Severity 1.
SEVERITY 1 1%	<p>Inconveniences resulting from the medical necessity of functional restrictions or treatments required by</p> <ul style="list-style-type: none"> — Defects in the abdominal wall such as a recurrent or surgically unrepairable readily reducible single hernia ; <p>or</p> <ul style="list-style-type: none"> — A limited but surgically unrepairable defect in the rib cage such as exeresis, pseudoarthrosis, or abnormal consolidation of one rib.
SEVERITY 2 2%	<p>Inconveniences resulting from the medical necessity of functional restrictions or treatments required by</p> <ul style="list-style-type: none"> — Defects in the abdominal wall such as recurrent or surgically unrepairable readily reducible hernias ; <p>or</p> <ul style="list-style-type: none"> — A significant, surgically unrepairable defect in the rib cage such as exeresis, pseudoarthrosis, or abnormal consolidation of several ribs.
SEVERITY 3 5%	<p>Inconveniences resulting from the medical necessity of functional restrictions or treatments required by</p> <ul style="list-style-type: none"> — Defects in the abdominal wall such as recurrent or surgically unrepairable hard to reduce hernia(s).
SEVERITY 4 7%	<p>Inconveniences resulting from the medical necessity of functional restrictions or treatments required by</p> <ul style="list-style-type: none"> — Defects in the abdominal wall such as recurrent or surgically unrepairable non reducible hernias.

18. NASOPHARYNGEAL RESPIRATION

Nasopharyngeal respiration, which is provided by the nose, sinuses, and pharynx, allows the passage, filtration, moistening, and heating of air.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment are less than those resulting from the situations described in Severity 1.
SEVERITY 1	Partial unilateral decrease in nasal air flow ;
1%	or Local, unilateral irritant phenomena that may result, for example, from a perforation of the nasal septum or damage to the mucosa.
SEVERITY 2	Total unilateral or partial bilateral decrease in nasal air flow ;
2%	or Local, bilateral irritant phenomena that may result, for example, from a perforation of the nasal septum or damage to the mucosa ;
	or Need for medical treatments or follow-ups due to chronic, persistent sinus infections.
SEVERITY 3	Total bilateral nasal obstruction permanently requiring breathing through the mouth.
5%	

19. DIGESTIVE FUNCTIONS

Digestive functions enable people to use food to produce energy, to grow, and to keep their bodies functioning.

Digestive functions are composed of four functional units.

19.1. Ingestion (chewing and swallowing including prehension and salivation)

19.2. Digestion and Absorption

19.3. Excretion

19.4. Hepatic and Biliary Functions

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. Impacts on digestive functions resulting from paraplegia or quadriplegia must not be evaluated using the rules provided in this chapter but using the rules provided in the functional unit “Clinical Pictures of Paraplegia and Quadriplegia.”
3. The table below specifies the relative degree of the terms used in the descriptions of the categories of severity describing the impairments of the hepatic and biliary functions as “slight”, “moderate”, or “severe”. Depending on the circumstances, the evaluation of the functional impairment may be documented by any other appropriate specific examination.

Specific Evaluation Criteria	“Slight” Impairment	“Moderate” Impairment	“Severe” Impairment
Bilirubin	0-35	> 35-100	> 100
Albumin	> 35	25-35	< 25
Ascites	—	Medically controlled	Uncontrolled
Neurological Signs	—	Controlled or intermittent	Poorly controlled, severe
Nutritional Status	Excellent	Good	Poor
INR*	Normal	> 1.5-2.5	> 2.5

* International Normalized Ratio

19.1. INGESTION: Chewing and Swallowing Including Prehension and Salivation

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following:

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as dental impairment or slight malocclusion with no impact on chewing, are less than those resulting from the situations described in Severity 1.
SEVERITY 1	<p>Loss of one or more teeth with the possibility of correction using a fixed prosthesis or implants;</p> <p>or Unrepairable dental impairment sufficient to affect chewing;</p> <p>1% or Area(s) of altered sensitivity sufficient to affect chewing;</p> <p>or Hyposalivation or hypersalivation sufficient to affect chewing or swallowing;</p> <p>or Limitations to mouth opening, which nonetheless remains equal to or greater than 35 mm.</p>

		Loss of teeth with the possibility of correction using a removable prosthesis (including any related inconveniences), but not technically correctable with a fixed prosthesis or implants ;
SEVERITY 2	or	Slight temporo-mandibular dysfunction sufficient to affect chewing ;
2%	or	Malocclusion sufficient to affect chewing ;
	or	Limitations to mouth opening, which nonetheless remains equal to or greater than 30 mm ;
	or	Mild salivary incontinence.
		Total edentation of one maxilla with the possibility of correction using a removable prosthesis (including any related inconveniences), but not technically correctable with implants ;
SEVERITY 3	or	Moderate to severe temporo-mandibular dysfunction ;
5%	or	Limitations to mouth opening, which nonetheless remains equal to or greater than 20 mm ;
	or	Moderate to severe salivary incontinence ;
	or	Medical necessity on a regular and permanent basis to follow a restrictive diet combined with medical treatments.
		Total edentation of both maxillae with the possibility of correction using removable prostheses (including any related inconveniences), but not technically correctable with implants ;
SEVERITY 4	or	Limitations to mouth opening, which nonetheless remains equal to or greater than 10 mm ;
10%	or	Salivary and alimentary incontinence ;
	or	Sufficient discomfort when chewing or swallowing to justify a soft diet (purees) on a permanent basis.
		Total edentation of both maxillae, technically not correctable ;
	or	Limitations to mouth opening, which is less than 10 mm ;
SEVERITY 5	or	Sufficient discomfort on chewing or swallowing to justify a liquid diet on a permanent basis ;
25%	or	Necessity for artificial feeding on an intermittent basis combined with ongoing medical treatments or occasional surgical treatments ;
	or	Medical necessity to perform serial dilations on a regular basis, which may cause severe functional discomfort.
SEVERITY 6		The function is nonexistent or virtually nonexistent, making artificial feeding necessary on a permanent basis.
40%		

19.2 DIGESTION AND ABSORPTION

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment are less than those resulting from the situation described in Severity 1.
SEVERITY 1 2%	Medical necessity on a regular and permanent basis to take medication to facilitate digestion or absorption, including possible side effects.
SEVERITY 2 5%	Medical necessity on a regular and permanent basis to follow a restrictive diet combined with medical treatments.
SEVERITY 3 10%	Sufficient functional discomfort to affect nutritional status. The impairment is confirmed by clinical and laboratory testing and is associated with permanent weight loss of approximately 10% in comparison with prior weight or, according to circumstances, with the recommended weight for the age, sex, and body type ; or Medical necessity to undergo treatments due to episodic exacerbations such as one or two episodes a year of recurrent chronic pancreatitis.
SEVERITY 4 25%	Sufficient functional discomfort to affect nutritional status. The impairment is confirmed by clinical and laboratory testing and is associated with permanent weight loss of 15 to 20% in comparison with prior weight or, according to circumstances, with the recommended weight for the age, sex, and body type ; or Medical necessity to undergo treatments due to frequent exacerbations such as three episodes or more a year of recurrent chronic pancreatitis ; or Medical necessity for intermittent artificial feeding combined with ongoing medical treatments and/or occasional surgical treatments.
SEVERITY 5 40%	Sufficient functional discomfort to affect nutritional status. The impairment is confirmed by clinical and laboratory testing and is associated with permanent weight loss of 25% or more in comparison with prior weight or, according to circumstances, with the recommended weight for the age, sex, and body type ; or Medical necessity on a permanent basis for artificial feeding combined with ongoing medical treatments and/or occasional surgical treatments.
SEVERITY 6 50%	The function is nonexistent or virtually nonexistent, making intravenous feeding necessary on a permanent basis.

19.3. EXCRETION

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as the presence of non urgent diarrhea, are less than those resulting from the situation described in Severity 1.
SEVERITY 1 2%	Urgent diarrhea on a regular and permanent basis with an average frequency of approximately 1 to 2 times a day; or Medical necessity on a regular and permanent basis to take medication to facilitate excretion, including possible side effects.
SEVERITY 2 5%	Urgent diarrhea on a regular and permanent basis with an average frequency of approximately 3 to 5 times a day; or Manifestations of fecal incontinence (soiling) that justify the constant wearing of protection.
SEVERITY 3 10%	Urgent diarrhea on a regular and permanent basis with an average frequency over 5 times a day; or Fecal incontinence of formed stools with an average frequency of 5 times or less a week.
SEVERITY 4 35%	Total fecal incontinence; or Need for a permanent colostomy.
SEVERITY 5 40%	Need for a permanent ileostomy.

19.4 HEPATIC AND BILIARY FUNCTIONS

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as the presence of biochemical anomalies that have no clinical impact and require no special medical follow-up, are less than those resulting from the situation described in Severity 1.
SEVERITY 1 2%	Medical necessity on a regular and permanent basis to take medication to facilitate hepatic and biliary functions, including possible side effects.
SEVERITY 2 5%	“Slight” functional impairment according to specific evaluation criteria.

		Sufficient functional discomfort to affect nutritional status. The impairment is confirmed by clinical and laboratory evaluations and is associated with permanent weight loss of approximately 10% in comparison with prior weight or, according to circumstances, with the recommended weight for the age, sex, and body type ;
SEVERITY 3	10%	<p>or Medical necessity to undergo treatments due to episodic exacerbations like recurrent cholangitis ;</p> <p>or Medical necessity on a permanent basis for serial dilations due to an impairment to the biliary tree.</p>
		“Moderate” functional impairment according to specific evaluation criteria ;
SEVERITY 4	25%	<p>or Sufficient functional discomfort to affect nutritional status. The impairment is confirmed by clinical and laboratory testing and is associated with permanent weight loss of 15 to 20% in comparison with prior weight or, according to circumstances, with the recommended weight for the age, sex, and body type ;</p> <p>or Medical necessity to install an endoprosthesis with regular changes due to an impairment of the biliary tree.</p>
		“Severe” functional impairment according to specific evaluation criteria ;
SEVERITY 5	40%	<p>or Sufficient functional discomfort to affect nutritional status. The impairment is confirmed by clinical and laboratory testing and is associated with permanent weight loss of 25% or more in comparison with prior weight or, according to circumstances, with the recommended weight for the age, sex, and body type ;</p> <p>or Medical necessity for long-term percutaneous drainage.</p>

20. CARDIO-RESPIRATORY FUNCTION

The cardiac and respiratory functions act together to oxygenate the blood and eliminate carbon dioxide so that people can produce energy and keep their bodies functioning.

The cardiac and respiratory functions are grouped under one functional unit.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. Impacts on cardio-respiratory function resulting from quadriplegia must not be evaluated using the rules provided in this chapter but using the rules provided in the functional unit “Clinical Pictures of Paraplegia and Quadriplegia.”
3. Impacts on other functional units resulting from an impairment of the cardio-respiratory function must not be evaluated using the rules provided in this chapter but using the rules provided in the functional units that specifically deal with the observed impacts.
4. Endurance is the specific preferred criterion for overall evaluation of the cardio-respiratory function. Evaluations must be performed under optimal conditions, i.e., with maximum therapy. Depending on the circumstances, the impairment must be confirmed using one or more of the following tests :

A) Evaluation of the cardiac function

- Electrocardiogram with Holter if necessary
- Stress test
- Echocardiogram
- Any other specific examination appropriate to the circumstances

B) Evaluation of the respiratory function

The table below specifies the relative degree of the terms used in the descriptions of the categories of severity describing the impairments of the respiratory function as “moderate” “significant” or “severe.” Depending on the circumstances, the evaluation of the functional impairment may be documented by any other appropriate specific examination.

The VO₂MAX measurement is the predominant criterion for evaluating the extent of functional loss. When the actual loss is clinically greater, the evaluation may be documented using the other parameters indicated in the table as well as any other specific examination such as radiological examinations or measurements of other pulmonary volumes by plethysmography.

Parameter	Normal Limits	Moderate Impairment	Significant Impairment	Severe Impairment
VO ₂ MAX	> 25 ml / (kg x min)	20 to 25 ml / (kg x min)	15 to 19 ml / (kg x min)	<15 ml / (kg x min)
FVC/ predicted	≥ 80%	60% to 79%	51% to 59%	≤ 50%
DLC/predicted	≥ 70%	60% to 69%	41% to 59%	≤ 40%

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment are less than those resulting from the situations described in Severity 1.
	Slight functional discomfort. However, endurance remains normal or almost normal.
	Respiratory : Difficulty breathing due to partial pulmonary exeresis, or a parietal, diaphragm, or pleural impairment.
SEVERITY 1	<u>Note :</u> For a more significant functional impact, the category of severity is determined by respiratory function tests.
2%	Cardiac : Functional impairment documented by a positive maximum stress test at over 7 mets ;
	or Documented arrhythmia satisfactorily controlled by medication.

SEVERITY 2 5%	<p>Respiratory: Abnormal and permanent dyspnea with significant physical effort;</p> <p>or Difficulty breathing clinically manifested by a permanent stridor.</p> <p>Cardiac: Functional impairment documented by a positive maximum stress test at 7 mets.</p>
<p>Limited endurance capacity. Unaccustomed physical activity or significant physical effort causes excessive fatigue, palpitations, dyspnea, or angina. The person remains comfortable at rest and while performing normal daily physical activities.</p>	
SEVERITY 3 10%	<p>Respiratory: Abnormal and permanent dyspnea when walking uphill at a normal pace;</p> <p>or “Moderate” impairment of the respiratory function documented by respiratory function tests.</p> <p>Cardiac: Functional impairment documented by a positive maximum stress test at 6 mets;</p> <p>or Documented arrhythmia satisfactorily controlled by a pacemaker;</p> <p>or Functional impairment documented by an ejection fraction of 40% to 50%.</p>
SEVERITY 4 20%	<p>Respiratory: Inconveniences related to the presence of a permanent tracheotomy.</p> <p>Cardiac: Functional impairment documented by a positive maximum stress test at 5 met;</p> <p>or Functional impairment documented by an ejection fraction of 30% to 39%.</p>
<p>Limited endurance capacity. Performing normal daily physical activities causes excessive fatigue, palpitations, dyspnea, or angina. The person remains comfortable at rest.</p>	
SEVERITY 5 30%	<p>Respiratory: Abnormal and permanent dyspnea requiring stopping (after approximately 100 m) when walking at a normal pace on flat ground;</p> <p>or “Significant” impairment of the respiratory function documented by respiratory function tests.</p> <p>Cardiac: Functional impairment documented by a positive maximum stress test at 4 mets;</p> <p>or Functional impairment documented by an ejection fraction of 25% to 29%.</p>
SEVERITY 6 60%	<p>Respiratory: Abnormal and permanent dyspnea that occurs while performing daily activities that require little effort such as walking at a slow pace on flat ground;</p> <p>or “Severe” impairment of the respiratory function documented by respiratory function tests.</p> <p>Cardiac: Functional impairment documented by a positive maximum stress test at 2 or 3 mets;</p> <p>or Functional impairment documented by an ejection fraction of 20% to 24%.</p>

Very limited endurance capacity. All physical activity causes an increase in clinical signs. The person is uncomfortable performing the least physical activity and is uncomfortable even at rest.

SEVERITY 7

Respiratory: Abnormal and permanent dyspnea with the least effort;

85%

or Need for permanent oxygen therapy (15–18 hours/day).

Cardiac: Functional impairment documented by a positive maximum stress test at less than 2 mets;

or Functional impairment documented by an ejection fraction of less than 20%.

SEVERITY 8**100%**

Absence of spontaneous respiration and dependence on a respirator.

20. URINARY FUNCTIONS

The functions of the urinary tract is to eliminate metabolic waste from the body and control the concentrations of the various components of the blood and other body fluids.

Urinary functions are composed of two functional units.

21.1. Renal Function**21.2. Micturition****EVALUATION RULES**

1. See the provisions of Division II of the Regulation.
2. Impacts on urinary functions resulting from paraplegia or quadriplegia must not be evaluated using the rules provided in this chapter but using the rules provided in the functional unit “Clinical Pictures of Paraplegia and Quadriplegia.”
3. Impacts on other functional units resulting from complications due to high blood pressure must not be evaluated using the rules provided in this chapter but using the rules provided in the functional units that specifically deal with the observed impacts.
4. The measurement of creatinine clearance is the main criterion for documenting an impairment to the renal function. Depending on the circumstances, the evaluation of the functional impairment may be documented by any other appropriate specific examination such as renal scanning.

21.1. RENAL FUNCTION

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as biochemical or hematological anomalies with no significant clinical impacts, are less than those resulting from the situation described in Severity 1.
SEVERITY 1 2%	Inconveniences related to the need on a regular and permanent basis to take medication due to high blood pressure, including possible side effects. Blood pressure is maintained at 160/90 or less with the treatment.
SEVERITY 2 5%	<p>Persistent high blood pressure, minima between 90 and 120, despite taking medication on a regular and permanent basis ;</p> <p>or Renal function diminished but remaining greater than 75% of normal ;</p> <p>or Occasional exacerbations caused by high urinary tract infections (2 to 3 per year) despite treatments and medical follow-up ;</p> <p>or Preventive restrictions due to the relative risk represented by the shutdown or the loss of a kidney.</p>
SEVERITY 3 15%	<p>Persistent high blood pressure, minima greater than 120, despite taking medication on a regular and permanent basis ;</p> <p>or Renal function diminished but remaining between 50% and 75% of normal ;</p> <p>or Frequent exacerbations caused by high urinary tract infections (6 to 12 per year) despite treatments and medical follow-up (such as with chronic pyelonephritis) ;</p> <p>or Need for immunosuppressive treatments, including side effects, in the case of a kidney transplant.</p>
SEVERITY 4 30%	Renal function diminished with clinical manifestations and a change in general health. Retained renal function is less than 50% of normal.
SEVERITY 5 50%	<p>Renal function diminished with clinical manifestations and a change in general health. Retained renal function is less than 25% of normal ;</p> <p>or Need for dialysis on a permanent basis.</p>
SEVERITY 6 90%	Renal function diminished with a severe change in general health that is sufficient to confine the person to his or her room. The person is entirely or almost entirely dependent on others for performing most daily activities,

21.2. MICTURITION

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as slight increase in frequency or duration of micturition with no significant clinical impacts, are less than those resulting from the situation described in Severity 1.
SEVERITY 1 2%	Recurrent urinary tract infections despite medical treatments and follow-up.
SEVERITY 2 5%	Trouble with micturition severe enough to justify regular treatments or quarterly urethral dilations ; or Urgent micturition or incontinence during coughing or exertion sufficient to require protection to be worn on a regular basis but insufficient to require regular use of diapers.
SEVERITY 3 10%	Trouble with micturition severe enough to justify monthly urethral dilations, intermittent catheterization, or percussion micturition ; or Urinary incontinence in the form of significant daily leaking between micturitions sufficient to require the regular use of diapers ; or Inconveniences related to the need of an artificial continence sphincter ; or Inconveniences related to the need to implant a sacral stimulator.
SEVERITY 4 20%	Total urinary incontinence at the least effort or change in position, and even at rest ; or Inconveniences related to the need to leave a urethral catheter in place ; or Inconveniences related to the need for an external urinary derivation such as a subpubic cystostomy or an ileal bladder.

22. GENITO-SEXUAL FUNCTIONS

The genito-sexual functions are used to accomplish sex acts for pleasure and/or procreation.

Genital sexual activity and procreation are occasionally complementary, but remain distinct in terms of their purpose. An impairment of one of these functions does not necessarily involve an impairment of the other. Termination of pregnancy is also taken into consideration when evaluating non-pecuniary damage, even when the procreation function is not permanently affected.

The genito-sexual functions are composed of three functional units.

22.1. Genital Sexual Activity

22.2 Procreation (this also refers to the ability to give birth)

22.3. Termination of Pregnancy

EVALUATION RULES

1. See the provisions of Division II of the Regulation.

2. Impacts on genito-sexual functions resulting from paraplegia or quadriplegia must not be evaluated using the rules provided in this chapter but using the rules provided in the functional unit “Clinical Pictures of Paraplegia and Quadriplegia.”

22.1 GENITAL SEXUAL ACTIVITY

CATEGORIES OF SEVERITY

After-effects experienced in daily life - loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment are less than those resulting from the situation described in Severity 1.
SEVERITY 1 1%	Trouble performing genital sexual activities that may be attenuated by minor palliative measures such as the use of a lubricant.
SEVERITY 2 5%	Clinical manifestations such as pain in women during sexual intercourse (dyspareunia) that make genital sexual activities more difficult; or Erectile dysfunction. Genital sexual activities remain possible with oral medication or measures such as intracavernous injections, intraurethral suppositories, or vacuum pumps.
SEVERITY 3 10%	Need for a genital prosthesis in order to perform genital sexual activities.
SEVERITY 4 25%	Genital sexual activities are impossible despite all treatment measures.

22.2. PROCREATION

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment are less than those resulting from the situation described in Severity 1.
SEVERITY 1	Inconveniences related to the relative risk represented by the loss of a testicle or an ovary.
2%	Note: Compensation is only awarded if procreation was possible at the time of the accident.
SEVERITY 2	Ovulation difficult but possible with a specific medication such as a fertility drug ; or Woman's procreation function affected, but fertilization is still possible with a specialized medical procedure such as artificial insemination or in vitro fertilization ; or Man's procreation function affected (e.g., retrograde ejaculation) but fertilization is still possible with a specialized medical procedure ; or Inconveniences related to the need for a cesarean section to give birth.
5%	Note: This situation can only be accepted once, i.e., following the first birth.
SEVERITY 3	Procreation is impossible despite all treatment measures.
25%	

22.3. TERMINATION OF PREGNANCY

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

SEVERITY 1	Loss of one embryo or fetus.
8%	
SEVERITY 2	Loss of more than one embryo or fetus.
12%	

23. ENDOCRINE, HEMATOLOGICAL, IMMUNE, AND METABOLIC FUNCTIONS

The endocrine, hematological, immune, and metabolic functions play a role that has an impact on the functioning of the entire body.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.

CATEGORIES OF SEVERITY

After-effects experienced in daily life - loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

UNDER THE MINIMUM THRESHOLD	After-effects of the permanent impairment, such as biochemical or hematological anomalies with no significant clinical impact, are less than those resulting from the situations described in Severity 1.
SEVERITY 1 2%	Regular and permanent need for medication, which may cause side effects; or to take preventive measures and action due to a risk of transmission of a viral infection or a risk of infection such as following splenectomy.
SEVERITY 2 5%	Slight impairment to general health with frequent exacerbations, fatigability, and a slight reduction of endurance; or The regular and permanent need to receive one or several injections once or twice a day; or The regular and permanent need to follow a restrictive diet combined with medical treatments.
SEVERITY 3 15%	Moderate impairment to general health with asthenia. The problem limits the ability to perform unaccustomed physical activities or physical activities requiring significant effort such as running or rapidly climbing a number of stairs. However, the person remains able to perform relatively demanding activities such as walking long distances or climbing two floors at a normal pace; or Regular and permanent need to receive one or several injections more than twice a day.
SEVERITY 4 30%	Significant impairment to general health with asthenia. The problem limits the ability to perform many normal daily activities but the person remains able to perform moderate activities such as walking at a normal pace or doing regular household chores, with the exception of heavy work.
SEVERITY 5 60%	Severe impairment to general health with asthenia. Endurance is limited to light activities such as certain essential daily activities like getting dressed, managing self care, and moving around the home.
SEVERITY 6 90%	Very severe impairment to general health with asthenia. The person is totally or almost totally dependent on another person to perform most daily activities and is practically confined to his or her room.

24. CLINICAL PICTURES OF PARAPLEGIA AND QUADRIPLÉGIA

Paraplegia or quadriplegia resulting from a spinal cord injury has an impact on a number of bodily functions as well as a severe esthetic impact.

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. This chapter deals exclusively with the conditions of paraplegia or quadriplegia (neurological levels C1 to L5). All the impacts on any other functional unit resulting from paraplegia or quadriplegia are included in the categories of severity of this unit.
3. Esthetic impairment that results from changes to form and contours (e.g., atrophy, contractures) or from the use of technical devices or aids (e.g., orthosis, urethral catheter, wheelchair) are included in the categories of severity of this unit.
4. The preferred criterion for evaluating the impacts of paraplegia or quadriplegia on the performance of activities of daily living is residual functional potential. Motor level and functional potential are evaluated based on the criteria of the American Spinal Injury Association (ASIA) in "International Standards for Neurological and Functional Classification of Spinal Cord Injury, revised 1996."
5. For other medullary or radicular impairments, the impacts must be evaluated using the rules provided in the functional or esthetic units that specifically deal with the observed impacts, for example
 - Medullary impairment at a neurological level under L5,
 - Brown-Séquard syndrome, central medullary syndrome, anterior medullary syndrome,
 - Cerebral impairment (hemiplegia),
 - Peripheral nervous system impairment (compression of nerve roots, lumbar plexus impairment)

CATEGORIES OF SEVERITY

After-effects experienced in daily life – loss of enjoyment of life, mental suffering, pain, and other consequences – resulting from a permanent impairment can be compared with those that would result from the situation with maximum impact among the following :

SEVERITY 1 75%	Functional potential is equivalent to a motor level between D8 and L5.
SEVERITY 2 80%	Functional potential is equivalent to a motor level between D2 and D7.
SEVERITY 3 85%	Functional potential is equivalent to a motor level of C8 or D1.
SEVERITY 4 90%	Functional potential is equivalent to a motor level of C7.
SEVERITY 5 95%	Functional potential is equivalent to a motor level of C6.
SEVERITY 6 100%	Functional potential is equivalent to a motor level between C1 and C5.

25. ESTHETIC

Esthetic prejudice results from a deterioration in general appearance due to an impairment to the skin or to the form or contours of the body.

Esthetic is composed of eight units :

25.1. Esthetic of the Skull and Scalp

25.2. Esthetic of the Face

25.3. Esthetic of the Neck

25.4. Esthetic of the Trunk and Genital Organs

25.5. Esthetic of the Right Upper Limb

25.6. Esthetic of the Left Upper Limb

25.7. Esthetic of the Right Lower Limb

25.8. Esthetic of the Left Lower Limb

EVALUATION RULES

1. See the provisions of Division II of the Regulation.
2. Esthetic prejudice that becomes apparent when performing a function (such as limping, salivary incontinence), or that results from the use of technical devices or aids (such as orthosis, prosthesis) must not be evaluated using the rules provided in this chapter. This dynamic component is already taken into consideration in the percentages awarded for the categories of severity in each of the functional units that specifically deal with the observed impacts.
3. In paraplegia or quadriplegia, esthetic prejudice resulting from changes to form and contours (such as atrophy, contractures) or from the use of technical devices or aids (such as orthosis, urethral catheter, wheelchair) must not be evaluated using the rules provided in this chapter. This component is already taken into consideration in the percentages awarded in the categories of severity of the functional unit "Clinical Pictures of Paraplegia and Quadriplegia."
4. Permanent esthetic impairment must not only be visible, it must be apparent, that is, it must be clearly visible at 50cm. Any "apparent" impairment is taken into consideration despite the fact that it is normally hidden by clothing or hair.
5. The following four categories of impairment are the retained criteria for the evaluation :
 - **Change in skin color** : hypopigmentation or hyperpigmentation due to damage to the superficial dermis. The deep dermis is not damaged. Suppleness, elasticity, hydration, and pilosity are retained.
 - **Flat scars** : linear or almost linear, well oriented in the same direction as natural skin creases, at the same level as the adjoining tissue and almost the same color. They do not cause contractures or distortion of neighboring structures.
 - **Faulty scars** : linear or plaques, misaligned or cross over a natural skin crease. They may be irregular, depressed, deeply adhering, retractile, keloidal, hypertrophic, or pigmented.
 - **Change in shape and contours** : disfigurement, tissue loss, atrophy, or amputation.

6. The anatomical boundaries retained to separate contiguous parts of the body are the following :

➤➤ **Skull and Scalp :**

Region inside the normal, usual hairline. In the presence of baldness, the anatomical boundary corresponds to what would have been the normal hairline.

➤➤ **Face :**

Region defined by the anatomical boundaries of the skull and neck.

Fifteen (15) anatomical elements are used for the purposes of evaluating form and contours :

- | | | |
|--------------------------|--|-------------|
| ■ Right half of forehead | ■ Right eye (visible part of the ocular globe) | ■ Upper lip |
| ■ Left half of forehead | ■ Left eye (visible part of the ocular globe) | ■ Lower lip |
| ■ Right orbit/eyelid | ■ Right cheek | ■ Chin |
| ■ Left orbit/eyelid | ■ Left cheek | ■ Right ear |
| ■ Nose | ■ Mouth (visible part when open) | ■ Left ear |

➤➤ **Neck :**

Upper boundary : line following the lower part of the body of the mandible, continuing along the vertical rami to the temporomandibular joints and then along the normal usual hairline.

Lower boundary : line beginning at the jugular notch, continuing along the upper edge of the clavicle to the mid-point and then to the C7 spinous process.

➤➤ **Trunk and Genital Organs :**

Region defined by the anatomical boundaries of the neck , the upper limbs and the lower limbs

➤➤ **Upper Limb (upper boundary) :**

Circular line beginning at the apex of the armpit, extending backwards and forwards, and ending at the mid-point of the clavicle

➤➤ **Lower Limb (upper boundary) :**

Line beginning at the median upper edge of the pubic symphysis, continuing obliquely to the antero-superior iliac spine, then along the upper edge of the iliac crest, and ending at the upper vertical boundary of the gluteal fold.

For each esthetic unit, the category of severity is determined by the result of the overall weighted evaluation. The evaluation is conducted in four steps :

Step 1 : Describe all esthetic impairments found during the clinical evaluation.

Step 2 : For each category of impairment (permanent changes to skin color, flat scars, faulty scars, and changes to form and contours), determine the description corresponding to the result of the clinical evaluation. Only one score may be assigned per category of impairment.

Step 3 : Add the scores.

Step 4 : Determine the category of severity based on the appropriate correlation table.

25.1. ESTHETIC OF THE SKULL AND SCALP

OVERALL WEIGHTED EVALUATION

Changes to Skin Color	Flat Scars	Faulty Scars	Changes to Form and Contours, Non-Cicatricial Alopecia
Area of color slightly different from neighboring skin, apparent at 50 cm but not very apparent at 3 m, total area is < 15 cm ² and/or area of color very different from neighboring skin, apparent at 3 m, total area is < 2 cm ²	Total length is < 10 cm } 0.5	Linear, total length is < 3 cm and/or plaques, total area is < 2 cm ² } 0.5	Area of non-cicatricial alopecia, total area is < 2 cm ² } 0.5
Area of color slightly different from neighboring skin, apparent at 50 cm but not very apparent at 3 m, total area is ≥ 15 cm ² and/or area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 2 cm ² but < 5 cm ²	Total length is ≤ 10 cm } 2	Linear, total length is ≥ 3 cm but < 10 cm and/or plaques, total area is ≥ 2 cm ² but < 5 cm ² } 2	Area of non-cicatricial alopecia, total area is ≥ 2 cm ² but < 5 cm ² and/or slight disfigurement of the skull } 2
Area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 5 cm ² but < 25% of the entire skull and scalp	} 7	Linear, total length is ≥ 10 cm but < 25 cm and/or plaques, total area is ≥ 5 cm ² but < 15 cm ² } 7	Area of non-cicatricial alopecia, total area is ≥ 5 cm ² and/or moderate disfigurement of the skull } 7
Area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 25% of the entire skull and scalp	} 20	Linear, total length is ≥ 25 cm and/or plaques, total area is ≥ 15 cm ² but < 25% of the entire skull and scalp } 20	Significant disfigurement of the skull } 20
		Extensive and unsightly scars, total area is ≥ 25% of the entire skull and scalp } 40	Severe and unsightly disfigurement affecting almost the entire skull } 40
Total Weighted Evaluation:			Points

25.2. ESTHETIC OF THE FACE
OVERALL WEIGHTED EVALUATION

Changes to Skin Color	Flat Scars	Faulty Scars	Changes to Form and Contours, Non-Cicatrical Alopecia
<p>Area of color slightly different from neighboring skin, apparent at 50 cm but not very apparent at 3 m, total area is < 10 cm²</p> <p>and/or</p> <p>area of color very different from neighboring skin, apparent at 3 m, total area is < 2 cm²</p>	<p>Total length is < 5 cm</p>	<p>Linear scars, total length is < 2 cm and/or plaques, total area is < 1 cm²</p>	<p>Slight disfigurement of 1 anatomical element*</p>
<p>Area of color slightly different from neighboring skin, apparent at 50 cm but not very apparent at 3 m, total area is ≥ 10 cm²</p> <p>and/or</p> <p>area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 2 cm² but < 5 cm²</p>	<p>Total length is ≥ 5 cm but < 20 cm</p>	<p>Linear scars, total length is ≥ 2 cm but < 5 cm and/or plaques, total area is ≥ 1 cm² but < 3 cm²</p>	<p>Slight disfigurement of 2 or more anatomical elements* and/or moderate disfigurement of 1 anatomical element*</p>
<p>Area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 5 cm² but < 10 cm²</p>	<p>Total length is ≥ 20 cm</p>	<p>Linear scars, total length is ≥ 5 cm but < 15 cm and/or plaques, total area is ≥ 3 cm² but < 10 cm²</p>	<p>Moderate disfigurement of 2 or more anatomical elements* and/or significant disfigurement of 1 anatomical element*</p>
<p>Area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 10 cm²</p>		<p>Linear scars, total length is ≥ 15 cm and/or plaques, total area is ≥ 10 cm² but < 25% of the entire face</p>	<p>Significant disfigurement of 2 or more anatomical elements*</p>
		<p>Extensive and conspicuous scars, total area is ≥ 25% but < 50% of the entire face</p>	<p>Severe and unsightly disfigurement affecting approximately 50% of the face</p>
		<p>Extensive and unsightly scars corresponding to disfiguration</p>	<p>Deformation of almost the entire face corresponding to disfiguration</p>
			<p>Total Weighted Evaluation: _____ Points</p>

* **Note:** See point 7 of evaluation rules in this chapter for the list of anatomical elements to be evaluated.

25.3. ESTHETIC OF THE NECK

OVERALL WEIGHTED EVALUATION

Changes to Skin Color	Flat Scars	Faulty Scars	Changes to Form and Contours, Non-Cicatrical Alopecia
Area of color slightly different from neighboring skin, apparent at 50 cm but not very apparent at 3 m, total area is < 10 cm ² and/or area of color very different from neighboring skin, apparent at 3 m, total area is < 2 cm ²	Total length is < 5 cm } 0.5	Linear scars, total length is < 2 cm and/or plaques, total area is < 1 cm ² } 0.5	Very slight disfigurement of the neck, apparent at 50 cm but not very apparent at 3 m } 0.5
Area of color slightly different from neighboring skin, apparent at 50 cm but not very apparent at 3 m, total area is ≥ 10 cm ² and/or area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 2 cm ² but < 5 cm ²	Total length is ≥ 5 cm but < 20 cm } 2	Linear scars, total length is ≥ 2 cm but < 5 cm and/or plaques, total area is ≥ 1 cm ² but < 3 cm ² } 2	Slight disfigurement of the neck } 2
Area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 2 cm ² but < 5 cm ² and/or Area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 5 cm ² but < 25% of the entire neck	Total length is ≥ 20 cm } 7	Linear scars, total length is ≥ 5 cm but < 15 cm and/or plaques, total area is ≥ 3 cm ² but < 10 cm ² } 7	Moderate disfigurement of the neck } 7
Area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 25% of the entire neck	} 20	Linear scars, total length is ≥ 15 cm and/or plaques, total area is ≥ 10 cm ² but < 25% of the entire neck } 20	Significant disfigurement of the neck } 20
} 40	Extensive and unsightly scars, total area is ≥ 25% of the entire neck } 40	} 40	Severe and unsightly disfigurement affecting almost the entire neck } 40
Total Weighted Evaluation: _____ Points			

**25.4. ESTHETIC OF THE TRUNK AND GENITAL ORGANS
OVERALL WEIGHTED EVALUATION**

Changes to Skin Color	Flat Scars	Fatty Scars	Changes to Form and Contours, Non-Cicatricial Alopecia
<p>Area of color slightly different from neighboring skin, apparent at 50 cm but not very apparent at 3 m, total area is < 25 cm²</p> <p>and/or</p> <p>area of color very different from neighboring skin, apparent at 3 m, total area is < 5 cm²</p>	<p>Total length is < 10 cm</p>	<p>Linear scars, total length is < 5 cm and/or plaques, total area is < 5 cm²</p>	<p>Very slight disfigurement of the trunk, apparent at 50 cm but not very apparent at 3 m</p>
<p>Area of color slightly different from neighboring skin, apparent at 50 cm but not very apparent at 3 m, total area is ≥ 25 cm²</p> <p>and/or</p> <p>area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 5 cm² but < 25 cm²</p>	<p>Total length is ≥ 10 cm but < 25 cm</p>	<p>Linear scars, total length is ≥ 5 cm but < 10 cm and/or plaques, total area is ≥ 5 cm² but < 10 cm²</p>	<p>Slight disfigurement of the trunk</p>
<p>Area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 25 cm² but < 25% of the entire trunk</p>	<p>Total length is ≥ 25 cm</p>	<p>Linear scars, total length is ≥ 10 cm but < 25 cm and/or plaques, total area is ≥ 10 cm² but < 50 cm²</p>	<p>Moderate disfigurement of the trunk and/or of the genital organs and/or of the breasts (woman only)</p>
<p>Area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 25% of the entire trunk</p>		<p>Linear scars, total length is ≥ 25 cm and/or plaques, total area is ≥ 50 cm² but < 25% of the entire trunk</p>	<p>Significant disfigurement of the trunk and/or of the genital organs and/or of the breasts (woman only)</p>
		<p>Extensive and unsightly scars, total area is ≥ 25% but < 50% of the entire trunk</p>	<p>Severe disfigurement of the trunk and/or of the genital organs and/or of the breasts (woman only)</p>
		<p>Extensive and unsightly scars, total area is ≥ 50% of the entire trunk</p>	<p>Severe and unsightly disfigurement affecting almost the entire trunk</p>
Total Weighted Evaluation: _____ Points			

25.5 ESTHETIC OF THE RIGHT UPPER LIMB

25.6 ESTHETIC OF THE LEFT UPPER LIMB

OVERALL WEIGHTED EVALUATION

Changes to Skin Color	Flat Scars	Faulty Scars	Changes to Form and Contours, Non-Clestial Alopecia
Area of color slightly different from neighboring skin, apparent at 50 cm but not very apparent at 3 m, total area is < 25 cm ² and/or area of color very different from neighboring skin, apparent at 3 m, total area is < 5 cm ²	Total length is < 10 cm	Linear scars, total length is < 3 cm and/or plaques, total area is < 2 cm ²	Very slight disfigurement of the limb, apparent at 50 cm but not very apparent at 3 m
Area of color slightly different from neighboring skin, apparent at 50 cm but not very apparent at 3 m, total area is ≥ 25 cm ² and/or area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 5 cm ²	Total length is ≥ 10 cm but < 25 cm	Linear scars, total length is ≥ 3 cm but < 5 cm and/or plaques, total area is ≥ 2 cm ² but < 5 cm ²	Slight disfigurement of the limb, such as an amputation of 1 or 2 phalanges
Area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 5 cm ² but < 25 cm ²	Total length is ≥ 25 cm	Linear scars, total length is ≥ 5 cm but < 15 cm and/or plaques, total area is ≥ 5 cm ² but < 25 cm ²	Moderate disfigurement of the limb such as an amputation of 1 or 2 fingers, or 1 or 2 metacarpals
Area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 25 cm ² but < 25% of the entire limb		Linear scars, total length is ≥ 15 cm and/or plaques, total area is ≥ 25 cm ² but < 25% of the entire limb	Significant disfigurement of the limb such as an amputation of more than 2 fingers or 2 metacarpals
Area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 25% of the entire limb		Extensive and unsightly scars, total area is ≥ 25% but < 50% of the entire limb	Severe and unsightly disfigurement of the limb such as an amputation at the wrist or forearm
		Extensive and unsightly scars, total area is ≥ 50% of the entire limb	Severe and unsightly disfigurement of almost the entire limb such as the amputation at the arm
Total Weighted Evaluation:			Points

25.7 ESTHETIC OF THE RIGHT LOWER LIMB

25.8 ESTHETIC OF THE LEFT LOWER LIMB

OVERALL WEIGHTED EVALUATION

Changes to Skin Color	Flat Scars	Faulty Scars	Changes to Form and Contours, Non-Cicatricial Alopecia
Area of color slightly different from neighboring skin, apparent at 50 cm but not very apparent at 3 m, total area is < 25 cm ² and/or area of color very different from neighboring skin, apparent at 3 m, total area is < 5 cm ²	Total length is < 10 cm	Linear scars, total length is < 5 cm and/or plaques, total area is < 5 cm ²	Very slight disfigurement of the limb, apparent at 50 cm but not very apparent at 3 m
Area of color slightly different from neighboring skin, apparent at 50 cm but not very apparent at 3 m, total area is ≥ 25 cm ² and/or area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 5 cm ² but < 25 cm ²	Total length is ≥ 10 cm but < 25 cm	Linear scars, total length is ≥ 5 cm but < 10 cm and/or plaques, total area is ≥ 5 cm ² but < 10 cm ²	Slight disfigurement of the limb such as an amputation of 1 or 2 toes
Area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 25 cm ² but < 25% of the entire limb	Total length is ≥ 25 cm	Linear scars, total length is ≥ 10 cm but < 25 cm and/or plaques, total area is ≥ 10 cm ² but < 50 cm ²	Moderate disfigurement of the limb such as an amputation of more than 2 toes
Area of color very different from neighboring skin, apparent at 3 m, total area is ≥ 25% of the entire limb		Linear scars, total length is ≥ 25 cm and/or plaques, total area is ≥ 50 cm ² but < 25% of the entire limb	Significant disfigurement of the limb such as an amputation of a foot
		Extensive and unsightly scars, total area is ≥ 25% but < 50% of the entire limb	Severe and unsightly disfigurement of almost the entire limb such as an amputation at ankle or lower leg
		Extensive and unsightly scars, total area is ≥ 50% of the entire limb	Severe and unsightly disfigurement of almost the entire limb such as an amputation at thigh
Total Weighted Evaluation:			Points

CATEGORIES OF SERVERITY**Under the Minimum Threshold**

After-effects of the permanent impairment, such as a scar that is barely visible and not apparent at 50 cm, are less than those resulting from the situation described in Severity 1.

CATEGORIES OF SEVERITY ACCORDING TO THE RESULT OF THE OVERALL WEIGHTED EVALUATION

	Under the Minimum Threshold N/A*	0.5 to 1 SEVERITY 1	1.5 to 5 SEVERITY 2	6 to 19 SEVERITY 3	20 to 39 SEVERITY 4	40 to 79 SEVERITY 5	80 and over SEVERITY 6
25.1. Skull and Scalp	N/A	0.5%	1%	3%	5%	8%	
25.2. Face	N/A	1%	3%	7%	15%	30%	50%
25.3. Neck	N/A	0.5%	1%	3%	5%	8%	
25.4. Trunk and Genital Organs	N/A	0.5%	1%	3%	6%	9%	12%
25.5. Right Upper Limb	N/A	0.5%	1%	3%	6%	9%	12%
25.6. Left Upper Limb	N/A	0.5%	1%	3%	6%	9%	12%
25.7. Right Lower Limb	N/A	0.5%	1%	3%	6%	9%	12%
25.8. Left Lower Limb	N/A	0.5%	1%	3%	6%	9%	12%

(*) Not applicable

APPENDIX II

(s. 8)

SCHEDULE OF INJURIES

Title I:	Head and Neck
Title II:	Face
Title III:	Thorax
Title IV:	Abdomen and Pelvic Contents
Title V:	Spinal Column
Title VI:	Right Upper Limb
Title VII:	Left Upper Limb
Title VIII:	Right Lower Limb
Title IX:	Left Lower Limb
Title X:	Psychic System
Title XI:	Total Body Surface
Title XII:	Complications

Title I: Head and Neck**Severity Rating**

• Burns	see Title XI: Surface	
• Contusions where skin is not broken	see Title XI: Surface	
• Sprains		
Cervical sprain	see Title V: Spinal Column	
• Fractures		
Skull		
Fracture of calvarium without intracranial trauma		3
Fracture of calvarium with intracranial trauma		6
Fracture of base without intracranial trauma		4
Fracture of base with intracranial trauma		6
Neck		
Cervical spine fracture	see Title V: Spinal Column	
Fracture of larynx and/or trachea		6
• Dislocations without fracture		
Dislocation of cervical vertebrae	see Title V: Spinal Column	

Severity Rating

- **Wounds**

Trauma to the tympanum and/or eustachian tube	see Title II: Face	
Laryngeal and/or tracheal wound		3
Thyroid gland wound		3
Pharyngeal wound		3
Other head and neck wounds	see Title XI: Surface	

- **Intracranial trauma not associated with a skull fracture**

Concussion		
Mild craniocerebral trauma		
(loss of consciousness for less than 30 minutes with Glasgow		
Coma score of 13 or more and/or post-traumatic amnesia for less		
than 24 hours)		
		2
Moderate or severe craniocerebral trauma		
		4
Cerebral contusion or laceration		
		6
Intracranial hemorrhage		
		6
Subarachnoid hemorrhage, extradural or subdural hematoma		
		6
Trauma to the labyrinth		
		4

- **Cranial nerve damage**

Damage to the olfactory nerve (I)		4
Damage to the optic nerve (II) and/or visual pathways		4
Damage to the common motor ocular nerves (III)		4
Damage to the trochlear (pathetic) nerve (IV)		4
Damage to the trigeminal nerve (V)		4
Damage to the abducens nerve (VI)		4
Damage to the facial nerve (VII)		4
Damage to the auditory nerve (VIII)		4
Damage to the glossopharyngeal nerve (IX)		4
Damage to the vagal nerve (X)		4
Damage to the spinal nerve (XI)		4
Damage to the hypoglossal nerve (XII)		4

- **Blood vessel injuries**

Carotid artery injury		5
Injury of the internal jugular vein		5
Other injuries to vessels of the head and/or neck		4

- **Superficial trauma**

	see Title XI: Surface	
Cutaneous foreign body	see Title XI: Surface	

- **Mental disorders**

see Title X: Psychic System

Title II: Face

Severity Rating

- **Impairment of the eye and of its adjacent structures**

Burn to the eye and its adjacent structures		
	see Title XI: Surface	
Burn to the cornea and/or conjunctival sac		2
Contusion of orbital tissue		1
Eyeball contusion		1

	Severity Rating
Foreign body in the cornea	1
Foreign body in the conjunctival sac	1
Eyelid tear with impairment of the lacrimal ducts	3
Eyelid tear without impairment of the lacrimal ducts	3
see Title XI: Surface	
Choroidal and/or retinal detachment	5
Traumatic enucleation	6
Hemorrhage of the iris or ciliary body	4
Vitreous hemorrhage	4
Hemorrhage and rupture of the choroid	4
Retinal or preretinal hemorrhage	2
Subconjunctival hemorrhage	1
Perforation of the eyeball	6
Trauma to the eyeball	5
Orbital wound	4
Superficial trauma of the cornea	1
Superficial trauma of the conjunctiva	1
• Burns	
Burn to the mucous membrane of the mouth and/or pharynx	4
Burn to the eye	
see Impairment of the eye and of its adjacent structures	
Other burns	see Title XI: Surface
• Contusions where skin is not broken	
Eyeball contusion	
see Impairment of the eye and of its adjacent structures	
Other contusions	see Title XI: Surface
• Foreign bodies	
Foreign body in the ear	1
Foreign body in the mouth	1
Foreign body in the eye	
see Impairment of the eye and of its adjacent structures	
Cutaneous foreign bodies (superficial injury)	
see Title XI: Surface	
• Sprains	
Sprain (displacement) of the nasal septum cartilage	2
Maxillary sprain	2
• Fractures	
One or more broken teeth	2
Fracture of bones of the nose	3
Mandibule fracture	4
Fracture of the malar bone and/or maxilla	4
LeFort I-type fracture	4
LeFort II-type fracture	4
LeFort III-type fracture	5
Fracture of the orbital floor or lower orbital wall	4
Fracture of the palate and/or tooth sockets	3
Fracture of the orbit (excluding fractures of the upper wall or orbital floor)	3

	Severity Rating
<ul style="list-style-type: none"> • Dislocation without fracture 	
Temporo-maxillary dislocation	3
<ul style="list-style-type: none"> • Wounds 	
Trauma of the tympanum and/or the eustachian tube	3
Injury of the internal parts of the mouth, including the tongue	2
Eyelid wound with impairment of the lacrimal ducts	
see Impairment of the eye and of its adjacent structures	
Eyelid wound without impairment of the lacrimal ducts	
see Title XI: Surface	
Eyeball wound	
see Impairment of the eye and of its adjacent structures	
Penetrating orbital wound	
see Impairment of the eye and of its adjacent structures	
Other facial wounds	see Title XI: Surface
<ul style="list-style-type: none"> • Nerve damage 	
Damage to superficial nerves of head and/or neck	2
Cranial nerve damage	see Title I: Head and Neck
<ul style="list-style-type: none"> • Superficial injuries 	
Cutaneous foreign bodies	see Title XI: Surface
	see Title XI: Surface
Title III: Thorax	
	Severity Rating
<ul style="list-style-type: none"> • Burns 	
Internal burn of the larynx, trachea or lung	4
Other burns	see Title XI: Surface
<ul style="list-style-type: none"> • Contusions where skin is not broken 	
	see Title XI: Surface
<ul style="list-style-type: none"> • Foreign bodies 	
Foreign body in the respiratory apparatus, excluding the lung	4
Foreign body in the lung	6
Cutaneous foreign bodies (superficial injury)	
see Title XI: Surface	
<ul style="list-style-type: none"> • Sprains 	
Sprain of the chondrocostal articulation	3
Sprain of the chondrosternal articulation	3
Thoracic sprain	see Title V: Spinal Column
<ul style="list-style-type: none"> • Fractures 	
Rib fracture	
Fracture of one or two ribs	3
Fracture of three or more ribs	4
Flail chest-type fracture	6
Sternum fracture	4

	Severity Rating
• Dislocations without fracture	
Sternoclavicular dislocation	4
• Wounds	see Title XI: Surface
• Internal chest injuries	
Hemothorax	4
Pneumohemothorax	4
Pneumothorax	4
Acute myocardial infarction	6
Trauma of the heart	6
Pulmonary contusion with or without pleural effusion	3
Trauma of the lung with penetrating chest wound	6
Trauma of the diaphragm	6
Trauma of another intrathoracic organ (bronchi, œsophagus, pleura or thymus)	6
• Nerve damage	
Trauma of one or more nerves of the trunk	4
• Blood vessel damage	
Damage to the thoracic aorta	6
Damage to the brachiocephalic artery and/or subclavian artery	6
Damage to the superior vena cava	6
Damage to the brachiocephalic vein and/or subclavian vein	6
Damage to pulmonary vessels (artery and/or vein)	6
Damage to other thoracic blood vessels (intercostal or thoracic)	4
• Superficial injuries	see Title XI: Surface
Cutaneous foreign bodies	see Title XI: Surface

Title IV : Abdomen and Pelvic Contents

	Severity Rating
• Burns	see Title XI: Surface
• Contusions where skin is not broken	see Title XI: Surface
• Foreign bodies	
Foreign body in the digestive apparatus	4
Cutaneous foreign body (superficial injury)	see Title XI: Surface
• Sprains	
Back and/or lumbar sprain	see Title V: Spinal Column
• Pregnancy and childbirth	
Premature delivery or miscarriage	6
Pregnancy complication	5
• Dislocations	
Dislocation in the pelvic region	see Titles VIII and IX: Lower Limbs

Severity Rating

• Wounds	see Title XI: Surface	
• Injury to internal organs of the abdomen and pelvis		
Damage to the stomach		4
Damage to the small intestine		4
Damage to the large intestine and/or rectum		4
Damage to the pancreas		4
Damage to the liver		4
Damage to the spleen		4
Damage to the kidney		4
Damage to the bladder and/or to the urethra		4
Damage to the ureter		4
Damage to internal genital organs		4
Damage to other intra-abdominal organs (gall bladder, cystic ducts, peritoneum, adrenal gland)		4
• Damage to external genital organs		
Amputation of the penis		6
Amputation of the testicle(s)		6
Vaginal injury		3
Other wounds of the external genital organs	see Title XI: Surface	
• Abdominal wall, inguinal or femoral trauma		
Inguinal or femoral hernia		4
Epigastric or umbilical hernia		4
• Blood vessel damage		
Damage to the abdominal aorta		6
Damage to the inferior vena cava		6
Damage to the celiac trunk and/or mesenteric arteries		6
Damage to the portal vein and/or splenic vein		6
Damage to renal blood vessels		6
Damage to iliac blood vessels		6
• Superficial injuries	see Title XI: Surface	
Cutaneous foreign bodies	see Title XI: Surface	

Title V : Spinal Column**Severity Rating**

• Sprains		
Cervical or cervicothoracic sprain		
Cervical sprain without objective clinical sign (cervicalgia, WAD I)		1
Cervical sprain with musculoskeletal signs (WAD II)		2
Cervical sprain with neurological signs (WAD III)		4
Thoracic or thoracolumbar sprain		
Thoracic or thoracolumbar sprain without objective clinical sign (dorsalgia)		1
Thoracic or thoracolumbar sprain with musculoskeletal signs		2
Thoracic or thoracolumbar sprain with neurological signs		4
Lumbar or lumbosacral sprain		
Lumbar or lumbosacral sprain without objective clinical sign (lumbago)		1
Lumbar or lumbosacral sprain with musculoskeletal signs		2
Lumbar or lumbosacral sprain with neurological signs		4
Sacral sprain		2

Severity Rating

Coccygeal sprain 2

- **Fractures**

- **Cervical spine**

Fracture of one or more cervical vertebrae without neurological lesion 5

Fracture of one or more cervical vertebrae with neurological lesion 6

- **Thoracic spine**

Fracture of one or more thoracic vertebrae without neurological lesion 4

Fracture of one or more thoracic vertebrae with neurological lesion 6

- **Lumbar and sacral spine**

Fracture of one or more lumbar vertebrae without neurological lesion 5

Fracture of one or more lumbar vertebrae with neurological lesion 6

Fracture of the sacrum and/or coccyx without neurological lesion 4

Fracture of the sacrum and/or coccyx with neurological lesion 6

- **Dislocations without fracture**

Dislocation of one cervical vertebra 5

Dislocation of one thoracic and/or lumbar vertebra 5

- **Isolated injury to the spinal cord**

Spinal cord injury of the cervical spine without vertebral lesion 6

Spinal cord injury of the thoracic spine without vertebral lesion 6

Spinal cord injury of the lumbar spine without vertebral lesion 6

Spinal cord injury of the sacral spine without vertebral lesion 6

- **Damage to the roots and rachidian plexus**

Damage to one or more cervical roots 4

Damage to one or more thoracic roots 4

Damage to one or more lumbar roots 4

Damage to one or more sacral roots 4

Damage to the brachial plexus 6

Damage to the lumbosacral plexus 6

- **Other impairments of the spine**

Herniated cervical disc 5

Herniated thoracic, lumbar or lumbosacral disc 5

Acquired spondylolisthesis 4

Title VI: Right Upper Limb

Title VII: Left Upper Limb

Severity Rating

- **Amputations**

Amputation of a thumb 5

Amputation of finger(s) other than the thumb 5

Amputation of the arm or hand (excluding the isolated amputation of finger(s) or thumb) 6

- **Musculotendinous impairment**

Rotator cuff syndrome 3

Rupture of the rotator cuff 4

Tendinitis of the elbow 3

Tendinitis of the wrist 3

Severity Rating

• Burns	see Title XI: Surface	
• Contusions where skin is not broken	see Title XI: Surface	
• Sprains		
Acromioclavicular sprain		3
Shoulder sprain		3
Elbow sprain		3
Wrist sprain		3
Hand sprain		2
• Fractures		
Clavicle fracture		4
Scapula fracture		4
Fracture of the upper epiphysis of the humerus		5
Diaphyseal fracture of the humerus		4
Inferior epiphyseal fracture of the humerus		5
Superior epiphyseal fracture of the radius and/or ulna		5
Diaphyseal fracture of the radius and/or ulna		4
Inferior epiphyseal fracture of the radius and/or ulna		5
Fracture of the carpus		4
Fracture of one or more metacarpals		4
Fracture of one or more phalanges of the fingers		3
• Dislocations without fracture		
Shoulder dislocation		4
Elbow dislocation		4
Dislocation of the wrist		4
Finger dislocation (one or more)		3
• Wounds		
Traumatic arthrotomy of the elbow		4
Wound(s) without damage to tendons		
	see Title XI: Surface	
Wound(s) to arm, excluding wrist and hand, with damage to tendons		4
Wound(s) to wrist, hand and/or fingers with damage to tendons		5
• Nerve damage		
Damage to the circumflex nerve		4
Damage to the median nerve		4
Damage to the ulnar nerve		4
Damage to the radial nerve		4
Damage to the musculocutaneous nerve of the arm		3
Damage to the cutaneous nerves of the arm		3
Damage to the collateral palmar nerves (digital nerves)		3
• Blood vessel damage		
Damage to the blood vessels in the arm (axillary, brachial, radial, cubital)		4
• Superficial injuries		
Cutaneous foreign bodies	see Title XI: Surface	
	see Title XI: Surface	

Title VIII: Right Lower Limb
Title IX: Left Lower Limb

Severity Rating

• Amputations	
Amputation of toes	4
Amputation of the leg, excluding the isolated amputation of toe(s)	6
• Musculotendinous impairment	
Tendinitis of the hip	3
Tendinitis of the knee	3
Tendinitis of the ankle and/or foot	3
• Impairment of menisci	
Tear of one or more menisci of the knee	3
• Burns	
	see Title XI: Surface
• Contusions where skin is not broken	
	see Title XI: Surface
• Sprains	
Hip sprain	3
Knee sprain	3
Ankle sprain	3
Foot sprain	2
Sacroiliac sprain	3
Pelvic sprain (pubic symphysis)	3
• Fractures	
Fracture of the acetabulum	5
Fracture of the pubis	4
Fracture of the ilium and/or ischium	4
Multiple fractures of the pelvis	5
Fracture of femoral neck	5
Diaphyseal fracture of the femur	5
Inferior epiphyseal fracture of the femur	5
Fracture of the patella	4
Superior epiphyseal fracture of the tibia and/or fibula	5
Diaphyseal fracture of the tibia and/or fibula	4
Ankle fracture	4
Calcaneal fracture	4
Fracture of the talus	4
Fractures of other bones of the tarsus and/or metatarsus	4
Fracture of one or more phalanges of the toes	3
• Dislocations without fracture	
Dislocation in the pelvis	4
Dislocation of the hip	5
Dislocation of the patella	3
Dislocation of the knee	6
Dislocation of the ankle	4
Dislocation of the foot	3

	Severity Rating
• Wounds	
Traumatic arthrotomy of the knee	4
Traumatic arthrotomy of the ankle	4
Leg wound, without damage to tendons	see Title XI: Surface
Leg wound, with damage to tendons	4
• Nerve damage	
Damage to the sciatic nerve	5
Damage to the crural nerve	4
Damage to the posterior tibial nerve	4
Damage to the common fibular nerve	4
Damage to the cutaneous nerves of the leg	3
• Blood vessel damage	
Damage to the common and/or superficial femoral artery	6
Damage to the femoral and/or saphenous veins	4
Damage to popliteal blood vessels	4
Damage to tibial blood vessels	4
• Superficial injuries	
Cutaneous foreign bodies	see Title XI: Surface

Title X: Psychic System*

	Severity Rating
Anxiety	2
Reactive depression	4
Acute reactive state resulting from a difficult situation	4
Neurosis or psychoneurosis	4

* For psychic system complications resulting from an injury, see Title 12: Complications

Title XI: Total Body Surface

	Severity Rating
• Burns	
Head, face and neck	
Burn to the cornea or conjunctival sac	see Title II: Face
Unspecified burn to the eye and its adjacent structures	2
Burn to the eyelid and/or periocular region	2
First-degree burn to the head and/or neck	2
Second-degree burn to the head and/or neck	3
Deep second-degree burn to the head and/or neck	4
Third-degree burn to the head and/or neck	5
Internal burn to the larynx, trachea and/or lung	see Title III: Thorax
Trunk	
First-degree burn to the trunk	2
Second-degree burn to the trunk	3
Deep second-degree burn to the trunk	4
Third-degree burn to the trunk	5

Severity Rating**Arm**

First-degree burn to an arm	2
Second-degree burn to an arm	3
Deep second-degree burn to an arm	4
Third-degree burn to an arm	5

Leg

First-degree burn to a leg	2
Second-degree burn to a leg	3
Deep second-degree burn to a leg	4
Third-degree burn to a leg	5

Multiple or extensive burns

Burn(s) covering less than 10% of the body	see the specific region	
Burns covering 10% to 19% of the body		6
Burns covering 20% to 29% of the body		6
Burns covering 30% to 39% of the body		6
Burns covering 40% to 49% of the body		6
Burns covering 50% to 59% of the body		6
Burns covering 60% to 69% of the body		6
Burns covering 70% to 79% of the body		6
Burns covering 80% to 89% of the body		6
Burns covering 90% to 99% of the body		6

• Contusions where skin is not broken

Multiple-site contusions		1
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Head - face and neck

Contusion of the face, scalp and/or neck		1
Contusion of the eyelid and/or the periocular region		1
Contusion of orbital tissue	see Title II: Face	
Contusion of the eyeball	see Title II: Face	

Trunk

Breast contusion		1
Contusion of the front chest wall		1
Contusion of the abdominal wall		1
Contusion of the posterior wall of trunk		1
Contusion of genital organs		2
Multiple contusions to the trunk		1

Arm

Arm contusion(s)		1
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Leg

Leg contusion(s)		1
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• Foreign bodies

Cutaneous foreign bodies	see Superficial injuries	
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	Severity Rating
• Wounds	
Multiple-site wounds	2
Head, face and neck	
Tear of the eyelid and/or periocular region, without impairment of the lacrimal ducts	2
Tear of the eyelid with impairment of the lacrimal ducts	see Title II: Face
Head wound, excluding face	2
Facial wound	2
Outer ear injury	2
Wound of the tympanum and/or eustachian tube	see Title II: Face
Eyeball wound	see Title II: Face
Penetrating orbital wound	see Title II: Face
Neck wound	2
Trunk	
Wound of the front chest wall	2
Wound of the posterior wall of the trunk	2
Wound of external genital organs	3
Wound of the front and/or side abdominal wall	2
Wound of the perineum	2
Vaginal wound	see Title IV: Abdomen and Pelvic Contents
Arm	
Arm wound(s) with tendon impairment	see Titles VI - VII: Upper Limbs
Arm wound(s)	2
Leg	
Leg wound(s) with tendon impairment	see Titles VIII - IX: Lower Limbs
Leg wound(s)	2
• Superficial injuries (abrasions, scratches, friction burns, foreign body (splinter) without major wound)	
Superficial injury to the face, neck and/or scalp	1
Superficial injury to the trunk	1
Superficial injury to an arm	1
Superficial injury to a leg	1
Superficial injuries at multiple sites	1

Title XII: Complications

	Severity Rating
Injury resulting in death (more than 24 hours after the accident)	6
Stroke	6
Cardiopulmonary arrest	6
Traumatic shock (hypovolemic shock)	6
Post-operative shock	6
Coagulopathy	4

	Severity Rating
Peripheral vascular complications	4
Volkman's ischemic contracture	5
Reflex sympathetic dystrophy	6
Cerebral embolism	6
Pulmonary embolism	6
Traumatic subcutaneous emphysema	3
Psychotic state	4
Myocardial infarction	6
Infection of a wound	3
Post-operative infection	5
Lung failure	6
Kidney failure	5
Carbon monoxide poisoning	2
Pulmonary edema	5
Acute pericarditis	6
Compartmental syndrome	5
Paroxysmal tachycardia	6
Peptic ulcer	4

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Gouvernement du Québec

O.C. 1371-2000, 22 November 2000Highway Safety Code
(R.S.Q., c. C-24.2)**Licences**
— **Amendments**

Regulation to amend the Regulation respecting licences

WHEREAS under paragraph 3 of section 619 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may, by regulation, determine types and classes of licences according to their nature;

WHEREAS under paragraph 6 of section 619 of the Code, the Government may, by regulation, prescribe, according to the nature, class or category of a licence, the documents and information which must be produced with an application for the issue or renewal of such a licence or the payment of amounts under section 93.1 of the Code as well as any other condition or formality for obtaining or renewing that licence;

WHEREAS by Order in Council 1421-91 dated 16 October 1991, the Government made the Regulation respecting licences and it is expedient to amend that Regulation;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting licences was published in Part 2 of the *Gazette officielle du Québec* of 13 September 2000 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting licences without amendment;

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

THAT the Regulation to amend the Regulation respecting licences, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting licences*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 619, pars. 3 and 6)

1. Section 8 of the Regulation respecting licences is amended by substituting the words “of class 6R or of any” for the words “of a”.

2. The following is inserted after section 8:

“**8.1.** A class 6R learner’s licence authorizes the driving of any motorcycle only during a motorcycle driving course given by a driving school recognized by a body certified by the Société and during a proficiency examination given by the Société.”.

3. Section 11 is revoked.

4. The following is inserted after section 12:

“**12.1.** A person wishing to obtain a class 6A learner’s licence must:

(1) submit his class 6R learner’s licence, which he must have held for at least one month;

(2) submit an attestation, from a driving school recognized by a body certified by the Société, of his successful completion of the appropriate driving course for the class of licence applied for.”.

5. Sections 18 and 19 are revoked.

6. The following is substituted for section 20:

“**20.** A person wishing to obtain a class 6A, 6B or 6C probationary licence for the first time must:

(1) where he obtained a class 6A learner’s licence before 1 January 2001:

(a) submit his class 6A learner’s licence, which he must have held for at least eight months;

(b) submit an attestation, from a driving school recognized by a body certified by the Société, of his suc-

cessful completion of the appropriate driving course for the class of licence applied for;

(2) where he has not obtained a class 6A learner’s licence before 1 January 2001, submit his class 6A learner’s licence, which he must have held for at least seven months.”.

7. Section 33 is revoked.

8. The following is substituted for paragraphs 2 and 3 of section 35:

“(2) where he is 25 years of age or older or in cases other than that of a first driver’s licence authorizing him to drive a road vehicle other than a moped or a farm tractor and if he has obtained a class 6A learner’s licence before 1 January 2001:

(a) submit his class 6A learner’s licence, which he must have held for at least eight months;

(b) submit an attestation, from a driving school recognized by a body certified by the Société, of his successful completion of the appropriate driving course for the class of licence applied for;

(3) where he is 25 years of age or older or in cases other than that of a first driver’s licence authorizing him to drive a road vehicle other than a moped or a farm tractor and if he has not obtained a class 6A learner’s licence before 1 January 2001, submit his class 6A learner’s licence, which he must have held for at least seven months;”.

9. This Regulation comes into force on 1 January 2001.

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Gouvernement du Québec

O.C. 1372-2000, 22 November 2000

Highway Safety Code
(R.S.Q., c. C-24.2)

Fees exigible and return of confiscated objects — Amendments

Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects

WHEREAS under subparagraph 1 of the first paragraph of section 624 of the Highway Safety Code (R.S.Q.,

* The Regulation respecting licences, made by Order in Council 1421-91 dated 16 October 1991 (1991, *G.O.* 2, 4146), was last amended by the Regulation made by Order in Council 624-99 dated 2 June 1999 (1999, *G.O.* 2, 1623) and by section 12 of chapter 31 of the Statutes of 2000. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

c. C-24.2), the Société de l'assurance automobile du Québec may by regulation determine the amount of the fee exigible for obtaining the registration of a road vehicle and the amount of the fee exigible on payment of the duties and insurance contribution referred to in section 31.1 of the Code and establish the terms and conditions of payment of such fees;

WHEREAS under subparagraph 4.1 of the first paragraph of section 624 of the Code, the Société may by regulation fix the amount of the fee exigible from the date it may determine for replacing a registration certificate, registration plate, validation sticker, temporary registration certificate or detachable registration plate;

WHEREAS under section 625 of the Code, every regulation made by the Société is subject to the approval of the Government;

WHEREAS by Order in Council 646-91 dated 8 May 1991, the Government approved the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects;

WHEREAS at a meeting of its board of directors held on 11 May 2000, the Société made the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects was published in Part 2 of the *Gazette officielle du Québec* of 30 August 2000 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS at a meeting of its board of directors held on 24 October 2000, the Société adopted amendments to the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 624, par. 1, subpars. 1 and 4.1)

1. The Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects is amended by inserting the following after section 2.1 :

“2.2. The fee payable is \$40 for each of the vehicle registration operations listed below done in a Société establishment or by mail where required for a road vehicle concerned in a fleet of vehicles :

(1) the initial apportioned registration of a vehicle ;

(1) the addition of a vehicle to a fleet ;

(3) a change to the information concerning the name of the registrant, the number of axles on a vehicle, the unladen weight, the gross vehicle weight, the number of seats, the number assigned by the Commission des transports du Québec, the type of vehicle, its wheelbase, the fuel it uses, the engine horsepower rating, the vehicle's purchase price, its lease rate on an annual basis or the passenger capacity ;

(4) the replacement of a vehicle ;

(5) the transfer of a vehicle to another fleet operated by the same carrier ;

(6) the addition of a Canadian province or an American state to the list of jurisdictions in which a vehicle is registered for apportioned travel ;

(7) a change to the distance reported during the previous year or to a distance estimate.

2.3. The fee payable for the replacement a vehicle's apportioned registration certificate (IRP) is \$20 when done in a Société establishment or by mail and \$15 when done electronically.

* The latest amendments to the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, approved by Order in Council 646-91 dated 8 May 1991 (1991, *G.O.* 2, 1695), were made by the regulations approved by Order in Council 162-99 dated 24 February (1999, *G.O.* 2, 251) and Order in Council 550-2000 dated 3 May 2000 (2000, *G.O.* 2, 2207). For prior amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

2.4. The fee payable for a vehicle registration operation enumerated in section 2.2 is \$30 when done electronically.

2.5. The fee payable for renewal of a vehicle's apportioned registration is:

- (1) \$30 when the operation is done electronically;
- (2) \$40 when the operation is done by mail;
- (3) \$45 when the operation is done in a Société establishment.

2.6. The fee payable for a permit for travel with an unladen vehicle is \$40.”

2. Notwithstanding paragraph 1 of section 2.2, the fee payable for the initial apportioned registration of a vehicle to April 30, 2001 is that set by section 2.5.

3. This regulation comes into force on 1 January 2001.

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Gouvernement du Québec

O.C. 1374-2000, 22 November 2000

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Industrie de l'automobile

— **Mauricie**

— **Levy**

— **Amendments**

CONCERNING the Regulation to amend the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie

WHEREAS the Comité paritaire de l'industrie de l'automobile de la Mauricie levies the amounts needed for the application of the Decree respecting the automotive services industry in the Drummond and Mauricie regions on the professional employer and the employee under the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie, approved by Order in Council No. 2626-85 dated 11 December 1985;

WHEREAS the Comité paritaire de l'industrie de l'automobile de la Mauricie adopted at its meeting held on 10 February 1998 a resolution requesting the Government to increase the levy rate on employers and employees governed by the Decree;

WHEREAS under paragraph *i* of section 22 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may, at any time, increase the levy rate of the Comité paritaire;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a copy of the Regulation attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 12 July 2000 and, on that date, in a French-language and an English-language newspaper and on 16 July 2000, in two other French-language newspapers, with a notice that it could be approved by the Government at the expiry of the 45-day period following that publication;

WHEREAS it is expedient to approve this Regulation without amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour and Employment and Minister of Labour:

THAT the Regulation to amend the Levy Regulation of the Comité paritaire de l'automobile de la Mauricie, attached hereto, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 22, par. *i*)

1. The Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie is amended by substituting the following for section 1 to 3:

“**1.** This Regulation applies to persons governed by the Decree respecting the automotive services industrie in the Drummond and Mauricie regions (R.R.Q., 1981, c. D-2, r.45).

* The Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie, approved by Order in Council No. 2626-85 dated 11 December 1985 (1985, *G.O.* 2 6982), was amended by the regulations made under Orders in Council No. 1392-91 dated 9 October 1991 (1991, *G.O.* 2, 5809) and No. 189-97 dated 12 February 1997 (1997, *G.O.* 2, 1137).

2. The professional employer must pay to the Comité paritaire de l'industrie de l'automobile de la Mauricie an amount equal to 0,40% of the gross wages paid to his employees governed by the Decree.

3. The employee, other than the employee designated in section 4, must pay to the Comité paritaire an amount equal to 0.40% of his gross wages.”

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

3965

Gouvernement du Québec

M.O., 2000**Order of the Minister of Transport dated 24 November 2000**

An Act respecting safety in guided land transport (R.S.Q., c. S-3.3, s. 79)

Delegation of powers vested in the Minister of Transport under the Act respecting safety in guided land transport

THE MINISTER OF TRANSPORT,

CONSIDERING section 79 of the Act respecting safety in guided land transport (R.S.Q., c. S-3.3);

ORDERS :

That the exercise of the powers vested in the Minister of Transport under the second paragraph of section 5, section 7, the first paragraph of section 10, sections 11, 13 to 15, the second paragraph of section 42, the third paragraph of section 48, and sections 58, 59, 64 to 66, 68 and 71 be delegated to the director of the Direction du transport maritime, aérien et ferroviaire of the Ministère des Transports.

This delegation of powers comes into force on the date of publication of this Order in the *Gazette officielle du Québec*.

GUY CHEVRETTE,
Minister of Transport

3967

Gouvernement du Québec

M.O. 2000**Order of the Minister of Transport dated 24 November 2000**

Highway Safety Code
(R.S.Q., c. C-24.2, s. 359.1 ; 2000, c. 31, s. 3)

Designation of municipalities where right turns on a red light will be allowed

THE MINISTER OF TRANSPORT,

CONSIDERING section 359.1 of the Highway Safety Code (R.S.Q., c. C-24.2), enacted by section 3 of chapter 31 of the Statutes of 2000 ;

CONSIDERING that the municipalities of Chicoutimi, Jonquière, La Baie, Laterrière, Joliette, Notre-Dame-de-Lourdes in Municipalité régionale de comté de Joliette, and the municipalities of Notre-Dame-des-Prairies, Saint-Charles-Borromée, Saint-Paul, Drummondville, Saint-Charles-de-Drummond, Saint-Cyrille-de-Wendover, Saint-Nicéphore, Aylmer, Buckingham, Gatineau, Hull, Masson-Angers, Amos, Évain, La Sarre, Malartic, Rouyn-Noranda, Sullivan, Val-d'Or and Ville-Marie must be designated in order to allow right turns on a red light in those municipalities under a pilot project starting on 15 January 2001 and ending on 15 January 2002 ;

ORDERS :

That the municipalities of Chicoutimi, Jonquière, La Baie, Laterrière, Joliette, Notre-Dame-de-Lourdes in Municipalité régionale de comté de Joliette, and the municipalities of Notre-Dame-des-Prairies, Saint-Charles-Borromée, Saint-Paul, Drummondville, Saint-Charles-de-Drummond, Saint-Cyrille-de-Wendover, Saint-Nicéphore, Aylmer, Buckingham, Gatineau, Hull, Masson-Angers, Amos, Évain, La Sarre, Malartic, Rouyn-Noranda, Sullivan, Val-d'Or and Ville-Marie be designated, from 15 January 2001 to 15 January 2002, as municipalities where right turns on a red light are allowed.

GUY CHEVRETTE,
Minister of Transport

3968

M.O., 2000**Order of the Minister of Education dated
24 November 2000**

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

Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards

WHEREAS under section 451 of the Education Act (R.S.Q., c. I-13.3), the Minister of Education may, by regulation, establish for all or certain school boards, a classification of positions, the maximum number of positions in each job category, working conditions, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Regulation respecting the conditions of employment of management staff of school boards was made by the minister's order dated 23 September 1998 and amended 12 August 1999, 17 February 2000 and 17 May 2000;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to this Regulation;

WHEREAS the Minister of Education is of the opinion that it is expedient to amend the Regulation;

The Minister of Education adopts the Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards attached hereto.

Québec, 24 November 2000

FRANÇOIS LEGAULT,
Minister of Education

**Regulation to amend the Regulation
respecting the conditions of employment
of management staff of school boards¹**

Education Act
(R.S.Q., c. I-13.3, s. 451)

1. Section 1 of the Regulation respecting the conditions of employment of management staff of school boards is amended as follows:

1° by replacing in the definition of "Association de cadres d'école" the words "Association des directions d'école de Montréal" by the words "Association montréalaise des directions d'établissement scolaire";

2° by replacing in the definition of "Fédérations d'employeurs", the words "Quebec School Boards Association" by the words "Quebec English School Boards Association".

2. Section 7 of the Regulation is amended by adding the following paragraph at the end:

"Following the verification of the qualifications and after consultation with the local representatives of the association concerned, the board may also appoint to a senior staff of services position a manager whose position it has reevaluated at a higher level and whose complementary or superior academic background to that prescribed compensates for a lesser number of years of experience than the minimum prescribed by the required minimum qualifications or vice versa."

3. Section 8 of the Regulation is amended by replacing "section 481" by "section 405".

4. Section 49 of the Regulation is amended by inserting after the word "receive", the words "during that period" and by replacing "as of the third month of such assignment until the end of the assignment" by the words "until the end of the period during which a management staff member holds more than two positions".

5. Section 82 of the Regulation is amended as follows:

¹ The Regulation respecting the conditions of employment of management staff of school boards made by the minister's order dated 23 September 1998 (1998, *G.O.* 2, 5498) was amended by the minister's order dated 17 February 2000 (2000, *G.O.* 2, 1506) and the minister's order dated 17 May 2000 (2000, *G.O.* 2, 2898). For previous amendments, see *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

1° by replacing in the first paragraph “and number 191051 dated 28 October 1997” by “, numbers 191051 dated 28 October 1997, 192719 dated 10 December 1998 and 194248 dated 18 January 2000”;

2° by deleting in paragraph 3° of the first paragraph “or 475”.

6. Section 304 of the Regulation is replaced by the following section:

“**304.** The Appeals Committee shall be composed of a chairman, a representative of the association of administrators and a representative of the federation of employers concerned. The latter shall forward the name of its representative in writing to the first chairman of the Appeals Committee and to the administrator’s representative within 15 working days of the date on which it receives a copy of the complaint.”.

7. Section 310 of the Regulation is amended by replacing “and 13” by “, 13 and 15” in paragraph 4°.

8. Section 312 of the Regulation is replaced by the following section:

“**312.** Where a complaint deals with an administrator’s dismissal, nonreengagement, suspension without pay, termination of employment or assignment to another management, teaching, professional or support staff position, the Appeals Committee shall determine whether the reasons for the board’s decision are fair and sufficient.

The decision of the Appeals Committee shall be forwarded to the parties within 40 working days from the last day of the hearing. However, a decision shall not be invalid solely because it is forwarded after the expiry of the prescribed time limit.

Where the Appeals Committee considers the reasons for the board’s decision are not fair and sufficient, the parties shall have 20 working days from the date of the Appeals Committee’s decision to find a satisfactory solution.

Where agreement is reached, the parties shall jointly inform the chairman of the Appeals Committee.

Where no agreement has been reached at the expiry of the time limit prescribed in the third paragraph, the Appeals Committee shall determine, if need be, the amount of compensation for the actual loss of salary incurred and may:

A) In the case of a dismissal, nonreengagement, termination of employment or assignment to another position:

1° order the board to reinstate the administrator in a senior staff position, except a manager position, in the case of a senior staff member or, in the case of a manager, in a manager position, as determined by the board.

However, an administrator whose salary in his new position is less than that of his former classification shall receive the progressive salary according to his former classification;

2° order the board to reinstate the administrator in a position that is compatible with his qualifications as determined by the board. Moreover, the Appeals Committee may order the board to apply the salary readjustment procedure outlined in sections 56 to 58 without taking into account the two-year limit prescribed in section 58;

3° order the board to pay the administrator a compensation for damages equal to two months’ salary for every year of service as a senior staff member; the compensation may not be less than three months’ salary or more than 12 months’ salary.

B) In the case of a suspension without pay:

1° Order the reimbursement of salary and fringe benefits.

The Appeals Committee’s decision shall be forwarded to the parties within 20 working days of the expiry of the time limit prescribed in the third paragraph of this section. However, the decision shall not be null for the sole reason that it was forwarded after the expiry of the time limit.

The board shall carry out the Appeals Committee’s decision within 20 working days of the date on which the decision was forwarded to it.

Decisions of the Appeals Committee must be made unanimously or by a majority and must include the reasons therefor; any member dissenting from the decision or part of it may make a separate report.

Decisions of the Appeals Committee are final and binding on the board and the administrator.

Notwithstanding the preceding paragraph, an administrator may refuse to have paragraph 1° or 2° of this section applied to him within no later than 10 working days from the date on which the Appeals Committee renders its decision. In such a case, an administrator shall be deemed to have resigned and shall be paid compensation for damages prescribed in this section, in addition to the compensation for actual loss of salary set by the Appeals Committee.”.

9. Section 315 of the Regulation is amended:

1° by inserting in the first paragraph after the words “dismissed, nonreengaged”, the words “suspended without pay” and by inserting after the words “nonreengaged”, the words “, suspended without pay”;

2° by inserting in the second paragraph after the words “nonreengagement”, the words “, suspension without pay”.

10. Section 320 of the Regulation is amended by deleting at the end of the paragraph the words “followed by the administrator’s dismissal”.

11. Parts 4 and 5 of the Regulation including sections 330 to 489 are replaced by the following:

**“PART 4
PROVISIONS APPLICABLE TO SENIOR STAFF OF
SCHOOLS AND SENIOR STAFF OF CENTRES**

**CHAPTER 1
SENIOR STAFF OF SCHOOLS POSITIONS**

**DIVISION 1
FULL-TIME SENIOR STAFF OF SCHOOLS
POSITIONS**

330. The number of senior staff of schools positions shall be determined by the board and shall be calculated on the basis of the number of students enrolled in each school on 30 September in accordance with the following weighting rules:

1° in an elementary school that also provides secondary instruction, each student at the secondary level counts as 1.25 students;

2° in a school where there are kindergarten classes authorized by the Minister for 4-year-olds attending the class in the morning and the afternoon or where there are full-time kindergarten classes for 5-year-olds, each student counts as 1.50 students;

3° in a school where there are students identified as having minor learning disabilities, each student counts as 1.50 students;

4° in a school where there are students identified as having learning or emotional problems, other than those described in paragraph 3°, each student counts as 2 students;

5° in a school where there are students enrolled in a welcoming class authorized by the Minister, each student counts as 2 students.

A school is primarily an elementary or secondary school depending on the level at which the majority of students are enrolled.

331. For the purposes of this chapter, there are three types of schools:

1° Type one: a school instituted in one building that has at least 225 students.

2° Type two: a school instituted in several buildings which, when grouped together, has at least 225 students.

3° Type three: a school other than those referred to in paragraph 1° or 2°.

332. Subject to Division 2 of this chapter, the maximum number of positions of senior staff of schools for a school board shall be determined as follows:

1° For Type 1 schools:

Weighted student population	Maximum number of positions	
	Principal	Vice-Principal
Elementary school		
225 to 549	1	—
550 to 999	1	1
1 000 or more	1	2

Secondary school

225 to 499	1	—
500 to 899	1	1
900 to 1 499	1	2
1 500 to 1 999	1	3
2 000 to 2 599	1	4
2 600 to 3 099	1	5
3 100 to 3 599	1	6
3 600 or more	1	7

2° For Type 2 schools:

Weighted student population	Maximum number of positions	
	Principal	Vice-Principal
Elementary school		
225 to 549	1	—
550 to 899	1	1
900 or more	1	2

Secondary school See par. 1°

3° In the case of schools of the third type, the maximum number of positions of senior staff of schools is equal to the quotient obtained by dividing by 200 the total number of students enrolled in these schools, rounded off to the next whole number.

Notwithstanding the preceding paragraph, a board may replace the position of principal with one or more senior staff of schools positions combined with teaching or other duties.

4° In addition to the number of positions of senior staff of schools prescribed in paragraphs 1° to 3°, the board may include an additional position of vice-principal for any secondary school of 1 800 students or more having not fewer than 300 students enrolled in the first cycle of the secondary program.

The board shall distribute in its schools the positions determined under this section.

333. Notwithstanding section 332, where the maximum number of positions of senior staff of schools resulting from the application of this chapter is less than that determined for the preceding school year, the board shall have a maximum period of one year as of 1 July following the school year affected by the decrease in the number of senior staff of schools positions in which to reorganize its positions.

334. A senior staff member of a school may be released completely from his duties to be assigned to preparatory and organizational tasks required for the opening of a new school in the coming school year. In such a case, the provisions of Division 1 of Chapter 3 of Part 1 apply.

DIVISION 2

PART-TIME SENIOR STAFF OF SCHOOLS POSITIONS

335. A board may convert full-time positions, determined under Division 1, into part-time positions. The board shall consult with its senior staff of schools for that purpose in accordance with the procedures prescribed in section 405.

CHAPTER 2

ADMINISTRATIVE STRUCTURE CONCERNING SENIOR STAFF OF CENTRES POSITIONS

336. The board shall determine its administrative structure for positions of senior staff of centres in accordance with the job descriptions and classification plan prescribed by this Regulation; the board shall consult the association of senior staff of centres in the same

manner as that determined for the management policy defined in section 405. The consultation must be held not less than 30 days before the administrative structure is adopted, unless the board and the association agree otherwise.

The administrative structure shall indicate the nature of the activities carried out in the centres under the responsibility of the board. The structure shall be set out in an organization chart showing the number of full-time and part-time positions of senior staff of centres as well as the title, classification and ranking of each position.

Not later than 1 July 1999, the administrative structure shall be adopted by resolution of the council of commissioners of the board and shall remain in force until such time as it may be amended by resolution of the council.

337. Any change in the administrative structure shall be the object of consultation by the association of senior staff of centres in the same manner as that determined for the management policy defined in section 405.

CHAPTER 3

STABILITY OF EMPLOYMENT

338. This chapter applies to a surplus of senior staff of schools or centres that arises from the abolition of senior staff of schools or centres positions.

339. Failure or refusal of a senior staff member of a school or centre to comply with an obligation prescribed in sections 352 and 370 shall be deemed a resignation, unless the senior staff member of a school or centre can justify it to the satisfaction of the Placement Bureau.

340. For the purposes of this chapter, "Placement Bureau" means the "Regional Placement Bureau" or the "Provincial Relocation Bureau".

341. The severance allowance prescribed in sections 355 to 361 applies to the senior staff member of a school or centre who is deemed to have resigned pursuant to section 339.

DIVISION 1

PRELIMINARIES TO PLACEMENT ON AVAILABILITY

342. Where a surplus of senior staff of schools or centres arises from the abolition of a senior staff of schools or centres position, the board shall notify the associations of senior staff and shall consult with them on the measures to be taken to reorganize the staff, prior to placing staff on availability.

343. The board shall consider in particular the possibility of retirement, leave with or without pay, leave for professional improvement, loan of service, replacement of staff on disability leave, movement of personnel or other measures designed to defer any surplus of senior staff of schools or centres or to reorganize staff.

In the case of a movement of personnel resulting from the application of this section, section 373 shall apply to a senior staff member of a school or centre, where applicable.

344. Where a surplus of senior staff of schools or centres cannot be eliminated by applying sections 342 and 343, the board shall lay off a senior staff member of a school or centre who has not completed two years of uninterrupted service in the employ of the board before the date of the surplus, unless the vacant position cannot be filled by any other senior staff member, thus making it possible to reorganize staff.

Notwithstanding the first paragraph, a senior staff member of a school or centre who has less than two years of uninterrupted service in the employ of the board following a relocation shall be deemed to have completed two years of uninterrupted service with that board.

345. A senior staff member of a school or centre shall be notified in writing by the board at least 60 days before the date on which he is to be laid off.

346. A senior staff member of a school or centre who is laid off because of a surplus may, at his request, avail himself of the services of the Placement Bureau for up to a year from the date of the layoff notice. Should the senior staff member of a school or centre be reengaged by his board during the 12-month period following the date of his layoff, he shall continue to accumulate his years of service with the board as of the date on which he is reengaged.

DIVISION 2 **PLACEMENT ON AVAILABILITY**

347. The board shall place a surplus senior staff member of a school or centre on availability.

348. In this case, the board shall draw up a list of senior staff of schools or centres to be placed on availability for the following school year in accordance with the criteria drawn up by the board after consulting the association concerned.

349. A senior staff member of a school or centre shall be notified in writing by the board at least 60 days before the date on which he is to be placed on availability.

350. A senior staff member may substitute himself for a senior staff member of a school or centre on the list of persons to be placed on availability provided that the board agrees to the substitution and that the substitution is carried out within the period preceding the placement on availability.

DIVISION 3 **USE OF SENIOR STAFF OF SCHOOLS OR CENTRES ON AVAILABILITY**

351. A senior staff member of a school or centre shall retain his classification from the date on which he is placed on availability insofar as he has not been assigned or relocated. The salary of the senior staff member of a school or centre determined in accordance with the rules respecting salary review on the date he is placed on availability shall be maintained while he is on availability.

Notwithstanding the preceding paragraph, a senior staff member of a school or centre who is temporarily assigned within the meaning of section 51 to a position in which the salary scale maximum is equal to or exceeds his salary scale maximum shall be paid the remuneration specified in section 52 for the duration of the temporary assignment.

352. A senior staff member of a school or centre on availability must accept any duty that is compatible with his qualifications in his board or in another agency in the public or parapublic sector located in his administrative region as a loan of service agreed upon by his board, the Placement Bureau and the agency concerned. The board shall consult the senior staff member of a school or centre in this regard.

DIVISION 4 **MEASURES TO REDUCE SURPLUS OR PLACEMENT ON AVAILABILITY**

§1. Severance Allowance

353. A senior staff member of a school or centre on availability who resigns from his board shall receive the severance allowance prescribed in sections 355 to 361.

354. The board may grant the severance allowance prescribed in sections 355 to 361 to any other senior staff member of a school or centre who resigns from the board, provided that the resignation reduces the number of persons in surplus or on availability in the board.

355. The severance allowance is equal to one month's salary for every year of service in the employ of the board.

356. The severance allowance may not be more than six months' salary or less than two months' salary.

357. Notwithstanding sections 355 and 356, a senior staff member of a school or centre who has already received a severance allowance as a senior staff member or a senior executive may receive only the difference between the allowance already received and the amount of the new allowance calculated under this subdivision.

358. An amount equal to the first two months' salary shall be paid when a senior staff member of a school or centre leaves. Beginning with the third month, a senior staff member of a school or centre shall be entitled to one month of salary per month until the severance allowance has been paid in full. Payment of the severance allowance shall cease immediately when a senior staff member of a school or centre is hired by an agency in the public or parapublic sector.

359. The severance allowance does not include accumulated vacation or the reimbursement of redeemable sick-leave days.

360. The severance allowance shall not be paid to a senior staff member of a school or centre eligible for a pension corresponding to 70% or more of his average pensionable salary.

361. A senior staff member of a school or centre who accepts a severance allowance shall forego the other provisions of this chapter.

§2. Preretirement Leave

362. A senior staff member of a school or centre placed on availability shall be entitled to the preretirement leave described in this subdivision provided he applies for it and receives a pension under a retirement plan at the end of the preretirement leave, subject to section 365.

363. At the request of a senior staff member of a school or centre, the board may grant the preretirement leave described in this subdivision provided that:

1° the measure must allow for a reduction in the number of persons in surplus or on availability in the board;

2° subject to section 365, the senior staff member of a school or centre must receive a pension under a retirement plan at the end of the leave.

364. The duration of the preretirement leave may not exceed one year.

365. Sick-leave days that may be used for preretirement purposes in accordance with sections 108 to 112 are not included in the preretirement leave described in section 364.

366. A senior staff member of a school or centre who is granted preretirement leave shall retain the right to be reimbursed for redeemable sick-leave days not used for preretirement purposes.

367. The preretirement leave does not include the accumulated vacation of a senior staff member of a school or centre.

368. A senior staff member of a school or centre on a preretirement leave shall be entitled to the benefits prescribed by this Regulation except the salary insurance plan, premiums for regional disparities, parental rights and vacation, provided these benefits are compatible with the nature of the leave.

369. By accepting preretirement leave, a senior staff member of a school or centre is deemed to have resigned at the end of the leave and the provisions of Subdivision 1 do not apply.

§3. Relocation of Senior Staff of Schools or Centres on Availability

370. A senior staff member of a school or centre on availability shall be required to:

1° accept any senior staff or manager position that is available and compatible with his qualifications in his board;

2° accept any teaching or professional position that is available and compatible with his qualifications in his board. The board shall consult the senior staff member of a school or centre in this regard;

3° accept, within 15 days of receipt, any employment offer for a senior staff or manager position that is compatible with his qualifications in another agency in the education sector located in his administrative region; such an offer shall be forwarded to the senior staff member of a school or centre by registered or certified mail;

4° at the end of his first year of placement on availability, accept, within 15 days of receipt, any employment offer for a teaching or professional position that is compatible with his qualifications in another agency in the education sector located in his administrative region; such an offer shall be forwarded to the senior staff member of a school or centre by registered or certified mail;

5° at the end of his second year of placement on availability, accept, within 15 days of receipt, any employment offer for a senior staff or manager position that is compatible with his qualifications in another agency in the education sector except for the three administrative regions located the farthest away from his place of work as determined by the Placement Bureau; such an offer shall be forwarded to the senior staff member of a school or centre by registered or certified mail;

6° at the request of the Placement Bureau, be present at a selection interview for the purposes of his relocation in accordance with paragraphs 3°, 4° and 5°; such a request shall be forwarded to the senior staff member of a school or centre by registered or certified mail. In this case, the expenses of the senior staff member of a school or centre shall be reimbursed by his board according to its policy in effect.

The board shall interview every senior staff member of a school or centre on availability referred by the Placement Bureau.

371. As of the date on which a senior staff member of a school or centre is placed on availability, the board shall assign him to the first available senior staff or manager position or, failing which, teaching or professional position that is compatible with his qualifications.

372. Unless otherwise provided, a senior staff member of a school or centre assigned to a teaching or professional position shall no longer be governed by this Regulation.

373. The salary readjustment procedure outlined in sections 56 to 58 applies to a senior staff member of a school or centre on availability assigned to a new position in which his new salary is less than the one he was receiving while on availability without taking into account the two-year limit prescribed in section 58.

374. The provisions of sections 108 to 112 concerning the banks of sick-leave days apply to the senior staff member of a school or centre assigned to a teaching or professional position in his board.

375. A senior staff member of a school or centre assigned to a teaching or professional position shall be registered on the board's eligibility list for a maximum period of one year as of the date of assignment and shall be given priority for the same position in the same class or in a lower class or for a senior staff position in a school or centre at a lower level than the one held.

376. A senior staff member of a school or centre relocated to a position as a senior staff member, manager, teacher or professional in another agency in the education sector shall be reimbursed by the board he is leaving for his bank of redeemable sick-leave days. Moreover, the senior staff member of a school or centre shall transfer his bank of nonredeemable sick-leave days and the provisions of sections 108 to 112 concerning banks of nonredeemable sick-leave days continue to apply.

377. Following an evaluation by the board of the performance of a senior staff member of a school or centre, any senior staff member of a school or centre who is nonreengaged during or at the end of the school year in which he was relocated shall return to the board that placed him on availability, and Divisions 3 and 4 apply. In this case, the total previous period on availability shall be taken into account when applying section 370.

378. A senior staff member of a school or centre covered by section 372 or 376 shall continue to accumulate his years of service for annual vacation purposes.

379. The provisions of Schedule 6 concerning moving expenses apply to a senior staff member of a school or centre relocated to another agency in the education sector under paragraphs 3° to 5° of section 370.

380. A senior staff member of a school or centre on availability who, at the request of the Placement Bureau, agrees to be relocated to another administrative region during his first two years of placement on availability shall receive from the board he is leaving an allowance equal to 2 months' salary. However, the allowance is equal to four months' salary in the case of a senior staff member on availability who accepts to be relocated to one of the three administrative regions the farthest away from his place of work as determined by the Placement Bureau. Moreover, sections 376 to 379 apply.

CHAPTER 4 RIGHT OF APPEAL

381. In this chapter, the following expressions mean :

“association” : the association of senior staff of schools or the association of senior staff of centres to which a senior staff member of a school or a senior staff member of a centre belongs or the senior staff member himself when he is not a member of an association of senior staff of schools or an association of senior staff of centres ;

“dismissal”: the termination by the board at any time of the employment relationship of a senior staff member of a school or centre in particular for incapacity, negligence, insubordination, misconduct, immoral behaviour or incompetence;

“working days”: the days from Monday to Friday inclusively except paid legal holidays and days in the month of July;

“nonreengagement”: the termination of the employment relationship of a senior staff member of a school or centre by a board at the end of his employment, when the term is specified;

“termination of employment”: the termination of the employment relationship of a senior staff member of a school or centre by the board during the course of that employment, when the term is not specified.

DIVISION 1

LOCAL COMMITTEE

382. This division applies to a senior staff member of a school or centre whose complaint deals with the application or interpretation of this Regulation.

Notwithstanding the first paragraph, this division does not apply to a senior staff member on probation whose complaint deals with movement of personnel.

Moreover, in the case of a complaint of a senior staff member of a school or centre dealing with movement of personnel or termination of the employment relationship, it may or may not be submitted to the local committee.

383. A senior staff member of a school or centre shall have 20 working days after the fact or his awareness of the fact giving rise to the complaint in which to submit the complaint to his association.

384. The association of senior staff of schools or the association of senior staff of centres shall have 20 working days after it receives the complaint in which to request in writing a meeting of the representatives appointed by the board and the association of senior staff of schools or the association of senior staff of centres in order to study the complaint; the meeting must be held no later than 20 working days after the board receives the request.

The senior staff member of a school or centre concerned may, if he so requests, attend the meeting.

The request of the association of senior staff of schools or the association of senior staff of centres must contain the names of its representatives, a statement of the facts giving rise to the complaint and the required corrective measure or measures, the foregoing without prejudice.

385. Within 20 working days after the meeting is held, the board shall inform the senior staff member of a school or centre in writing of its decision concerning the complaint of the senior staff member of a school or centre and shall forward a copy to the association of senior staff of schools or the association of senior staff of centres.

DIVISION 2

APPEALS COMMITTEE

386. This division applies in the following cases:

1° where a senior staff member of a school or centre is not satisfied with the board’s decision under section 385 or where the board does not make its decision known within the time limit prescribed in section 385 concerning a complaint dealing with the application or interpretation of this Regulation; in which case, a senior staff member of a school or centre shall have 20 working days of receiving the board’s decision or of the expiry of the time limit prescribed in section 385 in which to submit his complaint in writing through his association;

2° where a senior staff member of a school or centre, except a senior staff member on probation, wishes to contest his dismissal, nonreengagement, suspension without pay, termination of employment or assignment to another position as manager, teacher, professional or member of the support staff; in which case, a senior staff member of a school or centre shall have 20 working days after he receives the board’s written notice in which to submit his complaint in writing through his association.

However, this division applies to a regular full-time senior staff member of a school or centre who has completed the probation period in that capacity and who is undergoing a probation period as a regular part-time senior staff member of a school or centre.

Notwithstanding the first subparagraph of paragraph 2° of this section, this division applies to the senior staff member of a school or centre who is laid off by reason of the application of section 344 and whose complaint deals with the application of that section with respect to the condition of two years’ service with the board or with the application of section 345 with respect to the 60 days’ notice.

The notice of complaint must contain the name of the senior staff member concerned, a statement of the facts giving rise to the complaint and the required corrective measure or measures, the foregoing without prejudice.

387. The complaint must be forwarded to the first chairman of the Appeals Committee with a copy to the board and to the federation of employers concerned and must contain the name of the representative designated by the association of senior staff of schools or the association of senior staff of centres concerned. The address of the first chairman of the Appeals Committee is :

Grefe des Comités de recours et d'appel, 575, rue Saint-Amable, 2^e étage, Québec (Québec) G1R 5Y8

388. The Appeals Committee shall be composed of a chairman, a representative of the association of senior staff of schools or the association of senior staff of centres and a representative of the federation of employers concerned. The latter shall forward the name of its representative in writing to the first chairman of the Appeals Committee and to the representative of the senior staff member of a school or centre within 15 working days of the date on which it receives a copy of the complaint.

389. The two representatives shall have 20 working days after the date on which the representative of the senior staff member of a school or the senior staff member of a centre receives a copy of the board's notice mentioned in section 388 in which to designate a chairman who, with the two representatives, shall form the Appeals Committee.

Where the representatives fail to agree on the choice of a chairman within the time limit prescribed in the preceding paragraph, no later than 15 working days from the expiry of the time limit, it shall be the responsibility of the first chairman of the Appeals Committee to appoint a chairman from the list of chairmen approved by the School Administration Personnel Committee or the Centre Administration Personnel Committee.

390. The first chairman of the Appeals Committee shall be chosen by the School Administration Personnel Committee or the Centre Administration Personnel Committee.

391. The Appeals Committee shall convene the parties as soon as possible but not later than 20 working days from the date on which the chairman of the Appeals Committee is appointed to study the complaint. It shall proceed in the manner it determines, subject to the following conditions :

1° where a complaint deals with a provision of paragraph 2° of section 386, prior to the study of the case by

the Appeals Committee, a preparatory session shall be held on a date set by the chairman of the Appeals Committee after consultation with the two representatives during which the parties shall discuss the following elements :

- the anticipated duration of the hearing and evidence ;
- the list of documents to be tabled ;
- the number of witnesses ;
- the admissions ;
- the preliminary objections ;
- the methods to be used to expedite the hearing and to render it more effective ;
- any other issue determined by the chairman ;

2° subject to section 392, the hearings of the Appeals Committee shall begin with a brief presentation by each of the parties or their representative dealing with the following elements :

- summary of the facts as perceived by each party ;
- summary of the contentious issue or issues ;
- summary of each party's claims ;
- summary of each party's demands ;

3° the chairman of the Appeals Committee shall forward a notice to the records office of the Recourse and Appeals Committees no later than 20 working days prior to the hearing date of the Appeals Committee confirming the date of the hearing.

392. The Appeals Committee shall verify whether the complaint is admissible and shall dispose of preliminary objections, if any.

393. The association of senior staff of schools or the association of senior staff of centres concerned, the federation of employers concerned and the Ministry may, individually or collectively, intervene and make any representation that they deem appropriate to the Appeals Committee.

394. Where the complaint referred to in paragraph 1° of section 386 deals with the application or interpretation of the following provisions of this Regulation, the Appeals Committee shall determine whether the board's decision complies with the provisions of the Regulation :

- 1° Part 1 : Chapter 1, sections 1 to 3, Chapter 3 ;
- 2° Part 4 : Chapter 3, except section 338, Chapters 4 and 6 ;
- 3° Part 6 : Chapter 1, Division 1, except sections 490 and 492 ;
- 4° Schedule 4, except section 1, Schedules 5 and 6, Schedule 7, except section 1, Schedules 8, 9, 12 to 15.

Where the Appeals Committee determines that the decision does not comply with the provisions of this Regulation, it may change the decision wholly or in part.

The Appeals Committee may not, by its decision, modify, add to or subtract from the provisions of this Regulation.

Decisions of the Appeals Committee must be made unanimously or by a majority and must include the reasons therefor; any member wishing to express his dissent from the decision or part of it may do so in a separate report.

The decision of the Appeals Committee shall be forwarded to the parties within 20 working days from the last day of the hearing. However, a decision shall not be invalid solely because it is forwarded after the expiry of the prescribed time limit.

The board shall carry out the decision of the Appeals Committee within 20 working days of the date on which the decision was forwarded to it.

Decisions of the Appeals Committee are final, executive and binding on the parties.

395. Where the complaint referred to in paragraph 1° of section 386 deals with the application and interpretation of the provisions of this Regulation, other than those mentioned in section 394, the Appeals Committee shall study the complaint, carry out its investigation, if need be, and shall forward its recommendations to the parties.

The recommendations of the Appeals Committee must be made unanimously or by a majority and must include the reasons therefor.

The recommendations of the Appeals Committee shall be forwarded to the parties within 30 working days from the last day of the hearing. However, a decision shall not be invalid solely because it is forwarded after the expiry of the prescribed time limit.

The board shall inform the senior staff member of a school or centre concerned of its decision in writing stating the reasons therefor within 20 working days of the receipt of the Appeals Committee's recommendations. A copy of the decision shall be forwarded to the Appeals Committee members and to the first chairman of the Appeals Committee.

396. Where a complaint deals with the dismissal, nonreengagement, suspension without pay or termination of employment of a senior staff member of a school

or centre or the assignment to another position as manager, professional, teacher or member of the support staff, the Appeals Committee shall determine whether the reasons for the board's decision are fair and sufficient.

The decision of the Appeals Committee shall be forwarded to the parties within 30 working days from the last day of the hearing. However, a decision shall not be invalid solely because it is forwarded after the expiry of the prescribed time limit.

Where the Appeals Committee considers the reasons for the board's decision are not fair and sufficient, the parties shall have 20 working days from the date of the Appeals Committee's decision to find a satisfactory solution.

Where agreement is reached, the parties shall jointly inform the chairman of the Appeals Committee.

Where no agreement has been reached at the expiry of the time limit prescribed in the third paragraph, the Appeals Committee shall determine, if need be, the amount of compensation for the actual loss of salary incurred and may:

a) In the case of a dismissal, nonreengagement, termination of employment or assignment to another position:

1° order the board to reinstate the senior staff member of a school or centre in a senior staff position, except a manager position as determined by the board.

However, a senior staff member of a school or centre whose salary in his new position is less than that of his former classification shall receive the progressive salary according to his former classification;

2° order the board to reinstate the senior staff member of a school or centre in a position that is compatible with his qualifications as determined by the board. Moreover, the Appeals Committee may order the board to apply the salary readjustment procedure outlined in sections 56 to 58 without taking into account the two-year limit prescribed in section 58;

3° order the board to pay the senior staff member of a school or centre a compensation for damages equal to two months' salary for every year of service as a senior staff member; the compensation may not be less than three months' salary or more than 12 months' salary.

b) In the case of a suspension without pay:

1° order the reimbursement of salary and fringe benefits.

The Appeals Committee's decision shall be forwarded to the parties within 20 working days of the expiry of the time limit prescribed in the third paragraph of this section. However, the decision shall not be null for the sole reason that it was forwarded after the expiry of the time limit.

The board shall carry out the Appeals Committee's decision within 20 working days of the date on which the decision was forwarded to it.

Decisions of the Appeals Committee must be made unanimously or by a majority and must include the reasons therefor; any member dissenting from the decision or part of it may make a separate report.

Decisions of the Appeals Committee are final and binding on the board and the senior staff member of a school or centre.

Notwithstanding the preceding paragraph, a senior staff member of a school or centre may refuse to have paragraph 1° or 2° of this section applied to him no later than 10 working days from the date on which the Appeals Committee renders its decision. In such a case, a senior staff member of a school or centre shall be deemed to have resigned and shall be paid compensation for damages prescribed in this section, in addition to the compensation for actual loss of salary set by the Appeals Committee.

397. The fees and expenses incurred by the chairman of the Appeals Committee shall be paid by the Ministry.

Notwithstanding the preceding paragraph, where the chairman of the Appeals Committee is notified by telephone or in writing that a preparatory session or a hearing is cancelled or postponed less than 15 working days before the date set, the honoraria and, where applicable, the expenses of the chairman of the Appeals Committee shall be assumed by the party or parties that instituted the request, either the association of senior staff of schools or the association of senior staff of centres or the board.

398. The fees and expenses incurred by the other two members of the Appeals Committee shall be paid by the parties they represent.

399. A senior staff member of a school or centre who is dismissed, nonreengaged, suspended without pay or whose employment is terminated and who submits a complaint to the Appeals Committee shall continue to participate in the standard life insurance plan. Moreover, he shall continue to participate in the compulsory

basic health-accident insurance plan by paying his contribution and that of the board and may also continue to participate in the other insured plans according to the provisions prescribed by the master policy until a decision is rendered by the Appeals Committee or the parties reach a settlement, provided a written request to this effect is forwarded to the insurance company concerned within 90 days of the date on which he is dismissed, nonreengaged, suspended without pay or his employment is terminated. A senior staff member of a school or centre who continues to participate in all of the insured plans shall also continue to participate in the survivor's pension plan by paying the premium determined by the Conseil du trésor to cover the cost of the plan.

If the Appeals Committee renders a decision in favour of the senior staff member of a school or centre or a settlement is reached by the parties, the senior staff member of a school or centre shall be entitled to be reimbursed for the contribution normally paid by the board for the insured plans and the premium paid to cover his continued participation in the survivor's pension plan, retroactively to the date of his dismissal, nonreengagement, suspension without pay or termination of employment and, should the senior staff member of a school or centre be reinstated, any total disability that began since that date shall then be recognized.

400. Notwithstanding the provisions of this division, in the case of a complaint referred to in paragraph 1° or 2° of section 386, the parties may opt for an Appeals Committee composed solely of a chairman. In such a case, they shall jointly inform the first chairman of the Appeals Committee within 10 working days of the date on which the board receives a copy of the request to be heard submitted to the Appeals Committee and the term "representatives" mentioned in section 389 shall then be replaced by the term "parties".

401. In the case of complaints covered by this chapter, the board and the senior staff member of a school or centre may at any time reach an agreement to settle their dispute. The agreement may deal with any of the elements outlined in section 396.

DIVISION 3

TIME LIMITS

402. The time limits prescribed in this chapter may be changed by written agreement between the parties.

CHAPTER 5

MANAGEMENT POLICY

403. The board must draw up management policies concerning its senior staff of schools and senior staff of centres, which it adopts by resolution.

404. The management policies deal, in particular, with consultation and participation, administrative organization, job descriptions and eligibility criteria, grading, employment plan and benefits, payment of salary, the local professional improvement plan for senior staff and a recourse procedure for any problem that may arise between a senior staff member and a board concerning the application and interpretation of the management policy or any disciplinary measure, other than a suspension without pay.

The management policy for senior staff of schools also deals with senior staff of schools positions.

405. In drawing up its management policies concerning its senior staff of schools and senior staff of centres, a board shall take into account the provisions of this Regulation and shall consult with its senior staff in accordance with the following provisions:

1° in the case of senior staff of schools belonging to an association of senior staff of schools, the board shall recognize the association for consultative purposes in the preparation and application of the management policy;

2° in the case of senior staff of centres belonging to an association of senior staff of centres, the board shall recognize the association for consultative purposes in the preparation and application of the management policy;

3° the procedures for the recognition and role of the associations of senior staff concerned in the consultative process shall be determined by the board and the associations of senior staff.

CHAPTER 6 OTHER CONDITIONS OF EMPLOYMENT

DIVISION 1 ANNUAL VACATION

406. A senior staff member of a school or centre shall be entitled to at least four weeks' vacation between 1 July and 31 August. The other terms and conditions concerning annual vacation are determined in the management policy.

However, a senior staff member of a school or centre unable to take his vacation during that period may take up to four weeks during the school year with the board's consent.

407. Notwithstanding section 406, in the case of a disability of more than six cumulative months during the preceding school year, the number of days of vacation determined in accordance with section 406 shall be reduced in proportion to the number of working days during which the senior staff member of a school or centre was not entitled to his salary. The period of disability following a work accident shall not be considered as an absence without pay for the purposes of this section.

408. Vacation shall be acquired at the end of each school year.

409. The vacation of a teacher assigned on a regular basis to a senior staff position in a school or centre shall be determined in proportion to the number of months worked in that capacity during the school year of his appointment, regardless of the date of his entry into service.

410. For any part of a year of employment, vacation shall be calculated in proportion to the number of months worked in the preceding school year.

411. Vacation days shall be redeemable only when the senior staff member of a school or centre leaves the board. In such a case, a senior staff member of a school or centre who was unable to take all or part of his acquired vacation days shall be paid a vacation allowance calculated in proportion to the duration of employment in the school year preceding his departure.

412. The allowance prescribed in section 411 shall be calculated on the basis of 1/260 of the annual salary for each day of vacation not taken.”

12. Tables 1, 2, 5 and 8 of Schedule 2 entitled “Classification Plan” are replaced by the following:

“SCHEDULE 2 JOB CLASSIFICATION PLAN

**TABLE 1
SENIOR EXECUTIVES**

Positions	Classification	Classes
Director General	HC0	I to VII
Assistant Director General	HC1	I to VII
Senior Consultant to the Director General	CC	I to VII

CLASSES: Number of Students

Class I	Class II	Class III	Class IV	Class V	Class VI	Class VII
6 999 or less	7 000–11 999	12 000–17 999	18 000–24 999	25 000–32 999	33 000–41 999	42 000 or more

SCHEDULE 2
JOB CLASSIFICATION PLAN
TABLE 2
SENIOR STAFF OF SERVICES

Positions	Classification	Classes
Director (field of activity: instructional services in the youth sector)	D1	I to VII
Director (fields of activity other than instructional services in the youth and adult education sectors and general secretariat)	D2	I to VII
Director (field of activity: general secretariat)	D3 ¹	I to VII
Coordinator (field of activity: instructional services in the youth sector)	C1	I to VII
Coordinator (other fields of activity except for youth and adult education sectors)	C2	I to VII

¹ This classification may be modified at the D2 level when the field of activity of general secretariat also includes the responsibility for certain specific files such as agreements and protocols, insurance portfolio, legal opinions, declaration of student population, communication services and procedure book.

CLASSES: Number of Students²

Class I	Class II	Class III	Class IV	Class V	Class VI	Class VII
6 999 or less	7 000-11 999	12 000-17 999	18 000-24 999	25 000-32 999	33 000-41 999	42 000 or more

² For data processing positions, classes are based on the total number of students in the board where such positions exist and the boards that receive all the data processing services from such board.

SCHEDULE 2
JOB CLASSIFICATION PLAN

TABLE 5
SENIOR STAFF OF SCHOOLS

		CLASSES (number of students/school)				
Positions	Classification	Class I 499 or less		Classe II 500 or more		
Principal (elementary)	DP	Cl. I		Cl. II		
		Class I 499 or less	Class II 500 - 999	Class III 1 000 - 1 999	Class IV 2 000 - 3 199	Class V 3 200 or more
Principal (secondary)	DS	Cl. I	Cl. II	Cl. III	Cl. IV	Cl. V
		Class I 999 or less		Class II 1 000 - 1 999	Class III 2 000 or more	
Vice-principal (elementary and secondary)	DAS	Cl. I		Cl. II	Cl. III	

SCHEDULE 2
JOB CLASSIFICATION PLAN

TABLE 8
MANAGER

POSITION	CLASSI- FICATION	CLASSES (number of students)						
		Class I 6 999 or less	Class II 7 000 - 11 999	Class III 12 000 - 17 999	Class IV 18 000 - 24 999	Class V 25 000 - 32 999	Class VI 33 000 - 41 999	Class VII 42 000 or more
Superintendent of Equipment Services Superintendent of Transportation Services ¹	R1	Cl. I	Cl. II	Cl. III	Cl. IV	Cl. V	Cl. VI	Cl. VII
Superintendent of Maintenance Services Superintendent of Supply Services Superintendent of Food Services Superintendent of Community Services	R2	Cl. I	Cl. II	Cl. III	Cl. IV	Cl. V	Cl. VI	Cl. VII

CLASSES (number of students/school)

		Class I 999 or less	Class II 1 000 - 1 999	Class III 2 000 or more
Administrative Assistant (school)	R3	Cl. I	Cl. II	Cl. III

CLASSES (number of group-hours of instruction/centre)

		Class I 43 999 or less	Class II 44 000 - 87 999	Class III 88 000 or more
Administrative Assistant (centre)	R3	Cl. I	Cl. II	Cl. III

¹ For the position of superintendent of transportation services, classes are determined on the basis of the number of students transported.

CLASSES (number of students transported)

		Class I 6 999 or less	Class II 7 000 - 11 999	Class III 12 000 - 17 999	Class IV 18 000 - 24 999	Class V 25 000 - 32 999	Class VI 33 000 41 999	Class VII 42 000 et plus
Assistant to the Superintendent of Transportation Services	C01	N.A.	Cl. II	Cl. III	Cl. IV	Cl. V	Cl. VI	Cl. VII
Maintenance Foreman (specialized) Administration Officer	C02				single class			
Maintenance Foreman (general) Secretarial Staff Manager Head of Cafeteria and Kitchen	C03				single class			

»

13. Tables I-BB, II-BB and VII-BB are inserted and Tables I-C, I-D, II-C, II-D, IV-B, IV-C, IV-D, IV-E, V-B, V-C, V-D, V-E, VII-C and VII-D of Schedule 3 entitled "Salary Scales" are replaced by the following:

"SCHEDULE 3

TABLE I-BB
SENIOR EXECUTIVES

Salary Scales Applicable to Class VII as of 1 July 2000

Classification	Salary	Class VII 42 000 or more
HC0	Maximum	109 921
	Minimum	87 870
HC1	Maximum	96 233
	Minimum	74 105
CC	Maximum	84 972
	Minimum	65 147

TABLE I-C
SENIOR EXECUTIVES

Salary Scales as of 1 January 2001

Classification	Salary	Class I 6 999 or less	Class II 7 000 - 11 999	Class III 12 000 - 17 999	Class IV 18 000 - 24 999	Class V 25 000 - 32 999	Class VI 33 000 - 41 999	Class VII 42 000 or more
HC0	Maximum	94 357	97 192	100 104	103 106	106 199	109 387	112 669
	Minimum	75 431	77 697	80 026	82 423	84 896	87 444	90 067
HC1	Maximum	86 724	89 346	91 130	92 951	94 809	96 705	98 639
	Minimum	67 727	68 802	70 176	71 581	73 009	74 468	75 957
CC	Maximum	77 338	78 882	80 461	82 073	83 715	85 389	87 097
	Minimum	59 714	60 800	61 968	63 153	64 182	65 467	66 776

TABLE I-D
SENIOR EXECUTIVES

Salary Scales as of 1 January 2002

Classification	Salary	Class I 6 999 or less	Class II 7 000 - 11 999	Class III 12 000 - 17 999	Class IV 18 000 - 24 999	Class V 25 000 - 32 999	Class VI 33 000 - 41 999	Class VII 42 000 or more
HC0	Maximum	96 716	99 622	102 607	105 684	108 854	112 122	115 486
	Minimum	77 317	79 639	82 027	84 484	87 018	89 630	92 319
HC1	Maximum	88 892	91 580	93 408	95 275	97 179	99 123	101 105
	Minimum	69 420	70 522	71 930	73 371	74 834	76 330	77 857
CC	Maximum	79 271	80 854	82 473	84 125	85 808	87 524	89 274
	Minimum	61 207	62 320	63 517	64 732	65 787	67 104	68 446

TABLE II-BB
SENIOR STAFF OF SERVICES¹

Salary Scales Applicable to Class VII as of 1 July 2000

Classification	Salary	Class VII
		42 000 or more
D1	Maximum	85 564
	Minimum	65 600
D2	Maximum	82 190
	Minimum	63 293
D3	Maximum	73 891
	Minimum	57 263
C1	Maximum	76 396
	Minimum	59 090
C2	Maximum	71 267
	Minimum	55 293

¹ Except for senior staff of services (field of activity of adult education)

TABLE II-C
SENIOR STAFF OF SERVICES¹

Salary Scales as of 1 January 2001

Classification	Salary	Class I	Class II	Class III	Class IV	Class V	Class VI	Class VII
		6 999 or less	7 000 - 11 999	12 000 - 17 999	18 000 - 24 999	25 000 - 32 999	33 000 - 41 999	42 000 or more
D1	Maximum	77 875	79 433	81 020	82 646	84 298	85 983	87 703
	Minimum	60 129	61 222	62 399	63 593	64 629	65 922	67 240
D2	Maximum	74 809	76 302	77 829	79 386	80 973	82 592	84 244
	Minimum	57 862	58 969	60 090	61 183	62 357	63 603	64 875
D3	Maximum	67 251	68 596	69 971	71 372	72 798	74 253	75 738
	Minimum	52 413	53 398	54 402	55 371	56 416	57 544	58 695
C1	Maximum	69 534	70 926	72 341	73 791	75 265	76 770	78 305
	Minimum	54 062	55 078	56 121	57 120	58 215	59 379	60 567
C2	Maximum	64 867	66 166	67 488	68 838	70 214	71 617	73 049
	Minimum	50 557	51 503	52 477	53 461	54 474	55 564	56 675
CGP	Maximum			62 578				
	Minimum		Single class	44 062				

¹ Except for senior staff of services (field of activity of adult education)

TABLE II-D
SENIOR STAFF OF SERVICES¹

Salary Scales as of 1 January 2002

Classification	Salary	Class I 6 999 or less	Class II 7 000 - 11 999	Class III 12 000 - 17 999	Class IV 18 000 - 24 999	Class V 25 000 - 32 999	Class VI 33 000 - 41 999	Class VII 42 000 or more
D1	Maximum	79 822	81 419	83 046	84 712	86 405	88 133	89 896
	Minimum	61 632	62 753	63 959	65 183	66 245	67 570	68 921
D2	Maximum	76 679	78 210	79 775	81 371	82 997	84 657	86 350
	Minimum	59 309	60 443	61 592	62 713	63 916	65 193	66 497
D3	Maximum	68 932	70 311	71 720	73 156	74 618	76 109	77 631
	Minimum	53 723	54 733	55 762	56 755	57 826	58 983	60 163
C1	Maximum	71 272	72 699	74 150	75 636	77 147	78 689	80 263
	Minimum	55 414	56 455	57 524	58 548	59 670	60 863	62 080
C2	Maximum	66 489	67 820	69 175	70 559	71 969	73 407	74 875
	Minimum	51 821	52 791	53 789	54 798	55 836	56 953	58 092
CGP	Maximum			64 142				
	Minimum	Single class		45 164				

¹ Except for senior staff of services (field of activity of adult education)

TABLE IV-B
SENIOR STAFF OF SCHOOLS

Salary Scales as of 1 July 1999

		CLASSES (number of students/school)				
Classification	Salary	Class I 499 or less		Class II 500 or more		
		DP	Maximum	70 100		74 057
	Minimum	53 924		56 969		
		Class I 499 or less	Class II 500 - 999	Class III 1 000 - 1 999	Class IV 2 000 - 3 199	Class V 3 200 or more
DS	Maximum	70 100	74 057	78 027	82 127	86 824
	Minimum	53 924	56 969	60 021	63 176	66 787
		Class I 999 or less	Class II 1 000 - 1 999		Class III 2 000 or more	
DAP or DAS	Maximum	62 689	65 951		70 100	
	Minimum	48 223	50 731		53 924	

TABLE IV-C
SENIOR STAFF OF SCHOOLS

Salary Scales as of 1 January 2000

		CLASSES (number of students/school)				
Classification	Salary	Class I		Class II		
		499 or less	500 or more	500 or more	1 000 - 1 999	2 000 - 3 199
DP	Maximum	71 853		75 908		
	Minimum	55 272		58 393		
		Class I	Class II	Class III	Class IV	Class V
		499 or less	500 - 999	1 000 - 1 999	2 000 - 3 199	3 200 or more
DS	Maximum	71 853	75 908	79 978	84 180	88 995
	Minimum	55 272	58 393	61 522	64 755	68 457
		Class I	Class II	Class III		
		999 or less	1 000 - 1 999	2 000 or more		
DAP or DAS	Maximum	64 256	67 600	71 853		
	Minimum	49 429	51 999	55 272		

TABLE IV-D
SENIOR STAFF OF SCHOOLS

Salary Scales as of 1 January 2001

		CLASSES (number of students/school)				
Classification	Salary	Class I		Class II		
		499 or less	500 or more	500 or more	1 000 - 1 999	2 000 - 3 199
DP	Maximum	73 649		77 806		
	Minimum	56 654		59 853		
		Class I	Class II	Class III	Class IV	Class V
		499 or less	500 - 999	1 000 - 1 999	2 000 - 3 199	3 200 or more
DS	Maximum	73 649	77 806	81 977	86 285	91 220
	Minimum	56 654	59 853	63 060	66 374	70 168
		Class I	Class II	Class III		
		999 or less	1 000 - 1 999	2 000 or more		
DAP or DAS	Maximum	65 862	69 290	73 649		
	Minimum	50 665	53 299	56 654		

TABLE IV-E
SENIOR STAFF OF SCHOOLS

Salary Scales as of 1 January 2002

		CLASSES (number of students/school)				
Classification	Salary	Class I		Class II		
		499 or less	500 or more			
DP	Maximum	75 490			79 751	
	Minimum	58 070			61 349	
		Class I	Class II	Class III	Class IV	Class V
		499 or less	500 - 999	1 000 - 1 999	2 000 - 3 199	3 200 or more
DS	Maximum	75 490	79 751	84 026	88 442	93 501
	Minimum	58 070	61 349	64 637	68 033	71 922
		Class I	Class II	Class III		
		999 or less	1 000 - 1999	2000 or more		
DAP ou DAS	Maximum	67 509	71 022	75 490		
	Minimum	51 932	54 631	58 070		

TABLE V-B
SENIOR STAFF OF ADULT EDUCATION CENTRES

Salary Scales as of 1 July 1999

		CLASSES (number of group-hours of instruction)				
Classification	Salary	Class I	Class II	Class III	Class IV	Class V
		9 999 or less	10 000 - 15 999	16 000 - 35 999	36 000 - 87 999	88 000 or more
DCA	Maximum	65 951	70 100	74 057	78 027	82 127
	Minimum	50 731	53 924	56 969	60 021	63 176
		Class I	Class II			
		87 999 or less	88 000 or more			
DACA	Maximum	62 689	70 100			
	Minimum	48 223	53 924			

TABLE V-C
SENIOR STAFF OF ADULT EDUCATION CENTRES

Salary Scales as of 1 January 2000

		CLASSES (number of group-hours of instruction)				
Classification	Salary	Class I 9 999 or less	Class II 10 000 - 15 999	Class III 16 000 - 35 999	Class IV 36 000 - 87 999	Class V 88 000 or more
DCA	Maximum	67 600	71 853	75 908	79 978	84 180
	Minimum	51 999	55 272	58 393	61 522	64 755
		Class I 87 999 or less				Class II 88 000 or more
DACA	Maximum	64 256				71 853
	Minimum	49 429				55 272

TABLE V-D
SENIOR STAFF OF ADULT EDUCATION CENTRES

Salary Scales as of 1 January 2001

		CLASSES (number of group-hours of instruction)				
Classification	Salary	Class I 9 999 or less	Class II 10 000 - 15 999	Class III 16 000 - 35 999	Class IV 36 000 - 87 999	Class V 88 000 or more
DCA	Maximum	69 290	73 649	77 806	81 977	86 285
	Minimum	53 299	56 654	59 853	63 060	66 374
		Class I 87 999 or less				Class II 88 000 or more
DACA	Maximum	65 862				73 649
	Minimum	50 665				56 654

TABLE V-E
SENIOR STAFF OF ADULT EDUCATION CENTRES

Salary Scales as of 1 January 2002

		CLASSES (number of group-hours of instruction)				
Classification	Salary	Class I 9 999 or less	Class II 10 000 - 15 999	Class III 16 000 - 35 999	Class IV 36 000 - 87 999	Class V 88 000 or more
DCA	Maximum	71 022	75 490	79 751	84 026	88 442
	Minimum	54 631	58 070	61 349	64 637	68 033
		Class I 87 999 or less				Class II 88 000 or more
DACA	Maximum	67 509				75 490
	Minimum	51 932				58 070

TABLE VII-BB
MANAGERS

Salary Scales Applicable to Class VII as of 1 July 2000

CLASSES (number of students)¹		
Classification	Salary	Class VII 42 000 or more
R1	Maximum	65 003
	Minimum	52 008
R2	Maximum	60 861
	Minimum	47 716
CLASSES (number of students transported)		
Classification	Salary	Class VII 42 000 or more
CO1	Maximum	51 954
	Minimum	43 236

¹ For the position of superintendent of transportation services, classes are determined on the basis of the number of students transported.

TABLE VII-C
MANAGERS

Salary Scales as of 1 January 2001

CLASSES (number of students)¹								
Classification	Salary	Class I 6 999 or less	Class II 7 000-11 999	Class III 12 000-17 999	Class IV 18 000-24 999	Class V 25 000-32 999	Class VI 33 000-41 999	Class VII 42 000 or more
R1	Maximum	55 479	58 082	60 004	61 989	64 041	65 321	66 627
	Minimum	42 932	44 989	46 985	49 066	51 238	52 263	53 308
R2	Maximum	49 929	52 236	54 650	57 329	59 960	61 160	62 383
	Minimum	37 471	39 250	41 116	42 972	47 010	47 950	48 909
		Class I 999 or less		Class II 1 000 - 1 999		Class III 2 000 or more		
R3 (school)	Maximum	49 337		53 879		58 841		
	Minimum	39 187		42 668		46 615		
CLASSES (number of group-hours of instruction)								
		Class I 43 999 or less		Class II 44 000 - 87 999		Class III 88 000 or more		
R3 (centre)	Maximum	49 337		53 879		58 841		
	Minimum	39 187		42 668		46 615		

CLASSES (number of students transported)

Classification	Salary	Class I 6 999 or less	Class II 7 000-11 999	Class III 12 000-17 999	Class IV 18 000-24 999	Class V 25 000-32 999	Class VI 33 000-41 999	Class VII 42 000 or more
CO1	Maximum	N.A. ²	44 697	46 782	48 922	51 185	52 208	53 252
	Minimum	N.A.	37 277	38 977	40 753	42 596	43 448	44 317
CO2	Maximum	Single class		48 674				
	Minimum			41 872				
CO3	Maximum	Single class		44 442				
	Minimum			38 274				

¹ For the position of superintendent of transportation services, classes are determined on the basis of the number of students transported.

² Not applicable

**TABLE VII-D
MANAGERS**

Salary Scales as of 1 January 2002

CLASSES (number of students)¹								
Classification	Salary	Class I 6 999 or less	Class II 7 000-11 999	Class III 12 000-17 999	Class IV 18 000-24 999	Class V 25 000-32 999	Class VI 33 000-41 999	Class VII 42 000 or more
R1	Maximum	56 866	59 534	61 504	63 539	65 642	66 954	68 293
	Minimum	44 005	46 114	48 160	50 293	52 519	53 570	54 641
R2	Maximum	51 177	53 542	56 016	58 762	61 459	62 689	63 943
	Minimum	38 408	40 231	42 144	44 046	48 185	49 149	50 132
		Class I 999 or less		Class II 1 000 - 1 999		Class III 2 000 or more		
R3 (school)	Maximum	50 570		55 226		60 312		
	Minimum	40 167		43 735		47 780		
CLASSES (number of group-hours of instruction)								
		Class I 43 999 or less		Class II 44 000 - 87 999		Class III 88 000 or more		
R3 (centre)	Maximum	50 570		55 226		60 312		
	Minimum	40 167		43 735		47 780		
CLASSES (number of students transported)								
Classification	Salary	Class I 6 999 or less	Class II 7 000-11 999	Class III 12 000-17 999	Class IV 18 000-24 999	Class V 25 000-32 999	Class VI 33 000-41 999	Class VII 42 000 or more
CO1	Maximum	N.A. ²	45 814	47 952	50 145	52 465	53 513	54 583
	Minimum	N.A.	38 209	39 951	41 772	43 661	44 534	45 425
CO2	Maximum	Single class		49 891				
	Minimum			42 919				
CO3	Maximum	Single class		45 553				
	Minimum			39 231				

¹ For the position of superintendent of transportation services, classes are determined on the basis of the number of students transported.

² Not applicable

14. Schedule 10 is replaced by the following:

“SCHEDULE 10

COMPOSITION OF COMMITTEES SET UP TO DETERMINE AND CHANGE THE CONDITIONS OF EMPLOYMENT OF MANAGEMENT STAFF

COMMITTEE OF DIRECTORS GENERAL

This committee is composed, on the one hand, of representatives of the Ministry of Education, the Quebec English School Boards Association and the Fédération des commissions scolaires du Québec and, on the other hand, of representatives of the Association des directeurs généraux des commissions scolaires and the Association of Directors General of English School Boards of Quebec.

ADVISORY COMMITTEE OF ADMINISTRATORS

This committee is composed, on the one hand, of representatives of the Ministry of Education, the Quebec English School Boards Association and the Fédération des commissions scolaires du Québec and, on the other hand, of representatives of the Association des cadres scolaires du Québec, the Association des cadres de Montréal, the Association montréalaise des directions d'établissement scolaire and the Association of Administrators of English Schools of Quebec.

SCHOOL ADMINISTRATION PERSONNEL COMMITTEE

This committee is composed, on the one hand, of representatives of the Ministry of Education, the Quebec English School Boards Association and the Fédération des commissions scolaires du Québec and, on the other hand, of two representatives of the Fédération québécoise des directeurs et directrices d'établissement d'enseignement and of one representative of each of the following associations: the Association montréalaise des directions d'établissement scolaire, the Association québécoise du personnel de direction des écoles, the Association of Administrators of English Schools of Quebec and the Association des cadres scolaires du Québec.

CENTRE ADMINISTRATION PERSONNEL COMMITTEE

This committee is composed, on the one hand, of representatives of the Ministry of Education, the Quebec English School Boards Association and the Fédération des commissions scolaires du Québec and, on the other hand, of representatives of the Association des cadres scolaires du Québec, the Association of Administrators of English Schools of Quebec, the Fédération québécoise des directeurs et directrices d'établissement d'enseigne-

ment, the Association montréalaise des directions d'établissement scolaire and the Association québécoise du personnel de direction des écoles.”.

15. Section 3 of Schedule 14 is amended by replacing “and Schedule 8” by “, 8 and 15”.

16. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec* except:

1° Tables 1, 2 and 8 of Schedule 2, as replaced by section 12 of this Regulation, which are in force since 1 July 2000;

2° Table 5 of Schedule 2, as replaced by section 12 of this Regulation, which is in force since 1 July 1999;

3° Tables I-BB, II-BB and VII-BB of Schedule 3, as inserted by section 13 of this Regulation, which are in force since 1 July 2000;

4° Tables IV-B and V-B of Schedule 3, as replaced by section 13 of this Regulation, which are in force since 1 July 1999.

3966

Draft Regulations

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Certified human resources professionals and certified industrial relations counsellors of Québec — Procedure for conciliation and arbitration of accounts

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec, adopted by the Bureau of the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec, will be submitted to the Government which may approve it, with or without amendment, upon the expiry of 45 days following this publication.

According to the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec, the purpose of the Regulation is to replace the Regulation respecting the procedure for conciliation and arbitration of accounts of industrial relations counsellors (R.R.Q., 1981, c. C-26, r. 57) and to establish a procedure for conciliation and arbitration of accounts of certified human resources professionals and certified industrial relations counsellors in accordance with the provisions of the Professional Code. It prescribes provisions that allow clients to take advantage of the procedure whether or not the account has been paid and provisions indicating that the arbitration will be heard before an arbitration council of three arbitrators, if the amount in dispute is \$3000 or more and before a sole arbitrator in the other cases. The Regulation also prescribes that a member of the Order may not institute proceedings to recover the account so long as the dispute may be resolved by conciliation or arbitration. Notwithstanding the foregoing, it enables the arbitration council, as permitted by the Professional Code, to add to an arbitration award interest as well as an indemnity calculated according to the Civil Code of Québec.

The Order is of the opinion that those measures will primarily ensure the client of a certified human resources professional or of a certified industrial relations counsellor better protection by providing a procedure for

conciliation and arbitration of an account. This procedure offers a more flexible and less costly method of resolving disputes.

The Regulation has no impact on businesses.

Further information may be obtained by contacting Marie-Josée Dufour, Coordinator, Admissions et réglementation de l'Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec, 1253, avenue McGill College, bureau 820, Montréal (Québec) H3B 2Y5; tel.: (514) 879-1636, extension 225; fax: (514) 879-1722.

Any interested person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The Office will convey those comments to the Minister responsible for the administration of legislation respecting the professions; they may also be conveyed to the professional order that adopted the Regulation as well as to any interested persons, departments or agencies.

JEAN-K. SAMSON,
*Chairman of the Office
des professions du Québec*

Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec

Professional Code
(R.S.Q., c. C-26, s. 88)

DIVISION I CONCILIATION

1. A client who has a dispute with a member of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec regarding the amount of an unpaid account for professional services may file a written application for conciliation with the syndic, provided that the member has not instituted proceedings to recover the account.

2. A client who has a dispute with a member regarding the amount of an account for professional services that he has already paid in whole or in part may also file a written application for conciliation with the syndic within 45 days of the date of receipt of the account.

Where an amount has been withdrawn or withheld by the member from the funds that he holds or receives for or on behalf of the client, the 45-day time limit runs from the day on which the client becomes aware of that such sums have been withdrawn or withheld.

3. A member may not institute proceedings to recover an account for professional services before the expiry of 45 days after the date of receipt of the account by the client.

4. Within three days of receiving an application for conciliation, the syndic shall notify the member concerned by registered mail; he shall also send the client a copy of this Regulation.

Once the syndic has received the application for conciliation, the member may not institute proceedings to recover his account so long as the dispute is capable of being settled by conciliation or arbitration.

Notwithstanding the foregoing, a member may seek provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

5. The syndic shall proceed with the conciliation in accordance with such procedure as he considers appropriate.

6. If an agreement is reached during conciliation, such agreement shall be put in writing, signed by the client and the member, and filed with the secretary of the Order.

7. Where conciliation does not lead to an agreement within 45 days of the date of receipt of the application for conciliation, the syndic shall send a report on the dispute to the client and to the member by registered mail.

The report shall contain the following information, where applicable:

- (1) the amount of the account in dispute;
- (2) the amount that the client acknowledges owing;
- (3) the amount that the member acknowledges having to reimburse or the amount that the member is willing to accept in settlement of the dispute; and

(4) the amount suggested by the syndic during conciliation as payment to the member or as reimbursement to the client.

The syndic shall send the client the form contained in Schedule I and shall indicate the procedure and deadline for submitting the dispute to arbitration.

DIVISION II

ARBITRATION

§1. Application for arbitration

8. Within 30 days of receiving the conciliation report referred to in section 7, the client may apply for arbitration of the account by sending the form in Schedule I to the secretary of the Order.

A copy of the conciliation report shall accompany the client's application for arbitration. The client shall also deposit with the secretary of the Order the amount referred to in the conciliation report that the client acknowledges as owing.

9. Within three days of receiving an application for arbitration, the secretary of the Order shall notify the member concerned by registered mail.

10. A client who wishes to withdraw his application for arbitration shall so notify the secretary of the Order in writing.

11. A member who acknowledges having to reimburse an amount to a client shall deposit that amount with the secretary of the Order, who shall then remit it to the client.

In such a case, the arbitration shall proceed and shall pertain only to the amount still in dispute.

12. If an agreement is reached by the parties after the application for arbitration has been filed, such agreement shall be in writing, signed by the parties and filed with the secretary of the Order. Where the parties reach an agreement after a council of arbitration has been formed, the agreement shall be recorded in the arbitration award.

§2. Council of arbitration

13. The council of arbitration shall be composed of three arbitrators where the amount in dispute is \$3,000 or more, and of a single arbitrator where the amount is less than \$3,000.

14. The Bureau shall appoint the member or members of the council of arbitration from among the members of the Order and, if the council is composed of three arbitrators, shall designate the chairman and the secretary thereof.

If the Bureau requests a member to sit on an arbitration council, the member may decline but for exceptional reasons only.

15. Before acting, the members of the council of arbitration shall take the oath contained in Schedule II.

16. The secretary of the Order shall send written notice to the arbitrators and to the parties informing them of the formation of the council of arbitration.

17. A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure. The request shall be sent in writing to the secretary of the Order, to the council of arbitration and to the parties or their advocates within 10 days of receipt of the notice provided for in section 16 or the day on which the grounds for the recusal become known.

The Bureau shall decide the request and, where applicable, shall ensure that the arbitrator is replaced.

§3. *Hearing*

18. The secretary of the Order shall give the parties or their advocate and the arbitrators at least 10 days written notice of the date, time and place of the hearing.

19. The parties are entitled to be represented or assisted by an advocate.

20. The council of arbitration shall, as soon as possible, hear the parties, receive their evidence or record any failure on their part. For those purposes, it shall follow such procedure as it considers appropriate.

21. A party requesting that testimony be recorded shall assume the cost thereof.

22. In the event of death or incapacity of an arbitrator, the remaining arbitrators shall see the matter through to termination.

If the council of arbitration consist of a single arbitrator, he shall be replaced by a new arbitrator and the dispute shall be reheard.

§4. *Arbitration award*

23. The council of arbitration shall issue its award within 45 days of the end of the hearing.

24. The award shall be a majority award of the members of the council.

The award shall give reasons and be signed by all the members. Where a member refuses or is unable to sign, the other members shall note that fact and the award has the same effect as if it had been signed by all the members.

25. The costs incurred by a party in respect of the arbitration shall be borne by that party.

26. In its award, the council of arbitration may uphold or reduce the amount of the account in dispute, determine the reimbursement or payment to which a party may be entitled, and rule on the amount that the client acknowledges owing and that was enclosed with his application for arbitration.

27. In its award, the council of arbitration may rule on the arbitration costs, namely the expenses incurred by the Order for the arbitration. The total costs may not exceed 10% of the amount which is the subject of the arbitration.

Where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, the council of arbitration may add interest thereto and an indemnity determined in accordance with articles 1618 and 1619 of the application for conciliation.

28. The arbitration award is binding on the parties but is subject to compulsory execution only after homologation in accordance with the procedure set out in articles 946.1 to 946.5 of the Code of Civil Procedure.

29. The arbitration award shall be filed with the secretary of the Order, who shall send to each party or to their advocates a copy of the award within 10 days of being filed.

30. This Regulation replaces the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des conseillers en relations industrielles du Québec, (R.R.Q., 1981, c. C-26, r. 57). The aforementioned regulation applies to an application for conciliation filed with the syndic before this Regulation comes into force.

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

SCHEDULE I

(ss. 7 and 8)

APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned,
(client's first and last names)
.....
(address and occupation)

declare that:

(1) On
(date) (name of the certified human resources professional or the certified industrial relations counsellor member)
sent
(name of client applying for arbitration)
an account in the amount of \$..... for professional services.

(2) I have enclosed a copy of the conciliation report.

(3) Circle *a* or *b*, whichever applies:

- a*) I am the client applying for arbitration;
- b*) I am the representative of the client applying for arbitration and I am duly authorized to sign this document, as per the authorization, a copy of which is enclosed herewith.

(4) Circle *a* or *b*, whichever applies:

- a*) I refuse to pay the account;
- b*) I seek reimbursement of \$.....

Reasons

.....
.....

During conciliation I acknowledged that I owe \$....., and accordingly deposit herewith a certified cheque, made payable to the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec.

I agree to submit to the procedure provided for in the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec and to respect the arbitration decision rendered thereunder.

.....
Signature

Date

SCHEDULE II

(s. 16)

OATH

I solemnly affirm that I will perform all my duties and exercise all my powers as an arbitrator faithfully, impartially and honestly, to the best of my ability and knowledge.

I also solemnly affirm that I will not, without being so authorized by law, disclose or make known anything whatsoever that I may learn in the performance of my duties.

.....
Signature

Oath given before me

.....
(name and position, profession or quality)

in on
(municipality) (date)

.....
Signature

3959

Municipal Affairs

Gouvernement du Québec

O.C. 1350-2000, 22 November 2000

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Rectification of the territorial boundaries of Ville de Sorel-Tracy and Ville de Saint-Joseph-de-Sorel and validation of acts performed by those municipalities

WHEREAS the territorial boundaries of Ville de Sorel-Tracy and Ville de Saint-Joseph-de-Sorel are not precise;

WHEREAS Ville de Sorel-Tracy and Ville de Saint-Joseph-de-Sorel have always acted in respect of some parts of their bordering territory that are not clearly described as if they had jurisdiction over them;

WHEREAS the Minister of Municipal Affairs and Greater Montréal, in accordance with section 179 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), amended by section 13 of chapter 43 of the Statutes of 1999, sent Ville de Sorel-Tracy and Ville de Saint-Joseph-de-Sorel a written notice containing the proposed rectification and validation of acts that the Minister intended to submit to the Government;

WHEREAS Ville de Saint-Joseph-de-Sorel notified the Minister of its agreement with the proposal and Ville de Sorel-Tracy notified the Minister of its disagreement with the proposal;

WHEREAS the Government may, under sections 178 and 192 of the Act respecting municipal territorial organization, rectify the territorial boundaries of these towns to describe them more clearly and validate acts they have performed without right in respect of a territory not subject to their jurisdiction;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the territorial boundaries of Ville de Sorel-Tracy and Ville de Saint-Joseph-de-Sorel be rectified and that the acts they have performed be validated as follows:

1. The territorial boundaries of Ville de Saint-Joseph-de-Sorel shall include the territory described by the Minister of Natural Resources on 11 April 2000 and its description appears as Schedule A to this Order in Council;

2. The description of the territorial boundaries of Ville de Sorel-Tracy excludes the territory described in Schedule A;

3. No allegation of illegality may be raised against acts performed by Ville de Saint-Joseph-de-Sorel on the grounds that the territory described in Schedule A was not subject to its jurisdiction;

4. Ville de Sorel-Tracy shall cease to administer the territory described in Schedule A as of the date of coming into force of this Order in Council and shall reimburse to QIT-Fer et Titane inc. the taxes levied between 1 January 1998 and the date of coming into force of this Order in Council on the portion of the assessment unit located in the territory described in Schedule A;

5. The territorial boundaries of Ville de Sorel-Tracy shall include the territory described by the Minister of Natural Resources on 11 April 2000 and its description appears as Schedule B to this Order in Council;

6. The description of the territorial boundaries of Ville de Saint-Joseph-de-Sorel excludes the territory described in Schedule B;

7. No allegation of illegality may be raised against acts performed by Ville de Sorel-Tracy on the grounds that the territory described in Schedule B was not subject to its jurisdiction;

8. Ville de Saint-Joseph-de-Sorel shall cease to administer the territory described in Schedule B as of the date of coming into force of this Order in Council;

9. These rectifications of the territorial boundaries shall have effect from 1 May 1907;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

SCHEDULE A**OFFICIAL DESCRIPTION FOR THE PURPOSES OF RECTIFYING PART OF THE TERRITORIAL BOUNDARIES OF VILLE DE SAINT-JOSEPH-DE-SOREL AND VILLE DE SOREL-TRACY, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DU BAS-RICHELIEU**

A territory currently part of Ville de Sorel-Tracy comprising, in reference to the cadastre of Paroisse de Saint-Pierre-de-Sorel, the lots and parts of lots and their present and future subdivisions and the roads and streets, water-courses or parts thereof, the whole within the boundaries described hereafter: namely, starting from the meeting point of the centre line of the St. Lawrence River with the westerly extension of the southern line of Lot 1; thence, successively, the following lines and demarcations: easterly, successively, the said extension and part of the said lot line, extending across the right-of-way of a railway (Lot 393) that it meets to the northeasterly extension of the southeastern line of Lot 2 appearing in the original cadastre before the correction made on 31 March 1949; southwesterly, successively, the said extension across a public road shown on the original and part of the said lot line to its meeting point with the western line of Lot 80-220; northerly, part of the said lot line to the apex of the northwestern angle of the said lot; westerly, successively, the northern line of Lot 2 and its extension to the centre line of the St. Lawrence River; finally, in a general northerly direction, the centre line of the said river downstream to the starting point.

Ministère des Ressources naturelles
Direction de l'information foncière
sur le territoire public
Division de l'arpentage foncier

Charlesbourg, 11 April 2000

Prepared by: JEAN-PIERRE LACROIX,
Land surveyor

J-34/5
S-162/3

SCHEDULE B**OFFICIAL DESCRIPTION FOR THE PURPOSES OF RECTIFYING PART OF THE TERRITORIAL BOUNDARIES OF VILLE DE SOREL-TRACY AND VILLE DE SAINT-JOSEPH-DE-SOREL IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DU BAS-RICHELIEU**

A territory currently part of Ville de Saint-Joseph-de-Sorel comprising, in reference to the cadastre of Paroisse de Saint-Pierre-de-Sorel, part of Lot 2 enclosed within the boundaries described hereafter, namely: starting from the apex of the northwestern angle of Lot 77; thence, successively, the following lines and demarcations: in a northeasterly direction, a straight line corresponding to part of the southeastern line of Lot 2 appearing in the original cadastre before the correction made on 31 March 1949 to the western line of Lot 80-220; southerly, part of the western line of the said lot to the northern line of Lot 77; finally, westerly, part of the northern line of Lot 77 to the starting point.

Ministère des Ressources naturelles
Direction de l'information foncière
sur le territoire public
Division de l'arpentage foncier

Charlesbourg, 11 April 2000

Prepared by: JEAN-PIERRE LACROIX,
Land surveyor

S-162/2
J-34/4

3960

Gouvernement du Québec

O.C. 1351-2000, 22 November 2000

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Amalgamation of Municipalité de Lanoraie-d'Autray and Paroisse de Saint-Joseph-de-Lanoraie

WHEREAS each of the municipal councils of Municipalité de Lanoraie-d'Autray and Paroisse de Saint-Joseph-de-Lanoraie adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objection was sent to the Minister of Municipal Affairs and Greater Montréal and the Minister did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application with the amendments proposed by the Minister of Municipal Affairs and Greater Montréal which were approved by the councils of the applicant municipalities;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Municipalité de Lanoraie-d'Autray and Paroisse de Saint-Joseph-de-Lanoraie, on the following conditions:

1. The name of the new municipality shall be "Municipalité de Lanoraie".

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 6 July 2000; that description is attached as a Schedule to this Order in Council.

3. The new municipality shall be governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The new municipality shall be part of Municipalité régionale de comté de D'Autray.

5. A provisional council shall hold office until the first general election. It shall be composed of all the members of the two councils existing at the time of the coming into force of this Order in Council. The quorum shall be half the members in office plus one. The mayors of the former municipalities shall alternate each month as mayor and deputy mayor of the provisional council. The mayor of the former Paroisse de Saint-Joseph-de-Lanoraie shall act as mayor of the provisional council of the new municipality for the first month.

If a seat is vacant at the time of the coming into force of this Order in Council or becomes vacant during the term of the provisional council, one additional vote shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

Until the council decides otherwise, By-law 143-96 adopted by the former Municipalité de Lanoraie-d'Autray respecting the remuneration of elected officers shall apply to the new municipality.

Throughout the term of the provisional council, the mayors of the former municipalities shall continue to be qualified to sit on the council of Municipalité régionale de comté de D'Autray and they shall have the same number of votes as they had before the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held at the council hall on the territory of the former Paroisse de Saint-Joseph-de-Lanoraie.

7. The first general election shall be held on 25 March 2001. The second general election shall be held in 2004.

Until the second general election, the council of the new municipality shall be composed of nine members, that is, a mayor and eight councillors. The councillor's seats shall be numbered from 1 to 8 from the first general election.

8. For the first general election and for any other by-election held before the second general election, the only persons eligible for seats 1, 3, 5 and 7 shall be persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the members of the council of the former Municipalité de Lanoraie-d'Autray and the only persons eligible for seats 2, 4, 6 and 8 shall be persons who would be eligible under that Act if such election were an election of the members of the council of the former Paroisse de Saint-Joseph-de-Lanoraie.

For the second general election, the new municipality shall be divided into six electoral districts in accordance with the law.

9. Michel Dufort, secretary-treasurer of the former Paroisse de Saint-Joseph-de-Lanoraie shall act as secretary-treasurer and director general of the new municipality.

Robert Coolidge, secretary-treasurer and director general of the former Municipalité de Lanoraie-d'Autray shall act as deputy secretary-treasurer and deputy director general of the new municipality.

10. Any budget adopted by each of the former municipalities for the fiscal year during which this Order in Council comes into force shall continue to be applied by

the council of the new municipality, and the expenditures and revenues shall be accounted for separately as though those former municipalities continued to exist.

Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budgets of each of the former municipalities in proportion to their standardized property value established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Orders in Council 719-94 dated 18 May 1994, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as it appears in the financial statements of the former municipalities for the fiscal year preceding that during which this Order in Council comes into force.

11. If section 10 applies, the first portion of the subsidy paid under the Programme d'aide financière au regroupement municipal (PAFREM) shall be reserved as revenue to the budget of the first fiscal year for which the new municipality does not apply separate budgets.

12. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in effect before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

13. The working fund of the former Paroisse de Saint-Joseph-de-Lanoraie shall be abolished at the end of the last fiscal year for which the former municipalities adopted separate budgets. The amount of the fund that is not committed on that date shall be added to the surplus accumulated on behalf of that former municipality and shall be dealt with in accordance with section 15.

14. The new municipality shall repay an amount representing a part of taxes paid by ratepayers to those ratepayers in the sector made up of the territory of the former Paroisse de Saint-Joseph-de-Lanoraie. That amount shall correspond to \$0.10 per \$100 of assessment. It shall be repaid in the month following the coming into force of this Order in Council.

15. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be used as follows:

(a) an amount of \$50 000 shall be subtracted from the surplus accumulated on behalf of the former Municipalité de Lanoraie-d'Autray and an amount of \$28 000 shall be subtracted from the surplus accumulated on behalf of the former Paroisse de Saint-Joseph-

de-Lanoraie. Those amounts shall constitute the working fund of the new municipality;

(b) an amount of \$39 000 shall be subtracted from the surplus accumulated on behalf of the former Municipalité de Lanoraie-d'Autray and an amount of \$22 000 shall be subtracted from the surplus accumulated on behalf of the former Paroisse de Saint-Joseph-de-Lanoraie. Those amounts shall be paid into the general fund of the new municipality;

(c) any balance of the surplus accumulated on behalf of the former Municipalité de Lanoraie-d'Autray shall be used as tax credits applicable to all the taxable immovables in the sector made up of the territory of that former municipality. An amount representing 50% of that balance shall be granted in 2001, 25% in 2002 and 25% in 2003. Tax credits for 2001 shall be granted before 25 February 2001;

(d) any balance of the surplus accumulated on behalf of the former Paroisse de Saint-Joseph-de-Lanoraie shall be used as tax credits applicable to all the taxable immovables in the sector made up of the territory of that former municipality. An amount representing 34% of that balance shall be paid in 2001, 33% in 2002 and 33% in 2003.

If the amount of the surplus accumulated on behalf of a former municipality is insufficient to carry out the operations provided for in subparagraphs *a* and *b*, the new municipality shall fill the gap by imposing a special tax on the taxable immovables in the sector made up of the territory of the former municipality whose accumulated surplus is insufficient.

16. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipality adopted a separate budget will be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

17. Any cost arising out of the credit commitment made by the former Paroisse de Saint-Joseph-de-Lanoraie under Resolution 249-9-94 for the acquisition of a recreation land shall be charged to all the taxable immovables of the new municipality.

18. The new municipality must carry out work for the construction of a wastewater interception network for an amount of \$2 850 000; that work is described in the memorandum of understanding signed on 23 August 2000 between the Minister of Municipal Affairs and Greater Montréal and the former Paroisse de Saint-Joseph-de-Lanoraie pertaining to the granting of financial assistance to be paid within the scope of "Les eaux vives du Québec" program.

In order to pay for such work, the new municipality shall make a loan that does not exceed \$2 850 000 over a 20-year period and it shall use the financial assistance referred to in the first paragraph to reduce that loan.

No approval is necessary for that loan.

In order to repay 16.97% of instalments in principal and interest of that loan, a special tax shall be imposed and levied each year for the term of the loan on all the taxable immovables of the new municipality on the basis of their values as they appear on the assessment roll in effect each year.

In order to repay 83.03% of instalments in principal and interest of that loan, a special tax shall be imposed and levied each year for the term of the loan on the taxable immovables of users of the sewer system on the basis of their values as they appear on the assessment roll in effect each year.

19. The balance in principal and interest of the loan made under By-law 221-2000 of the former *Municipalité de Lanoraie-d'Autray* to settle the dispute regarding expropriation of lands of the industrial park shall remain charged to the taxable immovables in the sector made up of the territory of the former *Municipalité de Lanoraie-d'Autray* on the basis of their values as they appear on the assessment roll in effect each year.

20. The proceeds of the sale of a land of the industrial park located in the sector made up of the territory of the former *Municipalité de Lanoraie-d'Autray* shall be, up to the amount representing the balance in principal and interest of the loan made under By-law 221-2000 adopted by that former municipality, used for the benefit of the sector made up of the territory of that former municipality.

The proceeds may be used for repaying the loan made under By-law 221-2000 or for establishing tax credits for the benefit of the ratepayers in the sector made up of the territory of that former municipality.

21. Loans not referred to in sections 18 and 19 remain charged to the taxable immovables in the sector made up of the territory of the former municipality that made them.

If the new municipality decides to amend the taxation clauses of those by-laws, those amendments may only affect the taxable immovables in the sector made up of the territory of the former municipality that adopted the by-law.

22. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality, shall be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

23. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new municipality, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law shall be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new municipality.

24. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de Lanoraie".

That municipal bureau shall succeed to the municipal housing bureau of the former *Paroisse de Saint-Joseph-de-Lanoraie*, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the *Société d'habitation du Québec* (R.S.Q., c. S-8), amended by section 273 of chapter 40 of the Statutes of 1999, shall apply to the municipal housing bureau of the new *Municipalité de Lanoraie* as if it had been incorporated by letters patent under section 57 of that Act also amended by section 273.

The members of the bureau shall be the members of the municipal housing bureau of the former *Paroisse de Saint-Joseph-de-Lanoraie*.

25. The *Régie intermunicipale des incendies de Lanoraie* shall cease to exist on 31 December 2000 and the new municipality shall succeed to the rights, obligations and responsibilities of that board.

26. The intermunicipal committee for municipal waterworks of Lanoraie shall cease to exist on 31 December 2000 and the new municipality shall succeed to the rights, obligations and responsibilities of that committee.

27. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW MUNICIPALITÉ DE LANORAIE, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE D'AUTRAY

The current territory of Municipalité de Lanoraie-d'Autray and Paroisse de Saint-Joseph-de-Lanoraie, in Municipalité régionale de comté de D'Autray, comprising in reference to the cadastre of Paroisse de Saint-Joseph-de-Lanoraie, the lots or parts of lots, the blocks or parts of blocks and their present and future subdivisions, as well as the roads, routes, autoroutes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the centre line of Rivière Saint-Joseph with the northwesterly extension of the northeastern line of lot 539; thence, successively, the following lines and demarcations: southeasterly, successively, the said extension, the dividing line between the cadastres of the parishes of Saint-Joseph-de-Lanoraie and Berthier and its extension to the centre line of the St. Lawrence River, that line bordering in part the northeastern limit of the right-of-way of a public road (shown on the original) and crossing Autoroute Félix-Leclerc, Chemin du Rang du Petit-Bois-d'Autray and Route 138 that it meets; in a general southwesterly direction, the centre line of the St. Lawrence River upstream to its meeting point with the southeasterly extension of the dividing line between the cadastres of the parishes of Saint-Joseph-de-Lanoraie and Saint-Antoine-de-Lavaltrie; northwesterly, the said extension and part of the dividing line between the said cadastres to the centre line of the watercourse bordering to the northwest lot 1009 of the cadastre of Paroisse de Saint-Joseph-de-Lanoraie, that line crossing Route 138, Chemin du Rang Saint-Jean-Baptiste, Saint-Jean and Saint-Antoine rivers, Autoroute Félix-Leclerc and the roads of Rang Saint-François and Rang Saint-Henri that it meets; in reference to the latter cadastre, in a general northeasterly direction, successively, the centre line of the said watercourse, the centre line of another watercourse bordering to the northwest lot 1008, the centre line of Lac Romer (shown on the original) then the centre line of Ruisseau du lac Romer to its meeting point with the northwesterly extension of the northeastern line of lot 1030; southeasterly, the said extension and the northeastern line of the said lot; northeasterly, part of

the northwestern line of lot 962 to the apex of the southern angle of lot 1031; northwesterly, the southwestern line of lots 1031 and 1033; in a general north-easterly direction, part of the broken dividing line between the cadastres of the parishes of Saint-Joseph-de-Lanoraie and Saint-Thomas to the northeastern line of lot 1072 of the first cadastre, that line crossing the right-of-way of a railway (lot 1073 of the cadastre of Paroisse de Saint-Joseph-de-Lanoraie) and Chemin Joliette that it meets; southeasterly, the northeastern line of the said lot 1072 and its extension to the centre line of Rivière Saint-Joseph; finally, in a general north-easterly direction, the centre line of the said river downstream to its starting point.

The said limits define the territory of Municipalité de Lanoraie, in Municipalité régionale de comté de D'Autray.

Ministère des Ressources naturelles
Service de l'arpentage

Charlesbourg, 6 July 2000

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

L-365/1

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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