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Summary

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PROVINCE OF QUÉBEC

2nd SESSION

36th LEGISLATURE

QUÉBEC, 26 JUNE 2001

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 26 June 2001

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

15 An Act to amend the Public Health Protection Act and the Animal Health Protection Act

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 15
(2001, chapter 37)

An Act to amend the Public Health Protection Act and the Animal Health Protection Act

Introduced 15 May 2001
Passage in principle 7 June 2001
Passage 21 June 2001
Assented to 26 June 2001

Québec Official Publisher
2001

EXPLANATORY NOTES

This bill amends the Public Health Protection Act to introduce provisions enabling the Government to adopt a plan of action to protect the population from the West Nile virus.

The bill provides that the implementation of the measures in the plan providing for the use of pesticides is not subject to the provisions of any law, regulation or municipal by-law, other than the provisions of the Environment Quality Act, that would prevent or delay the implementation of the measures.

Lastly, the bill contains consequential amendments to the Animal Health Protection Act.

LEGISLATION AMENDED BY THIS BILL :

– Public Health Protection Act (R.S.Q., chapter P-35) ;

– Animal Health Protection Act (R.S.Q., chapter P-42).

Bill 15

AN ACT TO AMEND THE PUBLIC HEALTH PROTECTION ACT AND THE ANIMAL HEALTH PROTECTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Public Health Protection Act (R.S.Q., chapter P-35) is amended by inserting the following division after section 24:

"**DIVISION IV.1**

"GOVERNMENT PLAN OF ACTION TO PROTECT THE POPULATION FROM THE WEST NILE VIRUS

"24.1. The Government may, in the event that the health of the population is threatened by insects capable of transmitting the West Nile virus to the population, establish and implement a plan of action to control the insects on the joint proposal of the Minister of Health and Social Services, the Minister of Municipal Affairs and Greater Montréal and the Minister of Agriculture, Fisheries and Food, after consultation with the Minister of the Environment.

The plan of action may provide for the use of chemical pesticides only in the case where the other measures are considered to be insufficient.

"24.2. The measures provided for in the government plan of action that call for the use of pesticides are exempt from the application of any general or special legislative or regulatory provision, including any provision of a municipal by-law, that prevents or delays the implementation of the measures.

The provisions of the Environment Quality Act (chapter Q-2) and the regulations thereunder nonetheless remain applicable to the measures, subject to the following: when the measures are submitted to the Minister of the Environment under section 22 of that Act, the Minister may authorize the measures even in the absence of a certificate from the clerk or secretary-treasurer of a municipality stating that their implementation does not contravene any municipal by-law.

"24.3. The Minister of Health and Social Services shall, using any means considered to be the most efficient, give the public in the territory concerned prior notification of the planned application of pesticides and inform the public of the most efficient measures persons may take to protect themselves against the harmful effects of insecticide exposure.

"24.4. No person may hinder the implementation of the measures provided for in the government plan of action. Every owner, lessee or occupant of a parcel of land is required to give free access to the land at all times so that the measures, in particular the use of pesticides, may be implemented.

"24.5. The plan of action must be revised annually and made public.

As soon as the plan of action is made public, the competent committee of the National Assembly shall allow any interested person, group or organization to make observations in writing or make submissions concerning the plan, and may hold hearings.

"24.6. The Minister of Health and Social Services shall table in the National Assembly, within three months of the end of the implementation of the plan of action or, if the Assembly is not in session, within 15 days of resumption, a report on the measures implemented to protect public health from the threat posed by the insects."

2. Section 11.12 of the Animal Health Protection Act (R.S.Q., chapter P-42), enacted by section 13 of chapter 40 of the statutes of 2000, is amended

(1) by striking out "emergency" in the second line of the second paragraph;

(2) by inserting "or Division IV.1" after "IV" in the third line of the second paragraph.

3. The second paragraph of section 24.5 applies only from 2002.

4. This Act comes into force on 26 June 2001.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 19
(2001, chapter 19)

An Act concerning the organization of police services

Introduced 15 May 2001
Passage in principle 6 June 2001
Passage 21 June 2001
Assented to 21 June 2001

Québec Official Publisher
2001

EXPLANATORY NOTES

The purpose of this bill is to establish levels of police services on the basis of the number of inhabitants in the territory to be served by a police force and to define the suppletive and complementary role of the Sûreté du Québec as well as its mission throughout Québec.

The bill provides that, except in certain cases, every municipality within a metropolitan community or census metropolitan area is to be served by a municipal police force, and that every other municipality having a population of 50,000 inhabitants or more is required to establish its own police force. A municipality having fewer than 50,000 inhabitants that is currently being served by a municipal police force may continue to be served by that police force to the extent that as of 1 June 2002 the police force has the capability of providing the required level of services.

A further object of the bill is to ensure that the entire range of police services otherwise offered by a municipal police force or by the Sûreté du Québec, depending on their respective jurisdictions, is available throughout Québec.

Broadened responsibilities are assigned to the public security committees in charge of managing agreements concerning the police services provided to municipalities by the Sûreté du Québec.

Provision is made for the reclassification, with full recognition of seniority, of all police officers whose positions are affected by the abolition of their police force, within the ranks of the Sûreté du Québec which will henceforth have jurisdiction in the territory concerned.

Lastly, the bill contains consequential amending provisions and transitional provisions.

LEGISLATION AMENDED BY THIS BILL :

– Police Act (2000, chapter 12).

Bill 19

AN ACT CONCERNING THE ORGANIZATION OF POLICE SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 66 of the Police Act (2000, chapter 12) is amended

(1) by replacing "32" and "60" in the first paragraph by "35" and "65", respectively;

(2) by replacing "or to one or more deputy directors" in the second paragraph by ", to one or more deputy directors or to all other senior officers".

2. Section 70 of the said Act is amended by adding the following paragraphs:

"A municipal police force must provide, in the territory under its jurisdiction,

(1) level 1 services, if the population to be served is less than 100,000 inhabitants;

(2) level 2 services, if the population to be served is 100,000 or more and not more than 199,999 inhabitants;

(3) level 3 services, if the population to be served is 200,000 or more and not more than 499,999 inhabitants;

(4) level 4 services, if the population to be served is 500,000 or more and not more than 999,999 inhabitants; or

(5) level 5 services, if the population to be served is 1,000,000 inhabitants or more.

The Sûreté du Québec shall provide level 6 services.

The Sûreté du Québec shall provide the services corresponding to a level higher than the level required of a municipal police force, unless the Minister authorizes the municipal police force to provide the services corresponding to other levels determined by the Minister. Police forces shall work in collaboration in the exercise of their respective jurisdictions.

Notwithstanding the obligation imposed on a police force to provide all the services corresponding to its level of jurisdiction, any investigation concerning a police officer against whom an allegation of criminal offence has been made may be entrusted to another police force empowered to provide the services corresponding to the level required by the investigation."

3. Sections 71 and 72 of the said Act are replaced by the following sections:

"71. Local municipalities forming part of the Communauté métropolitaine de Montréal, the Communauté métropolitaine de Québec or a census metropolitan area described in Schedule E shall be served by a municipal police force as follows:

(1) they establish their own police forces by means of a by-law approved by the Minister; or

(2) they share the services of a single police force, either two or more entrusting the establishment and management of a shared police force to an intermunicipal board, or one municipality making all the services of its own police force available to another municipality.

Each police force established pursuant to the first paragraph must provide level 2 services or services corresponding to a higher level, according to the population to be served.

However, the local municipalities forming part of the regional county municipalities of La Côte-de-Beaupré, La Jacques-Cartier, L'Île-d'Orléans and Vaudreuil-Soulanges shall be served by the Sûreté du Québec.

The Minister may authorize a municipality to be served by the Sûreté du Québec, on such conditions as are determined by the Minister.

The services of the Sûreté du Québec shall be provided, in accordance with the terms and conditions set out in section 76, pursuant to agreements entered into by the Minister and the regional county municipality that includes the municipalities concerned or, where warranted by special circumstances, directly with the local municipality.

"72. Local municipalities which do not form part of a metropolitan community or a census metropolitan area shall be served by a municipal police force, in accordance with the same terms and conditions as those provided for in the preceding section, if they have a population of 50,000 inhabitants or more, or by the Sûreté du Québec, if they have a population of less than 50,000 inhabitants.

If a municipality resulting from a municipal merger has a population of 50,000 inhabitants or more, the municipality may be authorized by the Minister, on such conditions as are determined by the Minister, to be served by the Sûreté du Québec for the period prescribed in section 10 of the Regulation

respecting the amount payable by the municipalities for the services of the Sûreté du Québec, enacted by Order in Council 326-92 (1992, G.O.2, 1115), as it applies on the date of the merger.

The territory of the Kativik Regional Government as well as a Native community and a Cree or Naskapi village may be served by their own police forces, whatever their population. Such police forces are not required to provide services at a level established by section 70. The same applies to any other police force having jurisdiction in a territory north of the 51st parallel, subject to the police force providing such services as are agreed with the Minister."

4. Section 73 of the said Act is amended

(1) by replacing "on which the committee makes" in the second sentence of the second paragraph by "determined by the committee in";

(2) by replacing "authorization is given by the Minister" in the third paragraph by "determined in the Minister's authorization".

5. Section 74 of the said Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentence: "The agreement whereby two or more municipalities share the police services of a single police force in accordance with the terms and conditions specified in section 71 must be submitted to the Minister for approval and may not cover a period exceeding ten years." and by replacing "Il" in the second sentence of the French text of that paragraph by "Elle";

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

"The agreement on the sharing of police services must include provisions to ensure that, upon the taking effect or termination of the agreement, all police officers whose positions are affected by a new sharing of services or the termination of the sharing of services will be integrated, according to their seniority, into the municipal police force that is to provide such services. If the services are to be provided by the Sûreté du Québec, the provisions of section 353.3 shall be applied."

6. Section 76 of the said Act is amended

(1) by striking out "some or all of" in the portion before paragraph 1;

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

"(1) the number of police officers assigned to such services;

"(2) the other terms and conditions in accordance with which the police services will be provided;";

(3) by replacing "five years where the agreement covers all police services" in paragraph 8 by "ten years".

7. Section 78 of the said Act is amended

(1) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

"(1) four to seven persons chosen from among the members of the councils of the local municipalities to which the agreement applies in the case of an agreement with a regional county municipality or chosen from among the members of the council of the local municipality in the case of an agreement with a local municipality; the latter shall be designated respectively by the regional county municipality or the local municipality;

"(2) two representatives of the Sûreté du Québec, who are not entitled to vote, including the director of the police station.

The director of the police station shall be designated after consultation with the persons referred in subparagraph 1.";

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

"The committee shall, more particularly,

(1) participate in the preparation of the semi-annual plan of action of the Sûreté du Québec in the territory covered by the agreement, according to the priorities identified, and make an assessment thereof;

(2) approve the police resources organization plan;

(3) participate in the selection of the location of the police station or stations on the basis of public security requirements, police service effectiveness and government policy on the leasing or acquisition of buildings;

(4) develop criteria for evaluating the performance of the Sûreté du Québec within the framework of the agreement and, where the committee considers it appropriate, inform the police station chief on the citizens' appreciation of the police services they receive;

(5) evaluate the performance of the police station chief.

The committee shall be informed in advance of any intervention by the Sûreté du Québec likely to affect the resources assigned to the territory covered by the agreement."

8. Section 79 of the said Act is amended by inserting the following paragraph before the first paragraph:

"79. Where a municipal police force is unable to provide any of the services of the level required pursuant to the second paragraph of section 70 or 71, that service shall be provided by the Sûreté du Québec."

9. Section 81 of the said Act is amended by replacing "basic police services to be provided by each category of municipality" in the first sentence of the second paragraph by "police services each category of municipality must provide, in conformity with the levels established in section 70" and by striking out "basic" in the second sentence of that paragraph.

10. Section 100 of the said Act is amended by striking out "Notwithstanding sections 71 and 72," in the first paragraph.

11. The said Act is amended by inserting the following after the heading of Title X:

"CHAPTER I

"GENERAL PROVISIONS".

12. The said Act is amended by inserting the following after section 353:

"CHAPTER II

"SPECIAL PROVISIONS CONCERNING THE ORGANIZATION OF POLICE SERVICES

"353.1. Local municipalities having a population of less than 50,000 inhabitants that do not form part of a metropolitan community or a census metropolitan area and that on 21 June 2001 were being served by a municipal police force shall be governed by the following provisions.

Every municipality that had its own police force may continue to be served by that police force to the extent that the police force provides level 1 services at the latest on 1 June 2002. In such a case, the agreements requiring the municipality to provide police services to other municipalities shall be maintained, subject to the right of each municipality so served to withdraw from the agreement and be served by the Sûreté du Québec. Where the municipality that offered the services of its police force chooses to be henceforth served by the Sûreté du Québec, the agreements are terminated by operation of law.

Police services intermunicipal boards shall be maintained, subject to a unanimous decision of the parties to the contrary. Where an intermunicipal board is dissolved, every service agreement entered into between the intermunicipal board and municipalities that are not party to the agreement establishing the intermunicipal board is terminated by operation of law. Where an intermunicipal board is to continue to exist, any such service agreement is maintained, subject to the right of each municipality so served to

withdraw from the agreement and be served by the Sûreté du Québec. Where one of the municipalities party to the agreement establishing the intermunicipal board wishes to be served by the Sûreté du Québec, the municipality must obtain the consent of the other municipalities party to that agreement.

All the municipalities forming part of a census agglomeration described in Schedule F may, provided that at least one of the municipalities was, on 21 June 2001, served by a municipal police force, agree to share, in accordance with the terms and conditions provided for in section 71, the services of the same police force. Such police force will, at the latest on 1 June 2002, be required to provide the services of the level prescribed by section 70. The Minister may, however, subject to the conditions the Minister determines, allow that only some of the municipalities forming part of the same census agglomeration share the services of a single police force.

The municipalities that elect to be served by a municipal police force must establish, in an organization plan, that the police force will meet the conditions set out above. The plan must be submitted to the Minister for approval within 30 days from publication in the *Gazette officielle du Québec* of the regulation replacing Schedule I to the Regulation respecting the amount payable by the municipalities for the services of the Sûreté du Québec, enacted by Order in Council 326-92 (1992, G.O. 2, 1115). Every municipality that fails to do so is deemed to have elected to be served by the Sûreté du Québec.

"353.2. The municipalities that are to be served by a municipal police force pursuant to sections 71 and 72 must submit to the Minister for approval, at the latest on 1 January 2002, a police service organization plan stating, in particular, that the services of the required level will be provided at the latest on 1 June 2002. However, if a municipality resulting from a municipal merger and referred to in the first paragraph of section 71 has a population of 100,000 or more on 1 June 2002, the municipality will not be required to submit such a plan before 1 July 2002 and the services of the required level will not be required to be provided before 1 January 2003. In both cases, if a municipality fails to meet the requirements, the Minister may establish the terms and conditions according to which the police services are to be shared by the municipalities concerned.

"353.3. A police officer who is the holder of a permanent position or holds a managerial position within a municipal police force that is abolished because the services in the territory served by the officer are to be provided by the Sûreté du Québec becomes a member of the Sûreté du Québec, subject to the police officer having neither reached 65 years of age nor accumulated the maximum number of years of credited service under the plan referred to in section 353.4 and subject to the officer's right of refusal. A police officer so transferred shall be reclassified within the Sûreté du Québec according to the officer's accumulated years of service and, where applicable, according to the officer's former responsibilities, with the remuneration attaching thereto.

If the remuneration received by the police officer exceeds the remuneration payable within the Sûreté du Québec, it shall be maintained until the salary scale applicable to the police officer progresses to attain the level of the officer's remuneration.

The other conditions of employment applicable to the transferred police officer, including employment benefits, shall be the same, taking into account the officer's recognized seniority, as those applicable to the members of the Sûreté du Québec.

A police officer who is not the holder of a permanent position within a municipal police force becomes an auxiliary member of the Sûreté du Québec, subject to the officer's right of refusal, and shall be subject to the conditions that apply to auxiliary members.

The transfer of police officers from a municipal police force to the Sûreté du Québec shall be made according to staffing requirements, the level of responsibilities and the number of managerial positions existing within the municipal police force on 15 May 2001.

"353.4. Notwithstanding any provision to the contrary, the following shall be recognized as regards a police officer transferred pursuant to section 353.3 for the sole purposes of eligibility for any benefit under the Pension Plan of the members of the Sûreté du Québec, established under the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14):

(1) the years of service accumulated in a permanent position within a municipal police force;

(2) the hours of service accumulated in a non-permanent position, up to the maximum of hours, for a year, provided for in the conditions of employment applicable to the members of the Sûreté and insofar as the police officer's employer was contributing to his or her pension plan.

Every police officer so transferred shall not be required to retire before 65 years of age or accumulating the maximum number of years of credited service under the plan, whichever occurs first.

"353.5. Before a municipal police force may be abolished, a municipality or an intermunicipal board must ensure that the body that administers a pension plan, other than a defined contribution plan, of which a person referred to in section 353.3 or 353.7 is a member has entered into, with the Commission administrative des régimes de retraite et d'assurances, a general agreement for the transfer of the person's rights under the plan to the Pension Plan of the members of the Sûreté du Québec, the Government and Public Employees Retirement Plan or another pension plan applicable to employees of the State. The Commission may enter into such an agreement with the authorization of the Government.

The conditions set out in such an agreement apply to the group constituted by the persons who are referred to in the first paragraph and who come under the same employer, subject to their individual right to opt for another plan in accordance with section 98 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1).

"353.6. A police officer who, after the integration of municipal police officers under section 353.3, becomes a member of the Sûreté du Québec, may not receive concomitantly his or her remuneration in that capacity and, as the case may be, a pension under the Pension Plan of the members of the Sûreté du Québec or the pension plan applicable to the police officer as member of the municipal police force that was abolished because police services are henceforth to be provided by the Sûreté.

The regulation under section 17 of the Act concerning the organization of police services (2001, chapter 19) may pertain to the terms and conditions relating to the drawing of both a pension and remuneration, including those applicable in the event of non-compliance with the provisions of the first paragraph.

"353.7. Any member of the non-police personnel of a municipality who on 15 May 2001 was the holder of permanent position and exercised functions considered necessary to the activities of a municipal police force that is abolished because police services are to be provided by the Sûreté du Québec becomes an employee of the State insofar as the personnel member is named in a decision of the Conseil du trésor, subject to the conditions determined therein. An employee so transferred is deemed to have been appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

The Conseil du trésor may determine the classification, the remuneration and any other employment condition applicable to an employee so transferred.

"353.8. Any police officer of the Sûreté du Québec whose position is affected because the territory in which the officer ordinarily exercised his or her functions will henceforth be under the jurisdiction of a municipal police force may ask to be integrated into that police force. The police force must integrate the police officer before it may proceed with any hiring.

"353.9. The police records, documents and archives belonging to an abolished municipal police force become those of the new police force.

The same applies to investigations and any other police matter in progress.

"353.10. The first regulation made under section 77 in relation to the costs of police services provided by the Sûreté du Québec is not subject to the publication requirement under section 8 of the Regulations Act (R.S.Q., chapter R-18.1) and, notwithstanding section 17 of that Act, comes into force

on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

"353.11. Schedules E and F may, if need be, be amended by order of the Government.

"353.12. Until a regulation made pursuant to section 81 comes into force, the various levels of services are those provided for in Schedule G."

13. The said Act is amended by adding the following schedules after Schedule D:

"SCHEDULE E

THE CENSUS METROPOLITAN AREAS OF CHICOUTIMI, HULL, SHERBROOKE AND TROIS-RIVIÈRES
(*Section 71*)

I. The census metropolitan area of Chicoutimi includes the territories of the following municipalities:

— Chicoutimi
— Jonquière
— La Baie
— Lac-Kénogami
— Larouche
— Laterrière
— Saint-Fulgence
— Saint-Honoré
— Shipshaw
— Tremblay

II. The census metropolitan area of Hull includes the territories of the following municipalities:

— Aylmer
— Buckingham
— Cantley
— Chelsea
— Gatineau
— Hull
— La Pêche
— Masson-Angers
— Pontiac
— Val-des-Monts

III. The census metropolitan area of Sherbrooke includes the territories of the following municipalities:

— Ascot

— Ascot Corner
— Bromptonville
— Compton
— Deauville
— Fleurimont
— Hatley
— Lennoxville
— North Hatley
— Rock Forest
— Saint-Denis-de-Brompton
— Saint-Élie-d'Orford
— Sherbrooke
— Stocke
— Waterville

IV. The census metropolitan area of Trois-Rivières includes the territories of the following municipalities:

— Bécancour
— Cap-de-la-Madeleine
— Champlain
— Pointe-du-Lac
— Sainte-Marthe-du-Cap
— Saint-Louis-de-France
— Saint-Maurice
— Trois-Rivières
— Trois-Rivières-Ouest

"SCHEDULE F

CENSUS AGGLOMERATIONS
(*Section 353.1*)

I. The census agglomeration of Alma includes the territories of the following municipalities:

— Alma
— Delisle

II. The census agglomeration of Baie-Comeau includes the territories of the following municipalities:

— Baie-Comeau
— Chute-aux-Outardes
— Franquelin
— Pointe-Lebel
— Ragueneau

III. The census agglomeration of Cowansville includes the territory of the following municipality:

— Cowansville

IV. The census agglomeration of Dolbeau includes the territory of the following municipality:

— Dolbeau-Mistassini

V. The census agglomeration of Drummondville includes the territories of the following municipalities:

— Drummondville
— Saint-Charles-de-Drummond
— Saint-Cyrille-de-Wendover
— Saint-Lucien
— Saint-Majorique-de-Grantham
— Saint-Nicéphore

VI. The census agglomeration of Granby includes the territories of the following municipalities:

— Bromont
— Granby
— Granby (Township)

VII. The census agglomeration of Joliette includes the territories of the following municipalities:

— Joliette
— Notre-Dame-des-Prairies
— Saint-Charles-Borromée

VIII. The census agglomeration of Lachute includes the territory of the following municipality:

— Lachute

IX. The census agglomeration of La Tuque includes the territories of the following municipalities:

— La Bostonnais
— La Croche
— La Tuque

X. The census agglomeration of Magog includes the territories of the following municipalities:

— Magog

— Magog (Township)
— Omerville

XI. The census agglomeration of Matane includes the territories of the following municipalities:

— Matane
— Petit-Matane
— Sainte-Félicité
— Saint-Luc-de-Matane
— Saint-Jérôme-de-Matane

XII. The census agglomeration of Rimouski includes the territories of the following municipalities:

— Le Bic
— Pointe-au-Père
— Rimouski
— Rimouski-Est
— Saint-Anaclet-de-Lessard
— Sainte-Blandine
— Sainte-Odile-sur-Rimouski
— Saint-Narcisse-de-Rimouski

XIII. The census agglomeration of Rivière-du-Loup includes the territories of the following municipalities:

— Notre-Dame-du-Portage
— Rivière-du-Loup
— Saint-Antonin

XIV. The census agglomeration of Rouyn-Noranda includes the territories of the following municipalities:

— Arntfield
— Bellecombe
— Cloutier
— D'Alembert
— Évain
— McWatters
— Rouyn-Noranda

XV. The census agglomeration of Saint-Georges includes the territories of the following municipalities:

— Aubert-Gallion
— Saint-Georges

— Saint-Georges-Est
— Saint-Jean-de-la-Lande

XVI. The census agglomeration of Saint-Hyacinthe includes the territories of the following municipalities:

— Sainte-Rosalie
— Sainte-Rosalie (Parish)
— Saint-Hyacinthe
— Saint-Hyacinthe-le-Confesseur
— Saint-Thomas-d'Aquin

XVII. The census agglomeration of Saint-Jean-sur-Richelieu includes the territories of the following municipalities:

— Iberville
— L'Acadie
— Saint-Athanase
— Saint-Jean-sur-Richelieu
— Saint-Luc

XVIII. The census agglomeration of Saint-Jérôme includes the territories of the following municipalities:

— Bellefeuille
— Lafontaine
— Saint-Antoine
— Saint-Jérôme

XIX. The census agglomeration of Salaberry-de-Valleyfield includes the territories of the following municipalities:

— Grande-Île
— Saint-Timothée
— Salaberry-de-Valleyfield

XX. The census agglomeration of Sept-Rivières includes the territories of the following municipalities:

— Lac-Walker
— Maliotenam
— Moisie
— Sept-Îles
— Uashat

XXI. The census agglomeration of Shawinigan includes the territories of the following municipalities:

— Grand-Mère
— Lac-à-la-Tortue

— Saint-Boniface-de-Shawinigan
— Saint-Georges
— Saint-Gérard-des-Laurentides
— Saint-Jean-des-Piles
— Saint-Mathieu-du-Parc
— Shawinigan
— Shawinigan-Sud

XXII. The census agglomeration of Sorel includes the territories of the following municipalities:

— Sainte-Anne-de-Sorel
— Sainte-Victoire-de-Sorel
— Saint-Joseph-de-Sorel
— Sorel-Tracy

XXIII. The census agglomeration of Thetford Mines includes the territories of the following municipalities:

— Black Lake
— Pontbriand
— Robertsonville
— Thetford Mines
— Thetford-Partie-Sud

XXIV. The census agglomeration of Val-d'Or includes the territories of the following municipalities:

— Dubuisson
— Sullivan
— Val-d'Or
— Val-Senneville
— Vassan

XXV. The census agglomeration of Victoriaville includes the territories of the following municipalities:

— Saint-Christophe-d'Arthabaska
— Victoriaville

"SCHEDULE G

POLICE SERVICES ACCORDING TO THE LEVELS ESTABLISHED BY SECTION 70

To be able to fully achieve their missions, as defined in section 48 of the Police Act, and integrating the community police approach into their operational and management practices, police forces must provide the police services enumerated below, which correspond to their respective levels.

I. Level 1 includes the following services:

POLICING

- Round-the-clock patrol
- Response within a reasonable time to any request for help from a citizen
- Road patrolling
- Enforcement of the Act respecting off-highway vehicles and off-road vehicle and snowmobile trail patrol
- Recreational boating safety except on St. Lawrence River
- Escort for outsized vehicles
- Transportation of accused persons
- Hit and run incidents
- Prevention programs
- Crime scene securing
- Hostage taking or sniper (preliminary validation and sealed-off zone)

INVESTIGATIONS

Subject to the obligations corresponding to higher levels, any criminal or penal offence under their jurisdiction, in particular those relating to

- Kidnapping
- Sexual assault
- Assault (any type)
- Robbery
- Breaking and entering
- Fire
- Auto theft
- Production, trafficking and possession of illicit drugs at local or street level
- Bawdy-houses and street prostitution
- Bad cheques, credit card or debit card fraud
- Scans (false pretence or false statement)
- Theft and possession of stolen goods
- Offence-related property
- Motor vehicle accidents
- Mischief
- Reckless driving
- Impaired driving

Any investigation relating to incidents such as:

- Human deaths (drowning, suicide, etc.)
- Disappearances
- Runaways

EMERGENCY MEASURES

- Peaceful crowd control
- Rescue operations
- Forest search and rescue
- Emergency response to local disaster

SUPPORT SERVICES

- Crime analysis
- Crime scene dusting and photography
- Criminal intelligence relating to persons, groups or phenomena located in their territory and control of sources

- Routine contribution to the Violent Crime Linkage Analysis System (ViCLAS) and to the Service de renseignement criminel du Québec (SRCQ)
- Detention
- Custody of exhibits
- Court liaison
- DNA sample collecting
- Warrant management and tracking of individuals
- Records management
- Public affairs
- Québec Police Intelligence Centre (QPIC) input and retrieval
- Internal affairs
- Telecommunications
- Technical equipment and use of force instructor
- Breath analysis expert

II. Level 2 includes, in addition to the services listed for Level 1, the following services:

INVESTIGATIONS

- Intrafamilial murder
- Criminal negligence causing death
- Attempted murder
- Aggravated sexual assault or sexual assault with a weapon
- Fatal work injury
- Financial institution or armoured car service robbery
- Street gang crime
- Fire involving fatality or injury
- Series of fires
- Major industrial or commercial fire
- Commercial or real estate fraud
- Illegal lottery
- Production, trafficking and possession of illicit drugs involving supplier of local or street dealers
- Freight theft
- Auto theft ring

EMERGENCY MEASURES

- Intervention involving armed and barricaded suspect (no shots fired, no hostages)
- Crowd control involving risk of disturbance

SUPPORT SERVICES

- Special unit (barricaded suspect or potentially dangerous search or arrest)
- Infiltration at bottom level of criminal organization
- Crime scene and criminal identification expert
- Fire scene expert
- Reconstructionist (collision investigation)
- Motor vehicle serial number identification

III. Level 3 includes, in addition to the services listed for Level 2, the following services:

INVESTIGATIONS

- Murder
- Infanticide
- Life-threatening kidnapping
- Extortion
- Fatal aircraft accident
- Proceeds of crime
- Production, trafficking and possession of illicit drugs involving high-level suppliers
- Gang crime corresponding to service level
- Child pornography
- Death during intervention of other police force anywhere in Québec

SUPPORT SERVICES

- Physical surveillance
- Database retrieval
- Infiltration at middle level of criminal organization
- Forensic accounting
- Analysis of pure version statements
- Video interrogation support
- Dog team (drugs, guarding and tracking)

IV. Level 4 includes, in addition to the services listed for Level 3, the following services:

INVESTIGATIONS

- In cooperation with the Sûreté du Québec, any offence committed by criminal organizations operating on a minimal scale throughout Québec

EMERGENCY MEASURES

- Crowd control involving high risk of disturbance or riot in cooperation with the Sûreté du Québec

SUPPORT SERVICES

- Witness protection
- Repentant witness control
- Electronic surveillance

V. Level 5 includes, in addition to the services listed for Level 4, the following services:

POLICING

- Recreational boating safety, including St. Lawrence River
- Air surveillance

INVESTIGATIONS

- Terrorist incident management
- Importation of illicit drugs into Québec
- Weapons trafficking
- Computer data mischief or theft
- Extraprovincial kidnapping
- Pyramid selling
- Betting, bookmaking

EMERGENCY MEASURES

- Helicopter operations
- Crowd control involving high risk of disturbance or riot
- Intervention involving hostage(s) or barricaded and armed suspect (shot fired)

SUPPORT SERVICES

- Underwater diving
- Defusing and handling of explosives (explosives experts)
- Infiltration at top level of criminal organization
- Special weapons and tactics team
- Polygraph and hypnosis
- Dog team (explosives)
- Composite sketching
- Operations security intelligence

VI. Level 6 includes, in addition to the services listed for Level 5, the following services:

INVESTIGATIONS

- Unusual criminal phenomena
- Murder or assault by predator
- Police cooperation to counter organized crime
- Crime relating to state revenues, security or integrity
- Series of fires at inter-regional level
- Inter-regional, provincial or extra-provincial auto theft ring
- Judicial, government or municipal civil servant corruption
- Misappropriation of funds
- Inter-regional, provincial or extra-provincial fraud ring
- Fraudulent securities transactions
- Crime within provincial or federal detention centres
- Cybersurveillance
- International judicial cooperation

EMERGENCY MEASURES

- Coordination of recovery operations and maintenance of order during emergencies or civil disturbances of provincial scope

SUPPORT SERVICES

- Protection of international VIPs
- Protection of National Assembly
- State security investigations and intelligence
- Security and integrity of government computer systems
- ViCLAS coordination
- Behaviourism (profiling of criminals)
- Specialized criminal identification
- Centralized fingerprint database
- Interpol liaison
- QPIC management
- Permanent emergency service unit".

14. The Table of Contents of the said Act is amended

(1) by replacing Title X by the following:

"**TITLE X**	**TRANSITIONAL PROVISIONS**	**340-353.12**
"**CHAPTER I**	GENERAL PROVISIONS	340-353
"**CHAPTER II**	SPECIAL PROVISIONS CONCERNING THE ORGANIZATION OF POLICE SERVICES	353.1-353.12";

(2) by adding the following:

"**SCHEDULE E**	CENSUS METROPOLITAN AREAS OF CHICOUTIMI, HULL, SHERBROOKE AND TROIS-RIVIÈRES
"**SCHEDULE F**	CENSUS AGGLOMERATIONS
"**SCHEDULE G**	POLICE SERVICES ACCORDING TO THE LEVELS ESTABLISHED BY SECTION 70".

15. The English text of the said Act is amended

(1) by replacing "as the Québec" in the first paragraph of section 50 by "the National";

(2) by replacing "serious cause" in the first paragraph of section 64 by "reasonable grounds";

(3) by replacing "subject to the same" in the second paragraph of section 71 by "in accordance with the same terms and";

(4) by inserting "respectively" after "designated" in subparagraph 1 of the first paragraph of section 78;

(5) by replacing "Police Force" in the first paragraph of section 100 by "Sûreté du Québec";

(6) by replacing the second paragraph of section 116 by the following paragraph:

"Municipalities may, by by-law, in the cases determined in the by-law, prescribe qualifications in addition to those determined by the Government, that apply to the members of their police forces.";

(7) by replacing “chief”, “chief’s” and “chiefs” wherever they appear in sections 3, 18, 83 and 84, the heading preceding section 87, sections 87, 94, 103, 108, 118, 120, 143, 260, 261, 264, 265, 267, 274, 275, 277, 278, 286, 287, 288, 313 and 355 and the table of contents by “director”, “director’s” and “directors”, respectively;

(8) by replacing “convicted” by “found guilty” in the following provisions:

— the first and second paragraphs of section 119;

— section 120.

16. Section 10 of the Regulation respecting the amount payable by the municipalities for the services of the Sûreté du Québec is amended by adding the following paragraph:

“The provisions of this section also apply to every municipality that has taken part in the municipal amalgamation and local communities consolidation program implemented by the Government on 22 May 1996 and that, pursuant to the provisions of the Act concerning the organization of police services (2001, chapter 19), will be served by the Sûreté du Québec.”

17. To facilitate the application of this Act, the Government may, by regulation, before 21 June 2003, provide for the necessary transitional measures. The regulation is not subject to the publication requirement under section 8 of the Regulations Act (R.S.Q., chapter R-18.1) and, notwithstanding section 17 of that Act, comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

18. The municipalities referred to in the third paragraph of section 71 of the Police Act will be served by the Sûreté du Québec from the date determined pursuant to section 73 of that Act, which date shall not be later than 1 June 2002.

On that date, the police force established by one of those municipalities or by the intermunicipal board formed by agreement between municipalities each of which is henceforth to be served by the Sûreté du Québec is abolished. Moreover, any service agreement under which any of the municipalities referred to in the first paragraph was provided police services by a municipal police force terminates by operation of law.

19. This Act comes into force on 21 June 2001, except paragraph 1 of section 1, which comes into force on the date to be determined by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 20
(2001, chapter 20)

An Act to amend the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons

Introduced 15 May 2001
Passage in principle 12 June 2001
Passage 21 June 2001
Assented to 21 June 2001

Québec Official Publisher
2001

EXPLANATORY NOTE

This bill gives effect to the Budget Speech of 29 March 2001 and amends the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons in order to exempt legal persons and groups registered by the Inspector General of Financial Institutions from filing the annual declaration required under the Act for the year during which they are first registered. Moreover, the bill maintains the imposition of a fee for the tardy filing of an annual declaration.

Bill 20

AN ACT TO AMEND THE ACT RESPECTING THE LEGAL PUBLICITY OF SOLE PROPRIETORSHIPS, PARTNERSHIPS AND LEGAL PERSONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45) is amended by inserting the following paragraph after the first paragraph:

"Every registrant which, pursuant to an exemption established by regulation, does not declare the information required under subparagraph 4 of the first paragraph and subparagraphs 1 and 6 of the second paragraph of section 10, shall be considered as neither domiciled nor having an establishment in Québec for the purposes of this section, and must also designate an attorney residing in Québec."

2. Section 10 of the said Act is amended by replacing "A declaration" in the first line of the first paragraph by "Save an exemption established by regulation, a declaration".

3. Section 26 of the said Act is amended by adding the following paragraph:

"The obligation to update information exists from the year following the year during which the registrant is first registered."

4. Section 27 of the said Act is amended

(1) by striking out the first paragraph;

(2) by striking out "also" in the third line of the second paragraph.

5. Section 79 of the said Act is amended by adding the following paragraph:

"In the case of a copy or extract of a document deposited in the register in respect of a registrant which has availed itself of an exemption established by regulation under the third paragraph of section 97, the Inspector General shall delete the information covered by the exemption from the extract or copy. An extract or copy so issued and certified in accordance with section 80 is deemed to be a true extract or copy."

6. Section 97 of the said Act is amended by adding the following paragraph after the second paragraph:

"In special circumstances, the Government may also, by regulation, grant an exemption to a class of registrants as regards the requirement to declare certain information under section 10."

7. Section 517 of the said Act is amended by inserting the following paragraph after the second paragraph:

"Where access to a record or the issue of a copy or extract of a document is requested in respect of a registrant which has availed itself of an exemption established by regulation under the third paragraph of section 97, the Inspector General shall delete the information covered by the exemption from the record, extract or copy. An extract or copy so issued and certified by the Inspector General is deemed to be a true extract or copy."

8. The said Act is amended by replacing "supplementary fees" in the following provisions by "tardy filing fee":

(1) the second paragraph of section 30;

(2) subparagraph 5 of the first paragraph of section 31;

(3) the second paragraph of section 98.

9. This Act comes into force on 21 June 2001, except section 8, which comes into force on 1 January 2002.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 28
(2001, chapter 24)

An Act to amend the Act respecting health services and social services and other legislative provisions

Introduced 15 May 2001
Passage in principle 20 June 2001
Passage 21 June 2001
Assented to 21 June 2001

Québec Official Publisher
2001

EXPLANATORY NOTES

This bill amends the Act respecting health services and social services to redefine the composition of the boards of directors of public institutions and regional boards. It amends various rules that apply to the grouping of certain institutions under the authority of one board of directors.

The bill provides for the creation of a regional nursing commission, a regional multidisciplinary commission and a people's forum for each region in Québec having a regional board created by the Government. The mandate of the people's forum will be to consult the population with a view to determining the level of satisfaction with available services and the needs of the population in terms of service organization.

Each regional board will be required to submit a three-year strategic service organization plan to the Minister for approval after it has consulted the people's forum. The Minister will be authorized to give a regional board a mandate to coordinate its services with those of surrounding regional boards. The bill grants the regional boards certain supervisory and inquiry powers to assist them in their superintendence of institutions.

The bill provides that the granting of privileges to physicians in an institution will require the approval of the regional board. It also proposes reducing the number of public meetings of the boards of directors of institutions to six per year.

The bill provides for management and accountability agreements to be entered into between a regional board and the Minister and between a regional board and public institutions.

As concerns public health matters, the bill proposes to modify the mandate of the regional public health director to specify that the director's scope of intervention will be limited solely to the activities carried on in the region concerned. In certain circumstances, the Minister will be able to confer the functions and powers of a regional public health director on another person.

The Act respecting Institut national de santé publique du Québec is amended to empower the institute to carry out the activities and duties assigned to it by the Minister under the public health program.

The Act respecting the Ministère de la Santé et des Services sociaux is amended to provide for the appointment of a national director of public health by the Government.

The Health Insurance Act is amended to allow for the communication of information in non-nominal form to the Minister and to a body with which the Minister has entered into an agreement, if the information is necessary for the implementation of the agreements.

The bill proposes amendments that make the regional boards subject to the provisions of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors.

Lastly, the bill contains technical, terminological and consequential amendments as well as transitional provisions.

LEGISLATION AMENDED BY THIS BILL :

– Health Insurance Act (R.S.Q., chapter A-29);

– Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1);

– Act respecting administrative justice (R.S.Q., chapter J-3);

– Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);

– Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);

– Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);

– Act respecting health services and social services (R.S.Q., chapter S-4.2).

Bill 28

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 43 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing "executive director" in the second line by "president and executive director".

2. Section 52 of the said Act is amended by replacing "executive director" by "president and executive director".

3. Section 90 of the said Act is replaced by the following section:

"90. The Minister may, after consulting the Minister of Education and the Minister of Research, Science and Technology, designate as a university institute any centre operated by an institution which, in addition to carrying on the activities inherent in the mission of such a centre, meets the following conditions:

(1) it provides advanced services in a multidisciplinary field of intervention related to health and social services or to the social sector;

(2) it contributes to the training, as the case may be, of health and social services professionals or human and social sciences professionals according to the terms of a contract of affiliation entered into under section 110;

(3) it disposes of a research structure recognized, as the case may be, jointly by the Fonds de la recherche en santé du Québec and an organization engaged in the development of social research, or exclusively by the latter organization;

(4) it evaluates technologies or methods of intervention related to its advanced sector."

4. Section 92 of the said Act is amended by striking out ", owing to the low population density and the size of the territory,".

5. Section 126 of the said Act is amended

(1) by inserting "a general and specialized hospital centre with less than 50 beds," after "operates" in the first paragraph;

(2) by inserting "general and specialized hospital centre with 50 beds or more or a psychiatric" after "which operates a" in the first line of the second paragraph;

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

"However, a specific board of directors shall be established to administer an institution which operates a general and specialized hospital centre designated as a university hospital centre, a university institute or an affiliated university centre."

6. Section 126.1 of the said Act, amended by section 199 of chapter 56 of the statutes of 2000, is again amended

(1) by striking out, in the tenth, eleventh and twelfth lines of the first paragraph, the portion after "centre";

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

"The Minister may, if of the opinion that the circumstances warrant it, allow the measures provided for in the first paragraph to be applicable as well to an institution operating a general and specialized hospital centre with 50 beds or more."

7. Section 126.2 of the said Act is amended by adding the following paragraphs:

"The Minister may, if of the opinion that the circumstances warrant it, allow that the measures provided for in the first paragraph be applicable even if one of the institutions operates a general and specialized hospital centre with less than 50 beds.

The first paragraph does not apply to an institution referred to in the third paragraph of section 126."

8. The said Act is amended by inserting the following section after section 126.2:

"126.2.1. The Minister may, on the Minister's own initiative and after consulting the regional board and the institutions concerned, apply, after the time fixed by the Minister, the measures provided for in sections 126.l and 126.2."

9. Section 126.3 of the said Act is amended by replacing "appointments" in the third line of the first paragraph by "designations".

10. Section 126.4 of the said Act is amended

(1) by replacing "appointment" in the first line of the first paragraph by "designation";

(2) by replacing "appointments" in the fifth line of the third paragraph by "designations".

11. Section 126.5 of the said Act is amended by adding the following paragraph at the end:

"The elections and designations of persons referred to in sections 135 and 137 for the purpose of replacing the provisional members must take place not later than 30 days before the expiry of their terms."

12. Section 129 of the said Act is replaced by the following section:

"129. The board of directors of the institutions referred to in section 119 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) five persons elected by the population at the election held under section 135;

(2) two persons designated by the users' committees of the institutions;

(3) one person designated by and from among the physicians of the regional department of general medicine practising in the territory concerned;

(4) one person designated by and from among the members of the council of nurses of the institutions;

(5) one person designated by and from among the members of the multidisciplinary council of the institutions;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) three persons designated by the regional board and having their principal residence in the territory concerned, two being recognized for their experience and management skills and the third being from the professional community in the health and social services sector;

(9) two persons designated by the members referred to in paragraphs 1 to 8, one being chosen from a list of names provided by the community organizations in the territory concerned and the other from a list of names provided by the socio-economic organizations of the territory;

(10) the executive director of the institutions concerned."

13. The said Act is amended by inserting the following section after section 129:

"129.1. The board of directors of the institutions referred to in each of sections 120, 121 and 124 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) three persons elected by the population at the election held under section 135;

(2) one person designated by the users' committees of the institutions;

(3) one person designated by and from among the members of the multidisciplinary council of the institutions;

(4) one person designated by the boards of directors of the region's institutions referred to in the first paragraph of section 126 and section 126.1 and chosen from among the members of those boards;

(5) where applicable, one person designated by the boards of directors of the regional boards concerned by that supra-regional vocation if one or more of the institutions has or have a supra-regional vocation determined by the Minister pursuant to paragraph 1 of section 112;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) three persons designated by the regional board, two practising a profession in the field of rehabilitation and the third exercising functions in the educational sector;

(9) three persons designated by the members referred to in paragraphs 1 to 8 and chosen from a list of names provided by the community organizations of the region operating in the field of rehabilitation or social integration;

(10) the executive director of the institutions concerned."

14. Section 130 of the said Act is replaced by the following section:

"130. The board of directors of the institutions referred to in section 125 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) three persons elected by the population at the election held under section 135;

(2) one person designated by the users' committees of the institutions;

(3) one person designated by and from among the members of the multidisciplinary council of the institutions;

(4) one person designated by the boards of directors of the region's institutions referred to in the first paragraph of section 126 and section 126.1 and chosen from among the members of those boards;

(5) where applicable, one person designated by the boards of directors of the regional boards concerned by that supra-regional vocation if one or more of the institutions has or have a supra-regional vocation determined by the Minister pursuant to paragraph 1 of section 112;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) four persons designated by the regional board, one practising a profession specific to the youth sector, and the others being from the childcare services sector, the judicial sector and the school sector, respectively;

(9) three persons designated by the members referred to in paragraphs 1 to 8 and chosen from a list of names provided by the community organizations of the region operating in the field of rehabilitation or social integration;

(10) the executive director of the institutions concerned."

15. Section 131 of the said Act is replaced by the following section:

"131. The board of directors of the institutions referred to in the first paragraph of section 126 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) five persons elected by the population at the election held under section 135;

(2) where applicable, one person designated by the users' committee of the institution;

(3) one person designated by and from among the physicians of the regional department of general medicine practising in the territory served by the institution or, in the case of an institution which operates a hospital centre, in the territory of the regional county municipality or in the territory served by an

institution which operates a local community service centre and in which the head office of that institution is located;

(4) one person designated by and from among the members of the council of nurses of the institution;

(5) one person designated by and from among the members of the multidisciplinary council of the institution;

(6) where applicable, one person designated by the boards of directors of the foundations of the institution;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) where applicable, one person designated by and from among the council of midwives of the institution;

(9) three persons designated by the regional board and having their principal residence in the territory determined in paragraph 3, two being recognized for their experience and management skills and the third being from the professional community in the health and social services sector;

(10) two persons designated by the members referred to in paragraphs 1 to 9, one being chosen from a list of names provided by the community organizations in the territory determined in paragraph 3 and the other from a list of names provided by the socio-economic organizations of the territory;

(11) the executive director of the institution."

16. Section 131.1 of the said Act is replaced by the following section:

"131.1. The board of directors of the institutions referred to in section 126.1 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) five persons elected by the population at the election held under section 135;

(2) where applicable, two persons designated by the users' committees of the institutions;

(3) one person designated by and from among the physicians of the regional department of general medicine practising in the territory concerned;

(4) one person designated by and from among the members of the council of nurses of the institutions;

(5) one person designated by and from among the members of the multidisciplinary council of the institutions;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) where applicable, one person designated by and from among the council of midwives of the institutions;

(9) three persons designated by the regional board and having their principal residence in the territory concerned, two being recognized for their experience and management skills and the third being from the professional community in the health and social services sector;

(10) two persons designated by the members referred to in paragraphs 1 to 9, one being chosen from a list of names provided by the community organizations in the territory concerned and the other from a list of names provided by the socio-economic organizations of the territory;

(11) the executive director of the institutions concerned."

17. Section 132 of the said Act is replaced by the following section:

"132. The board of directors of an institution referred to in the second paragraph of section 126 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) three persons elected by the population at the election held under section 135;

(2) where applicable, one person designated by the users' committee of the institution;

(3) one person designated by and from among the council of physicians, dentists and pharmacists of the institution;

(4) one person designated by and from among the members of the council of nurses of the institution;

(5) one person designated by and from among the members of the multidisciplinary council of the institution;

(6) where applicable, one person designated by the boards of directors of the foundations of the institution;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) where applicable, one person designated by the boards of directors of the regional boards concerned by that supra-regional vocation if the institution has a supra-regional vocation determined by the Minister pursuant to paragraph 1 of section 112;

(9) one person designated by the boards of directors of the region's institutions referred to in section 119, the first paragraph of section 126 and section 126.1 and chosen from among the members of those boards;

(10) two persons recognized for their management skills and designated by the regional board;

(11) three persons designated by the members referred to in paragraphs 1 to 10 to ensure better representation on the board of directors of the sociocultural, ethnocultural, linguistic or demographic composition of the communities served by the institution; however, in the case of an institution, other than an institution that operates a psychiatric hospital centre designated as a university institute, that has entered into a contract of affiliation with a university for the purpose of offering teaching or research services, a fourth person is to be designated from the university community;

(12) the executive director of the institution."

18. Section 132.1 of the said Act is replaced by the following section:

"132.1. The board of directors of the institutions referred to in section 126.2 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) three persons elected by the population at the election held under section 135;

(2) where applicable, one person designated by the users' committees of the institutions;

(3) one person designated by and from among the council of physicians, dentists and pharmacists of the institutions;

(4) one person designated by and from among the members of the council of nurses of the institutions;

(5) one person designated by and from among the members of the multidisciplinary council of the institutions;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) where applicable, one person designated by the boards of directors of the regional boards concerned by that supra-regional vocation if one or more of the institutions has or have a supra-regional vocation determined by the Minister pursuant to paragraph 1 of section 112;

(9) one person designated by the boards of directors of the region's institutions referred to in section 119, the first paragraph of section 126 and section 126.1 and chosen from among the members of those boards;

(10) two persons recognized for their management skills and designated by the regional board;

(11) three persons designated by the members referred to in paragraphs 1 to 10 to ensure better representation on the board of directors of the sociocultural, ethnocultural, linguistic or demographic composition of the communities served by the institution; however, if one of the institutions has entered into a contract of affiliation with a university for the purpose of offering teaching or research services, a fourth person is to be designated from the university community;

(12) the executive director of the institutions concerned."

19. Section 132.2 of the said Act is amended by replacing "5 of each of sections 129, 130, 131.1, 132 and 132.1 and paragraph 4 of section 131" by "6 of each of sections 129 to 132.1 and 133".

20. The said Act is amended by inserting the following section after section 132.2:

"132.3. All the lists of names referred to in paragraph 9 of each of sections 129, 129.1 and 130 and in paragraph 10 of each of sections 131 and 131.1 must tend towards gender parity."

21. Section 133 of the said Act is replaced by the following section:

"133. The board of directors of an institution referred to in the third paragraph of section 126 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) two persons elected by the population at the election held under section 135;

(2) where applicable, one person designated by the users' committee of the institution;

(3) one person designated by and from among the council of physicians, dentists and pharmacists of the institution;

(4) one person designated by and from among the members of the council of nurses of the institution;

(5) one person designated by and from among the members of the multidisciplinary council of the institution;

(6) where applicable, two persons or, if paragraph 7 cannot be applied, three persons designated by the boards of directors of the foundations of the institution;

(7) where applicable, two persons designated by the members of the legal person referred to in section 139;

(8) four persons or, where the institution operates a hospital centre designated as an affiliated university centre, three persons designated by the universities with which the institution is affiliated; one person must be from a faculty of medicine, another from another faculty or school in the health sector and the third person must be a medical resident and be designated by and from among the medical residents practising at the hospital centre;

(9) two persons recognized for their management skills, one designated by the regional board concerned and the other designated by the boards of directors of the regional boards of the other regions served by the institution;

(10) one person recognized for his or her management skills and designated by the Government;

(11) four persons designated by the members referred to in paragraphs 1 to 10 to provide the board of directors with better representation of the sociocultural, ethnocultural, linguistic or demographic composition of the communities served by the institution;

(12) the executive director of the institution."

22. Section 133.1 of the said Act is replaced by the following section:

"133.1. The composition of the board of directors of an institution, other than an institution referred to in the third paragraph of section 126, which operates a centre designated as a university institute or an affiliated university centre shall continue to be governed by the relevant provisions of sections 129 to 132.

Such a board of directors shall also include

(1) where the institution operates a centre designated as a university institute, two persons designated by the universities with which the institution is

affiliated; those persons must be from faculties or schools in the fields concerned by the mission of the centre operated by the institution and designated as a university institute;

(2) where the institution operates a centre designated as an affiliated university centre, one person designated by the universities with which the institution is affiliated; that person must be from a faculty or school in the field concerned by the mission of the centre operated by the institution and designated as an affiliated university centre.

In addition, those persons shall participate in the cooptation provided for in paragraph 9 of sections 129, 129.1 and 130, paragraph 10 of sections 131 and 131.1 or paragraph 11 of section 132, as the case may be."

23. Section 133.2 of the said Act is amended

(1) by replacing "elected, appointed or coopted" in the first line of the first paragraph by "designated";

(2) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

"(1) the provisions of section 133.1 apply following the designation, by the Minister, of a centre as a university institute or an affiliated university centre;";

(3) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) paragraph 7 of section 133 cannot be applied, thereby enabling a member to be added under paragraph 6 of that section.";

(4) by replacing the second paragraph by the following paragraph:

"The designation of such persons shall be carried out in accordance with the procedure set out in section 137.";

(5) by replacing "elected, appointed or coopted" in the third paragraph by "designated".

24. Section 134 of the said Act is repealed.

25. Section 135 of the said Act is amended

(1) by inserting "and 133" after "132.1" in the third line of the first paragraph;

(2) by adding the following subparagraph at the end of the second paragraph:

"(6) one of the elections held in the region to elect the members of the board of directors of an institution referred to in section 133."

26. Section 137 of the said Act is amended

(1) by replacing all that follows "for" in the first, second, third, fourth and fifth lines of the first paragraph by "designating the persons referred to in paragraphs 2 to 7 of each of sections 129, 129.1 and 130, paragraphs 2 to 8 of each of sections 131, 131.1 and 133, paragraphs 2 to 9 of each of sections 132 and 132.1 or the second paragraph of section 133.1, as the case may be.";

(2) by replacing "Elections or appointments" in the first line of the second paragraph by "Designations";

(3) by replacing the fourth line of the second paragraph by the following: "designations under paragraph 4 of each of sections 129.1 and 130 and paragraph 9 of each of sections 132 and 132.1 shall take place".

27. Section 138 of the said Act is amended

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

"138. Once the persons referred to in paragraph 8 of each of sections 129, 129.1 and 130, paragraph 9 of each of sections 131 and 131.1, paragraph 10 of each of sections 132 and 132.1, paragraphs 9 and 10 of section 133 and in sections 135 and 137 are designated, those persons shall, within the next thirty days, proceed with cooptation provided for in paragraph 9 of each of sections 129, 129.1 and 130, paragraph 10 of each of sections 131 and 131.1 or paragraph 11 of each of sections 132, 132.1 and 133, as the case may be.";

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

"The cooptation provided for in paragraph 9 of section 130 shall, in particular, enable at least one person who is under 35 years of age to become a member of the board of directors, should there be no such person on the board."

28. Section 139 of the said Act is amended by replacing "appointment of the persons referred to in paragraph 4 of section 129 or 130, paragraph 3.1 of section 131 or paragraph 4 of each of sections 131.1 to 132.1" in the fourth, fifth and sixth lines of the first paragraph by "designation of the persons referred to in paragraph 7 of each of sections 129 to 132.1 and 133".

29. Section 149 of the said Act is amended by replacing "reappointed" in the second paragraph by "designated again".

30. Section 151 of the said Act is amended by replacing the third and fourth paragraphs by the following paragraphs:

"A person employed by an institution or practising a profession in a centre operated by an institution may be designated as member of the board of directors of the institution only in accordance with the provisions of paragraphs 3 to 5 of sections 129, 129.1, 130, 132, 132.1 and 133 and paragraphs 3 to 5 and 8 of sections 131 and 131.1, respectively. The person may be designated as member of the board of directors of any other institution.

No member of a legal person designated under paragraph 7 of each of sections 129 to 132.1 and 133 may be elected during the election held under section 135."

31. Section 152 of the said Act is amended by replacing "appointment" in the second line of the first paragraph by "designation".

32. Section 156 of the said Act is amended

(1) by replacing "appointment" in the first line of the first paragraph by "designation";

(2) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

"(1) in the case of a member referred to in paragraph 8 of sections 129, 129.1 and 130, paragraph 9 of sections 131 and 131.1, paragraph 10 of sections 132 and 132.1 and paragraphs 9 and 10 of section 133, in accordance with the procedure described for the designation of that member;

"(2) in the case of a member referred to in paragraphs 2 to 5 of sections 129, 132, 132.1 and 133, paragraphs 2 and 3 of sections 129.1 and 130 and in paragraphs 2 to 5 and 8 of sections 131 and 131.1, every vacancy occurring less than two years after a designation shall be filled in accordance with the procedure prescribed for the designation of that member;

"(3) in every other case, the members of the board of directors remaining in office shall fill the vacancy by resolution provided the person thus designated has the qualifications required to be a member of the board of directors in the same capacity as the member being replaced, and provided the designation, where applicable, takes into account the cases of ineligibility set out in the first and fourth paragraphs of section 151. The board of directors shall inform the regional board of the designation.";

(3) by inserting "in accordance with subparagraph 2 or 3 of the first paragraph" after "vacancy" in the first line of the second paragraph.

33. Section 176 of the said Act is amended by replacing "ten" by "six".

34. Section 181.2 of the said Act is amended by inserting "133," after "132.1,".

35. The said Act is amended by inserting the following after section 182:

"**DIVISION II.1**

"MANAGEMENT AND REPORTING

"§1. — *Management and accountability agreement*

"182.1. Each public institution must enter into a management and accountability agreement with the regional board.

In the case of an institution referred to in the third paragraph of section 126, however, the Minister must be a party to the agreement.

"182.2. A management and accountability agreement must contain

(1) a definition of the mission and strategic directions of the institution;

(2) an annual action plan describing the objectives for the first year of the agreement, the measures to be taken to achieve them and the available resources, and an undertaking to produce such a plan on an annual basis;

(3) the main indicators to be used in measuring the results;

(4) an undertaking to produce, at the end of each year, a management report describing the results achieved.

"182.3. A management and accountability agreement is a public document which the regional board shall transmit to the Minister.

"182.4. The executive director of the institution having entered into a management and accountability agreement must ensure that the mission and strategic directions of the institution are complied with, and that the institution achieves its annual objectives within the management framework applicable to it using the resources allocated to it.

"182.5. The regional board is, after entering into a management and accountability agreement, empowered to exercise supervision and control over the achievement of the objectives of the institution.

The board of directors of the institution and, in the case of an agreement under the second paragraph of section 182.1, the Minister are also empowered to exercise supervision and control.

"182.6. A board of directors of an institution that considers that the executive director has not complied with the management and accountability agreement may take measures such as suspending the appointment of the executive director for a determined term, reducing the term of appointment or dismissing or replacing the executive director.

In addition, the regional board may suspend or cancel the management and accountability agreement. The regional board shall notify the Minister immediately of the suspension or cancellation.

"§2. — *Reporting*

"182.7. Every institution must prepare an annual management report.

The report must include

(1) a presentation of the results obtained, measured against the objectives fixed in the management and accountability agreement;

(2) a statement by the executive director of the institution concerning the reliability of the data and of the monitoring mechanisms;

(3) any other particular or information determined by the Minister.

The annual management report of the institution shall be transmitted to the regional board, which shall communicate it to the Minister.

"182.8. The annual management report shall replace the annual report of activities that is required under section 278 if the annual management report contains the information required to be included in the annual report of activities."

36. Section 193 of the said Act is amended

(1) by adding ", after consulting the regional board" at the end of the first sentence;

(2) by adding the following paragraph:

"Where the executive director is absent or unable to act, the person designated for that purpose by the board of directors shall exercise the functions and powers of the executive director."

37. Section 194 of the said Act is amended

(1) by adding the following at the end of the first paragraph: "and is responsible for the day-to-day management of its activities and resources. The executive director shall account for his management to the board of directors.";

(2) by replacing "He" at the beginning of the second paragraph by "The executive director".

38. Section 201 of the said Act is amended by inserting, in the second line of the second paragraph, "the reduction of the term of his appointment," after "his dismissal,".

39. Section 213 of the said Act is amended by replacing "may" in the second line of the third paragraph by "must".

40. Section 219 of the said Act is amended by replacing "may" in the third paragraph by "must".

41. Section 225.1 of the said Act is amended by replacing "second paragraph of section 126.1 may" in the third paragraph by "third paragraph of section 126.1 must".

42. Section 226 of the said Act is amended by replacing "may" in the second line of the fifth paragraph by "must".

43. Section 239 of the said Act is amended by striking out "240,".

44. Section 240 of the said Act is replaced by the following sections:

"240. Except in the cases provided for in sections 243.1 and 248, the board of directors must, before granting a physician's or dentist's application for privileges, obtain the approval of the regional board; the regional board must approve the application if it is in conformity with the medical and dental staffing plan of the institution, approved in accordance with section 378.

"240.1. Where the regional board has reason to believe that privileges have been granted to a physician by an institution in contravention of section 240, the regional board shall conduct an inquiry in accordance with section 414; the regional board shall communicate the results of its inquiry to the Minister, the institution and the physician concerned.

"240.2. Where the results of the inquiry show that the institution contravened section 240, the regional board may, for each month during which the physician is granted privileges in contravention of that section, reduce the operating budget of that institution by an amount equivalent to one-twelfth of the annual average remuneration paid to a general practitioner or a medical specialist, as the case may be, by the Régie de l'assurance maladie du Québec in the preceding year.

Moreover, if the results of the inquiry show that the physician is a party to a contravention under section 240, the regional board may bring a proceeding to annul pursuant to section 239."

45. The said Act is amended by inserting the following section after section 242:

"242.1. The resolution of the board of directors accepting a physician's or dentist's application for appointment must also specify that the appointment of the physician or dentist is in conformity with the medical and dental staffing plan of the institution approved by the regional board, that the regional

board has approved the application of the physician or dentist in accordance with section 240 and that the physician or dentist has been informed of that approval."

46. Section 319 of the said Act is amended by replacing "133.1" in the second paragraph by "132.1 and 133".

47. Section 319.1 of the said Act is amended

(1) by inserting "or 129.1" after "129" in the first line of subparagraph 2 of the first paragraph;

(2) by inserting "or 129.1" after "129" in the first line of subparagraph 3 of the first paragraph;

(3) by replacing "or 132" in subparagraph 4 of the first paragraph by ", 132 or 133".

48. Section 340 of the said Act is amended by adding the following subparagraph after subparagraph 7 of the second paragraph:

"(8) carrying out any mandate entrusted to it by the Minister."

49. Section 341 of the said Act is amended by replacing "the expression "regional board"" by "the expression "Santé et Services sociaux-Québec"".

50. The said Act is amended by inserting the following sections after section 343:

"343.1. A people's forum whose activities are coordinated by the president and executive director of the regional board is hereby established for each region of Québec where the Government institutes a regional board.

The forum shall be composed of 15 to 20 members designated by the board of directors of the regional board. The term of office of those members is three years.

To take into account the regional particularities, the regional board shall enter into an agreement with the regional development council on

(1) the specific composition of the people's forum;

(2) the modes of consultation of the various socio-economic organizations of the region to draw up a list of names from which the members of the forum will be designated.

"343.2. The people's forum is responsible to the board of directors of the regional board

(1) for setting up different modes of consultation of the population on issues regarding health and well-being;

(2) for making recommendations on the means to put in place so as to improve satisfaction of the population as regards available health and social services and to better respond to the needs in terms of service organization.

"343.3. The people's forum shall establish its own operating rules and submit them for approval to the board of directors of the regional board.

"343.4. The people's forum shall meet with the board of directors of the regional board at least twice a year, and the meetings shall be open to the public.

"343.5. The board shall place at the disposal of the people's forum the resources the board considers necessary for the exercise of the forum's responsibilities.

"343.6. The regional board must report on the activities of the people's forum at the time of the presentation of its annual report of activities to the population of its territory, according to the procedure determined pursuant to the second paragraph of section 384."

51. The said Act is amended by inserting the following section before section 347:

"346.1. The regional board must, after consulting the people's forum, submit a three-year strategic service organization plan to the Minister for approval. The plan must indicate the financial implications of the measures it contains and take into account the financial resources at the disposal of the regional board."

52. Section 347 of the said Act is amended by inserting "in accordance with its three-year strategic service organization plan and" after "must," in the first line of the first paragraph.

53. Section 350 of the said Act is amended by adding "The allocation must be carried out in accordance with a plan approved beforehand by the Minister as provided for in the third paragraph of section 463." at the end of the first paragraph.

54. The said Act is amended by inserting the following section after section 353:

"353.1. The Minister may give a regional board instituted for a region the mandate to take the necessary measures to coordinate its services with the services of the regional boards instituted for neighbouring regions."

55. Section 367 of the said Act is amended

(1) by replacing "elected" in subparagraphs 1 and 2 of the second paragraph by "designated";

(2) by replacing "appointed" in subparagraph 3 of the second paragraph by "designated";

(3) by replacing "executive director" in the third paragraph by "president and executive director";

(4) by replacing "appoint", "appointment" and "appointments" in the fourth paragraph by "designate", "designation" and "designations" respectively;

(5) by replacing "appoint" in the second line of the fifth paragraph by "designate not more than";

(6) by replacing "six" in the third line of the fifth paragraph by "not more than six";

(7) by replacing "elected" in the sixth paragraph by "designated".

56. Section 368 of the said Act is amended by replacing "appointment or election" by "designation".

57. The said Act is amended by inserting the following sections after section 370:

"370.1. A regional nursing commission is hereby instituted for each region of Québec where the Government institutes a regional board.

The commission is composed of

(1) four persons designated by and from among the members of the executive committees of the council of nurses of the institutions of the region, including one person working for an institution referred to in section 119 or the first paragraph of section 126 and one person working for an institution referred to in section 120, 121, 124 or 125 or the second or third paragraph of section 126;

(2) two persons designated by the directors of nursing care of the institutions of the region from among their number and referred to in section 206;

(3) one person designated by the representatives of general and vocational colleges from among their number;

(4) one person designated by the dean or director of the university nursing program, where applicable;

(5) one person designated by and from among the members of the committees of nursing assistants of the councils of nurses of the institutions of the region;

(6) one person designated by the members referred to in subparagraphs 1 to 5, recognized for leading-edge expertise as a nurse or nurse practitioner.

The president and executive director of the regional board or the nurse designated by the president and executive director for that purpose shall also be a member of the regional nursing commission.

On the recommendation of the regional nursing commission, the regional board may designate four resource persons as observers. Such persons shall participate in the discussions of the commission but shall be without voting rights.

The chair of the regional nursing commission shall be designated by the members referred to in the second paragraph from among their number.

"370.2. The procedure of designation of the members of the regional nursing commission and of its chair, their terms of office and the rules of internal management of the commission shall be determined by by-law of the regional board.

"370.3. The regional nursing commission is responsible to the board of directors of the regional board

(1) for advising it on the organization, distribution and integration of nursing care in the territory and on the nursing care staffing plan, on the basis of the regional service organization plans referred to in section 347;

(2) for advising it on certain matters relating to the accessibility and coordination of services in the region which involve nursing care;

(3) for advising it on innovative approaches in nursing care and their incidence on the health and well-being of the population;

(4) for carrying out any other mandate entrusted to it by the board of directors and submitting periodic reports thereon.

"370.4. The regional nursing commission may establish the committees necessary for the pursuit of its objects.

"370.5. A regional multidisciplinary commission is hereby instituted for each region of Québec where the Government institutes a regional board.

The commission is composed of

(1) three professionals in the social sector, including one manager and two persons designated by and from among the members of the multidisciplinary councils of the institutions of the region;

(2) three professionals in the rehabilitation sector and in the health sectors, other than medicine and nursing care, including one manager and two persons designated by and from among the members of the executive committees of the multidisciplinary councils of the institutions of the region;

(3) three persons in the technical sectors designated by and from among the members of the executive committees of the multidisciplinary councils of the institutions of the region;

(4) one person designated by and from among the representatives of general and vocational colleges;

(5) one person designated by and from among the representatives of university-level schools and faculties in the health sectors;

(6) one person designated by and from among the representatives of university-level schools and faculties in the social sectors.

The president and executive director of the regional board or the person designated by the president and executive director for that purpose shall also be a member of the regional multidisciplinary commission.

On the recommendation of the regional multidisciplinary commission, the regional board may designate not more than four resource persons as observers. Such persons shall participate in the discussions of the commission but shall be without voting rights.

The chair of the regional multidisciplinary commission shall be designated by and from among the members referred to in the second paragraph.

"370.6. The procedure of designation of the members of the regional multidisciplinary commission and of its chair, their terms of office and the rules of internal management of the commission shall be determined by by-law of the regional board.

"370.7. The regional multidisciplinary commission is responsible to the board of directors of the regional board

(1) for advising it on the organization, distribution and integration of services in the territory and on the staffing plan, on the basis of the regional service organization plans referred to in section 347;

(2) for advising it on certain matters relating to the accessibility and coordination of services in the region;

(3) for advising it on innovative approaches in services and their incidence on the health and well-being of the population;

(4) for carrying out any other mandate entrusted to it by the board of directors of the regional board and submitting periodic reports thereon.

"370.8. The regional multidisciplinary commission may establish the committees necessary for the pursuit of its objects."

58. Section 372 of the said Act is amended by replacing the second paragraph by the following paragraphs:

"The Minister may require that a person representing the Minister participate in the process of selection of the public health director.

The public health director must be a physician trained in community health care and shall be appointed for a term of not more than four years. At the expiry of the term, the public health director shall remain in office until replaced or reappointed."

59. The said Act is amended by inserting the following section after section 372:

"372.1. The Minister may, if a public health director is unable to act, is guilty of grave misconduct or tolerates a situation which could pose a threat to the health of the population, entrust the functions and powers vested in that public health director to another public health director, Québec's national public health director appointed under the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2) or a physician the Minister designates, for the time and on the conditions the Minister considers appropriate.

The Minister shall forthwith notify the president and executive director and the board of directors of the regional board of the decision."

60. Section 373 of the said Act is amended

(1) by inserting ", in the region," after "responsible" in the first line;

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

"(3) ensuring expertise in preventive health and health promotion and advising the regional board on prevention services conducive to reducing mortality and avoidable morbidity;

"(4) identifying situations where intersectorial action is necessary to prevent diseases, trauma or social problems which have an impact on the health of the population, and, where the public health director considers it appropriate, taking the measures considered necessary to foster such action.";

(3) by adding the following paragraph:

"The public health director shall assume, in addition, any other function entrusted to him by the Public Health Protection Act (chapter P-35)."

61. Section 375 of the said Act is replaced by the following sections:

"375. The director must, without delay, inform Québec's national public health director of any emergency or of any situation posing a threat to the health of the population.

"375.0.1. Québec's national public health director may request a public health director to report on the decisions or advice made or given in the exercise of the public health director's functions."

62. The said Act is amended by inserting the following after section 385:

"DIVISION II.1

"MANAGEMENT AND REPORTING

"§1. — *Management and accountability agreement*

"385.1. The Minister shall determine, within the scope of a management and accountability agreement entered into with a regional board, the objectives to be achieved by the regional board.

"385.2. Such a management and accountability agreement must also contain

(1) a definition of the mission and strategic directions of the regional board;

(2) an annual plan describing the objectives for the first year of the agreement, the measures to be taken to achieve them and the available resources, and an undertaking to produce such a plan on an annual basis;

(3) the main indicators to be used in measuring the results;

(4) an undertaking to produce, at the end of each year, a management report describing the results achieved.

"385.3. A management and accountability agreement is a public document.

"385.4. The president and executive director of a regional board having entered into a management and accountability agreement must ensure that the mission and strategic directions of the regional board are complied with, and

that the regional board achieves its annual objectives within the management framework applicable to it using the resources allocated to it.

"385.5. The Minister is empowered to exercise supervision and control over the achievement of the objectives of a regional board with which the Minister has entered into a management and accountability agreement.

The board of directors of the regional board is also empowered to exercise supervision and control.

"385.6. Where the Minister ascertains that the annual objectives of a regional board have not been achieved or that the regional board has not complied with its management and accountability agreement, the Minister may suspend or cancel the management and accountability agreement.

"§2. — *Reporting*

"385.7. Every regional board must prepare an annual management report.

The report must include

(1) a presentation of the results obtained, measured against the objectives fixed in the management and accountability agreement;

(2) a statement by the president and executive director of the regional board concerning the reliability of the data and of the monitoring mechanisms;

(3) any other particular or information determined by the Minister.

The annual management report of a regional board shall be transmitted to the Minister, who shall table it in the National Assembly.

"385.8. The annual management report shall replace the annual report of activities that is required under section 391 if the annual management report contains the information required to be included in the annual report of activities.

"385.9. Sections 8 to 29 and 58 to 63 of the Public Administration Act (2000, chapter 8) do not apply to a regional board."

63. Section 387 of the said Act is amended by replacing "executive director" in the first paragraph by "president and executive director".

64. Section 395 of the said Act is amended

(1) by replacing "and 288 to" by ", 288 and";

(2) by striking out "and the audit it must cause to be carried out", at the end.

65. Section 397 of the said Act, amended by section 200 of chapter 56 of the statutes of 2000, is replaced by the following section:

"397. The board of directors of a regional board shall consist of 16 or 17 members, appointed by the Government as follows:

(1) four persons recognized for their management skills, who are representative of the various parts of the territory of the regional board and chosen from a list of names provided by the socio-economic organizations, the regional county municipalities, the municipalities and the members of the people's forum; in the case of the regional board instituted for the Montréal Centre region, a fifth person from the university community is added;

(2) three persons recognized for their management skills and their experience in the health and social services sector chosen from a list of names provided by the institutions of the region, one person being from the social sector; in regions where there is a faculty of medicine, one of those persons must be from the research sector;

(3) one person chosen from a list of names provided by the organizations representative of the community sector;

(4) one person chosen from a list of names provided by the organizations representative of the public education sector;

(5) one person chosen from a list of names provided by the organizations representative of the union sector;

(6) one member of the regional medical commission chosen from a list of names provided by the commission;

(7) one member from the regional nursing commission chosen from a list of names provided by the commission;

(8) one member from the regional multidisciplinary commission chosen from a list of names provided by the commission;

(9) two persons recognized for their management skills and chosen from a list of names provided by the members of the board of directors of the regional board referred to in paragraphs 1 to 8;

(10) the president and executive director of the regional board, after consultation with the other members of the board of directors."

66. The said Act is amended by inserting the following section after section 397:

"397.0.1. All the lists of names referred to in section 397 must tend towards gender parity."

67. Section 397.2 of the said Act, amended by section 201 of chapter 56 of the statutes of 2000, and section 397.3 are replaced by the following sections:

"397.2. The Minister may determine, for each region that the Minister indicates, the composition of each group referred to in paragraphs 1 to 5 of section 397 in order to ensure an equitable representation of institutions, reflecting the mission of the centres they operate, and of socio-economic organizations, community organizations, regional county municipalities, municipalities, educational institutions and union groups.

"397.3. In making the appointments referred to in section 397, the Government must take into account the representation of the various parts of the territory of the regional board, the sectors of activity and the sociocultural, linguistic and demographic groups as well as the most equitable representation possible of men and women and of different age groups."

68. Sections 398 and 398.0.1 of the said Act are repealed.

69. Section 398.1 of the said Act is amended

(1) by replacing "a director of a private institution, the executive director of the regional board and the chairman" in the first and second lines of the second paragraph by "the president and executive director of the regional board, the member of the regional nursing commission, the member of the regional multidisciplinary commission and the member";

(2) by striking out "elected or" in the fourth paragraph;

(3) by replacing "2 of the first paragraph" in the fourth paragraph by "3".

70. Section 398.2 of the said Act is amended

(1) by striking out "or election" in the first paragraph;

(2) by striking out the second paragraph.

71. Section 399 of the said Act is replaced by the following section:

"399. The president and executive director shall be appointed for a term of not more than five years; the other members shall be appointed for a term of not more than three years.

At the expiry of their terms, the president and executive director and the other members shall remain in office until replaced or reappointed."

72. Section 400 of the said Act is amended by adding the following paragraph:

"The Government shall determine the remuneration, employment benefits and other conditions of employment of the president and executive director."

73. Section 401 of the said Act is amended by replacing the first, second and third paragraphs by the following paragraph:

"401. Any vacancy on the board of directors, other than in the position of president and executive director, shall be filled in accordance with the rules of appointment set out in section 397 for the unexpired portion of the term of the member to be replaced."

74. Section 403 of the said Act is amended by replacing "executive director" in the first line by "president and executive director".

75. Section 405 of the said Act is amended by replacing subparagraph 3 of the second paragraph by the following subparagraph:

"(3) appointing the senior management officers and confirming the designation, made by the president and executive director, of the complaints officer responsible for implementing the users' complaint examination procedure provided for in section 43;".

76. Section 407 of the said Act is amended by replacing "and 181" by ", 181, 234 and 235".

77. Section 410 of the said Act is amended

(1) by replacing "Subject to section 201, which applies, with the necessary modifications to the regional board, decisions" in the first paragraph by "The decisions";

(2) by replacing "the chairman or, in his absence, the vice-chairman" in the second paragraph by "the person chairing the meeting".

78. The said Act is amended by inserting the following after section 413:

"**DIVISION IV.1**

"PRESIDENT AND EXECUTIVE DIRECTOR

"413.1. The president and executive director shall be responsible for the administration and direction of the regional board within the scope of its by-laws.

The office of president and executive director is a full-time position. The president and executive director shall see that the decisions of the board of directors are carried out and that all the information the board of directors requires or needs in order to assume its responsibilities is transmitted to it."

79. Division V of Chapter I of Title I of Part III of the said Act, including sections 414 to 417, is replaced by the following division:

"**DIVISION V**

"INQUIRY AND SUPERVISION

"414. The regional board may exercise a supervisory power in the manner provided in section 489, conduct an inquiry or direct a person it designates to conduct an inquiry in the following cases:

(1) where an institution is not complying with the law;

(2) where an institution tolerates a situation that could pose a threat to the health or well-being of the persons served by the institution;

(3) where the regional board becomes aware, at any time in a financial year, that the expenditures of a public institution exceeds its revenues and that the maintenance of its budgetary balance is threatened;

(4) where the regional board considers that there has been grave misconduct, such as embezzlement, in the management of the institution.

The regional board or the person designated by it to conduct the inquiry is vested, for the purposes of the inquiry, with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

"415. Following the inquiry, the regional board may require the institution concerned to submit an action plan in response to the recommendations made by the board."

80. Section 417.2 of the said Act is amended by replacing the words "executive director" wherever they appear in that section by "president and executive director".

81. Section 417.3 of the said Act is amended by replacing "executive director" in paragraph 3 by "president and executive director".

82. Section 431 of the said Act is amended by inserting "national and" before "inter-regional" in subparagraph 8 of the second paragraph.

83. Section 463 of the said Act is amended by adding "pursuant to the first paragraph of section 350" at the end of the third paragraph.

84. Section 530.18 of the said Act is amended by replacing the portion after "set out in" by "subparagraph 2 of the first paragraph of section 156, in the case of a member referred to in paragraphs 2 and 3 of section 530.13, and in subparagraph 3 of the first paragraph of section 156 in any other case."

85. Section 530.26 of the said Act is amended by adding the following sentence at the end: "In addition, sections 370.1 to 370.4 respecting the regional nursing commission and sections 370.5 to 370.8 respecting the regional multidisciplinary commission do not apply."

86. Section 530.28 of the said Act is amended by replacing "411" by "409".

87. The said Act is amended by inserting the following after section 530.31:

"530.31.1. The executive director of the regional board may not be elected chair or vice-chair of the board of directors.

"**DIVISION III.1**

"EXECUTIVE DIRECTOR

"530.31.2. The members of the board of directors of the regional board shall appoint the executive director of the regional board.

"530.31.3. The executive director is responsible, under the authority of the board of directors, for the management and operation of the regional board within the scope of its by-laws.

The executive director shall see that the decisions of the board of directors are implemented and ensure that any information it requires or needs to assume its responsibilities is transmitted to it.

"530.31.4. Sections 197 to 200, with the necessary modifications, apply to the executive director.

"**DIVISION III.2**

"AUDIT

"530.31.5. The regional board is, as regards the audits it must cause to be carried out, subject to sections 289 to 294, with the necessary modifications."

88. Section 530.45 of the said Act is replaced by the following:

"530.45. Notwithstanding section 339, a public institution to which this Part applies is deemed to act as a regional board where it exercises the various powers and responsibilities conferred on it by the special provisions enacted by this Part."

89. The French text of section 530.50 of the said Act is amended by inserting "du deuxième alinéa" after "3°" in the second paragraph.

90. The said Act is amended by inserting the following section after section 530.50:

"530.50.1. The provisions of sections 343.1 to 343.6 relating to the people's forum apply, with the necessary modifications, in the territory to which this Part applies.

For that purpose, the expression "regional board" means the institution. The reference to the procedure determined pursuant to the second paragraph of section 384 is a reference to the procedure applicable pursuant to the third paragraph of section 177."

91. Section 530.52 of the said Act is amended by replacing "347" in the first paragraph by "346.1".

92. The said Act is amended by inserting the following sections after section 530.58:

"530.58.1. The council of nurses of the institution shall exercise the powers and perform the duties of the regional nursing commission described in section 370.3; for the purposes of that provision, the expression "the regional board" refers to the institution.

"530.58.2. The multidisciplinary council of the institution shall exercise the powers and perform the duties of the regional multidisciplinary commission described in section 370.7; for the purposes of that provision, the expression "the regional board" refers to the institution."

93. The said Act is amended by inserting the following section after section 530.61:

"530.61.1. Sections 385.1 to 385.8 apply, with the necessary modifications, to the institution with respect to management and reporting."

94. Section 530.62 of the said Act is replaced by the following section:

"530.62. The board of directors of the institution to which this Part applies shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) five persons elected by the population at the election held under section 135 and coming from each part of the territory served by the institution;

(2) two persons designated by the users' committee of the institution;

(3) one person designated by and from among the members of the council of physicians, dentists and pharmacists of the institution;

(4) one person designated by and from among the members of the council of nurses of the institution;

(5) one person designated by and from among the members of the multidisciplinary council of the institution;

(6) where applicable, one person designated by the boards of directors of the foundations of the institution and chosen from among the members of those boards;

(7) two persons designated by the Minister, recognized for their experience and management skills and having their principal residence in the territory served by the institution;

(8) five persons designated by the members referred to in paragraphs 1 to 7, one being chosen from a list of names provided by the organizations representative of the community sector, another from a list of names provided by the organizations representative of the public education sector, another from a list provided by organizations representative of the union sector and the other two from a list of names provided by the municipalities, regional county municipalities and socio-economic organizations of the territory served by the institution to provide the board of directors with better representation of the characteristics of that territory and the communities therein;

(9) the president and executive director of the institution, appointed by the Government after consultation with the other members of the board of directors."

95. The said Act is amended by inserting the following section after section 530.62:

"530.62.1. All the lists of names referred to in paragraph 8 of section 530.62 must tend towards gender parity."

96. Section 530.63 of the said Act is amended by replacing "la personne visée" in the French text of the second line of the first paragraph by "les personnes visées".

97. Section 530.64 of the said Act is amended

(1) by replacing "the election or appointment" in the second line of the first paragraph by "the designation";

(2) by replacing "election is to be held or appointment made" in the second paragraph by "designation is to be made".

98. Section 530.65 of the said Act is amended

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

"530.65. Once the members referred to in paragraphs 1 to 7 of section 530.62 have been elected or designated, the members shall, within the following 30 days, designate the persons referred to in paragraph 8 of that section.";

(2) by striking out the third paragraph.

99. Section 530.69 of the said Act is amended

(1) by replacing "appointed" in the second line by "designated";

(2) by replacing "6" in the third line by "8".

100. Section 530.70 of the said Act is replaced by the following section:

"530.70. In section 156, the expression "the regional board" designates "the Minister". The vacancy shall be filled in the manner set out in subparagraph 1 of the first paragraph of section 156, in the case of a member referred to in paragraph 7 of section 530.62, in subparagraph 2 of the first paragraph of section 156, in the case of a member referred to in paragraphs 2 to 5 of section 530.62, and in subparagraph 3 of the first paragraph of section 156, in any other case."

101. The said Act is amended by inserting the following after section 530.72:

"**CHAPTER IV**

"PRESIDENT AND EXECUTIVE DIRECTOR

"530.72.1. The provisions of this Act applicable to the executive director of a public institution and the provisions of sections 399, 400, 403 and 413.1 apply, with the necessary modifications, to the president and executive director of the institution to which this Part applies."

102. Section 530.75 of the said Act is amended by replacing "regional board" in the fourth line of the second paragraph by "Minister".

103. Section 530.78 of the said Act is amended by replacing "shall be given to the institution by the Minister" in the first and second lines by "does not apply to the institution".

104. Section 530.98 of the said Act, enacted by section 1 of chapter 33 of the statutes of 2000, is repealed.

105. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29) is amended

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

"The Board is bound to disclose to the Minister and to the body with which the Minister has made an agreement under section 19, in non-nominative form, the information required for the making and carrying out of such an agreement, the management of staff subject to the application of the agreement, and the monitoring of the cost of the measures provided for therein.";

(2) by replacing "and the Commission des normes du travail" at the end of the fifth paragraph by ", the Commission des normes du travail and the Public Curator".

106. Section 4 of the Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1) is amended by adding the following paragraph at the end:

"A further function of the institute shall be to carry out the activities and perform all the tasks entrusted to it by the Minister in the public health program established under section 431 of the Act respecting health services and social services (chapter S-4.2)."

107. Section 3 of Schedule I to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by replacing "or 530.67" in paragraph 11 by ", 530.67 or 530.97".

108. The Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended by inserting the following section after section 5:

"5.1. The Government shall appoint the Québec national public health director who shall hold a position of assistant deputy minister, to advise and assist the Minister and the Deputy Minister in the exercise of their responsibilities in public health.

Québec's national public health director must be a physician who holds a specialist's certificate in community health."

109. Section 3.0.4 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is amended

(1) by replacing "and every regional board referred to" in subparagraph 5 of the first paragraph by "referred to";

(2) by striking out ", board" in the third paragraph.

110. Section 1 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended

(1) by inserting "a regional board," after "includes" in the first line of the fourth paragraph;

(2) by replacing "includes" in the fifth paragraph by "includes a health and social services council,".

111. Section 36 of the said Act is amended

(1) by replacing "six" in the first paragraph by "seven";

(2) by adding the following subparagraph at the end of the third paragraph:

"(7) regional boards governed by the Act respecting health services and social services and a health and social services council governed by the Act respecting health services and social services for Cree Native persons."

112. Schedule C to the said Act is amended by striking out the following:

"– The Conseil de la santé et des services sociaux de Lanaudière et des Laurentides

– The Conseil de la santé et des services sociaux de la région de Montréal métropolitain

– The Conseil de la santé et des services sociaux de la région de Québec

– The Conseil de la santé et des services sociaux de la région de Trois-Rivières

– The Conseil de la santé et des services sociaux de la région d'Abitibi-Témiscamingue".

113. A pay equity or relativity plan within the meaning of the Pay Equity Act (R.S.Q., chapter E-12.001) which applies in the public and parapublic sectors also applies to a regional board governed by the Act respecting health services and social services (R.S.Q., chapter S-4.2) and to a health and social services council governed by the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5).

114. From 21 June 2001, notwithstanding section 401 of the Act respecting health services and social services, and until the coming into force of section 65 of this Act, where the office of a member of the board of directors of a regional board is vacant, the vacancy shall be filled by the Minister.

115. Sections 240 to 240.2 and 242.1 of the Act respecting health services and social services, enacted by sections 44 and 45 of this Act, have effect notwithstanding section 619.17 of the Act respecting health services and social services.

116. The provisions enacted by sections 35, 62 and 93 of this Act shall have effect in respect of the fiscal year beginning on 1 April 2002.

117. Every regional board must ensure that the regional nursing commission instituted under section 370.1 of the Act respecting health services and social services, enacted by section 57 of this Act, is in a position to exercise its functions not later than 1 October 2001. The same applies with respect to the regional multidisciplinary commission instituted under section 370.5 of the Act respecting health services and social services, enacted by section 57 of this Act.

For the purposes of subparagraph 1 of the second paragraph of section 370.1, the provisions enacted by section 4 of this Act are deemed to be in force. The expression "president and executive director", used in the third paragraph of section 370.1 or 370.5, designates the executive director until the coming into force of section 65 of this Act.

118. Notwithstanding the coming into force of section 65 of this Act, the board of directors of a regional board already formed to administer the affairs of the regional board shall continue in office until a new board of directors is formed pursuant to the provisions enacted by that section, and shall continue to be governed by the rules that were applicable to it.

The first board of directors shall be deemed to be formed when the members referred to in paragraphs 1 to 8 of section 397 of the Act respecting health services and social services, replaced by section 65 of this Act, have been appointed by the Government.

119. To ensure the rotation of the members of the board of directors of the regional boards and notwithstanding the first paragraph of section 399 of the Act respecting health services and social services, replaced by section 71 of this Act, five of the members of the first board of directors, other than the president and executive director, shall be appointed by the Government for not more than one year and five others of those members shall be so appointed for not more than two years.

In addition, for the first nominations of the persons referred to in paragraph 1 of section 397 of the Act respecting health services and social services, replaced by section 65 of this Act, the outgoing members of the boards of directors of the regional boards are called upon to provide, in the place and stead of the people's forum, a list of names from which those persons will be chosen.

120. The person who, at the time when the first board of directors of a regional board shall be deemed to be formed in accordance with the second paragraph of section 118 of this Act, holds the office of executive director of that regional board remains in office until the Government appoints the president and executive director of the regional board.

The executive director shall call a meeting of the board of directors to enable the members already appointed to elect the chair, the vice-chair and the secretary of the board of directors from among their number and shall draw up a list of names from which the Government may appoint the persons referred to in paragraph 9 of section 397 of the Act respecting health services and social services, replaced by section 65 of this Act.

121. The Minister is responsible for taking the necessary steps to ensure that, as soon as possible after the first boards of directors of the regional boards are formed pursuant to the provisions enacted by section 65 of this Act, the first boards of directors of the public institutions be formed in accordance with the provisions of the Act respecting health services and social services as enacted or amended by this Act.

The orders of the Government made under sections 126.3 and 128 of the Act respecting health services and social services remain valid for the purposes of the first paragraph.

122. The Minister shall determine the day and month when the first elections are to take place pursuant to section 135 of the Act respecting health services and social services, amended by section 25 of this Act. For that purpose, the Minister shall take into account the obligation on the part of the regional boards to determine by by-law the procedure to be observed at the time the first elections take place as well as the procedure required for the purposes of section 137 of the Act respecting health services and social services.

123. The first designations pursuant to section 137 of the Act respecting health services and social services, amended by section 26 of this Act, and the designations pursuant to section 138 of that Act, amended by section 27 of this Act, must be made in relation to the day fixed by the Minister pursuant to section 122.

Notwithstanding any inconsistent legislative provision, the board of directors of a public institution already formed to manage the affairs of an institution shall continue in office until the first designations pursuant to section 137 of the said Act are made.

124. The term of office of the members of the first boards of directors elected or designated in accordance with the provisions of sections 122 and 123 is effective, notwithstanding section 149 of the Act respecting health services and social services, until the month of October or November of the year following the year of the second anniversary of the formation of the boards of directors.

125. On the formation of the first boards of directors of the public institutions in accordance with the provisions of sections 122 and 123, the person holding the office of executive director of the institution or institutions concerned remains in office until the expiry of his or her contract.

The board of directors may renew the employment contract of the executive director only after it has consulted the regional board.

126. The provisions of sections 121 to 124 apply, with the necessary modifications, to the institution to which Part IV.2 of the Act respecting health services and social services applies.

The person who, at the time when the first board of directors of that institution is formed in accordance with the provisions enacted by this Act, holds the office of executive director of that institution shall continue in office until the Government appoints the president and executive director of that institution under paragraph 9 of section 530.62 of the Act respecting health services and social services, replaced by section 94 of this Act.

127. The Government may, by regulation made before 21 December 2002, enact any other transitional measure required for the purposes of this Act.

Such regulation is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1). In addition, it may, once published and if it so provides, apply from any date not prior to 21 June 2001.

128. The provisions of this Act come into force on the date or dates to be fixed by the Government, except sections 3, 4, 35, 43, 44, 45, 48, 53, 54, 57, 62, 79, 83, 86, 88, 89, 93, 102, 103, 105 and 110 to 127, and section 397.2 of the Act respecting health services and social services replaced by section 67, which come into force on 21 June 2001.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 31
(2001, chapter 26)

An Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions

Introduced 15 May 2001
Passage in principle 5 June 2001
Passage 21 June 2001
Assented to 21 June 2001

Québec Official Publisher
2001

EXPLANATORY NOTES

This bill amends the Labour Code to facilitate its application, in particular as concerns certification.

The bill provides for the establishment of the Commission des relations du travail, a unified decision-making authority having jurisdiction in labour relations which is to take over the decision-making responsibilities currently exercised by the office of the labour commissioner general in matters related to collective labour relations and dispose of individual complaints and proceedings brought before the labour commissioner general under the Labour Code or other Acts.

The new Commission des relations du travail will be given the appropriate powers necessary for the exercise of its functions, in particular the power to issue orders including safeguarding or preventive orders, and the power to initiate conciliation to bring the parties to an agreement.

The decisions of the new authority will not be subject to appeal and accordingly, the Labour Court is abolished. The bill specifies which authorities are to have jurisdiction as regards proceedings formerly brought before the Labour Court.

The rules applicable to the persons composing the Commission are established in the bill, as are those governing the Commission's operation, in particular the selection, functions, duties and powers of the president, vice-presidents and commissioners. The applicable rules of evidence and procedure are also dealt with in the bill.

The bill also amends the scope of the provisions of the Labour Code that concern the transmission of rights and obligations on the alienation or transfer of the operation of an enterprise and adds provisions designed to resolve difficulties related to the application of those provisions.

It introduces a mechanism making it possible to determine in advance whether changes to the mode of operation of an undertaking would convert the status of employees in that of contractor without employee status.

The bill also provides that it will be possible for the Commission, once only during the bargaining period and at the request of the employer, to order the holding of a ballot allowing employees to vote on the latest management offer.

Lastly, the bill contains various technical and consequential amendments and transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);

– Act respecting the Barreau du Québec (R.S.Q., chapter B-1);

– Building Act (R.S.Q., chapter B-1.1);

– Charter of the French language (R.S.Q., chapter C-11);

– Cities and Towns Act (R.S.Q., chapter C-19);

– Code of Civil Procedure (R.S.Q., chapter C-25);

– Code of Penal Procedure (R.S.Q., chapter C-25.1);

– Labour Code (R.S.Q., chapter C-27);

– Municipal Code of Québec (R.S.Q., chapter C-27.1);

– Act respecting the Commission municipale (R.S.Q., chapter C-35);

– Act respecting collective agreement decrees (R.S.Q., chapter D-2);

– Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);

– Act respecting school elections (R.S.Q., chapter E-2.3);

– Election Act (R.S.Q., chapter E-3.3);

– Pay Equity Act (R.S.Q., chapter E-12.001);

– Act respecting municipal taxation (R.S.Q., chapter F-2.1);

– Public Service Act (R.S.Q., chapter F-3.1.1);

– Forest Act (R.S.Q., chapter F-4.1);

– Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1);

– Act respecting electrical installations (R.S.Q., chapter I-13.01);

– Jurors Act (R.S.Q., chapter J-2);

– Stationary Enginemen Act (R.S.Q., chapter M-6);

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

– Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2);

– Act respecting labour standards (R.S.Q., chapter N-1.1);

– Act respecting municipal territorial organization (R.S.Q., chapter O-9);

– Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1);

– Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);

– Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

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

– Act respecting occupational health and safety (R.S.Q., chapter S-2.1);

– Courts of Justice Act (R.S.Q., chapter T-16);

– Fire Safety Act (2000, chapter 20);

– Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34);

– Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);

– Act respecting public transit authorities (2001, chapter 23).

LEGISLATION REPEALED BY THIS BILL:

– Act to establish the Commission des relations du travail and to amend various legislation (1987, chapter 85).

Bill 31

AN ACT TO AMEND THE LABOUR CODE, TO ESTABLISH THE COMMISSION DES RELATIONS DU TRAVAIL AND TO AMEND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

LABOUR CODE

1. Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended

(1) by replacing "certification agent, the labour commissioner or the Court" in the second line of paragraph *b* by "Commission";

(2) by replacing paragraph *i* by the following paragraph:

"(*i*) "Commission" — the Commission des relations du travail established by this Code;";

(3) by replacing "labour commissioner" in the first line of subparagraph 1 of paragraph *l* by "Commission";

(4) by replacing "Labour Court" in the second line of subparagraph 3 of paragraph *l* by "Commission";

(5) by striking out "a certification agent or labour commissioner contemplated by this Act," in the seventh and eighth lines of subparagraph 3 of paragraph *l*;

(6) by inserting the following subparagraph after subparagraph 6 of paragraph *l*:

"(7) a labour relations officer of the Commission;";

(7) by striking out paragraphs *p*, *q* and *r*.

2. Section 2 of the said Code is amended by replacing "a labour commissioner" in the first line of the second paragraph by "the Commission".

3. Section 8 of the said Code is amended by replacing "labour commissioner general" in the fourth line of the first paragraph by "Commission".

4. Section 9 of the said Code is amended by replacing "labour commissioner general" in the fourth line of the first paragraph by "Commission".

5. Section 11 of the said Code is amended by replacing "labour commissioner" in the third paragraph by "Commission".

6. Section 15 of the said Code is amended by replacing "labour commissioner" in the fifth line of the first paragraph by "Commission".

7. Section 16 of the said Code is replaced by the following section:

"16. The employees who believe that they have been the victim of a sanction or action referred to in section 15 must, if they wish to avail themselves of the provisions of that section, file a complaint at one of the offices of the Commission within thirty days of the sanction or action."

8. Section 17 of the said Code is amended by replacing "labour commissioner having cognizance of the matter" in the first and second lines by "Commission, on being referred the matter,".

9. Section 19 of the said Code is amended

(1) by replacing "labour commissioner" in the first and second lines of the first paragraph by "Commission";

(2) by striking out the third paragraph.

10. Sections 19.1 and 20 of the said Code are repealed.

11. The said Code is amended by adding the following section after section 20:

"20.0.1. Every employer who intends to make changes to the mode of operation of his undertaking entailing the conversion of the status of an employee to whom a certification or a petition for certification applies to that of contractor without employee status, must so inform the association of employees concerned by means of a written notice containing a description of the changes.

Where the association does not share the opinion of the employer on the consequences of the changes on the status of the employee, the association may, within 30 days after receipt of the notice, apply to the Commission for a determination as to the consequences of such changes on the status of the employee. The association must, without delay, transmit a copy of the application to the employer.

The employer may not implement the changes referred to in the first paragraph before the expiry of the time fixed in the second paragraph or, if the

association of employees has, at that time, requested the intervention of the Commission, before an agreement is reached with the association as to the consequences of the changes on the status of the employee, or before the decision of the Commission is rendered, whichever occurs first.

The Commission must render its decision within 60 days after receipt of the association's application."

12. Section 21 of the said Code is amended

(1) by replacing "certification agent, or according to the decision of the labour commissioner" in the fourth and fifth lines of the third paragraph by "labour relations officer or according to the decision of the Commission";

(2) by striking out the sixth paragraph.

13. Section 22 of the said Code is amended

(1) by inserting "subject to subparagraph *b*.2," at the beginning of subparagraph *b*.1 of the first paragraph;

(2) by inserting the following subparagraph after subparagraph *b*.1 of the first paragraph:

"(*b*.2) twelve months after the decision of the Commission on the description of the bargaining unit rendered under paragraph *d*.1 of section 28, in the case of a group of employees for whom a collective agreement has not been made and for whom a dispute has not been submitted for arbitration or is not the object of a strike or lock-out permitted by this Code;";

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

"In the case of a collective agreement which, under paragraph 1 of section 45.2, expires 12 months after the date of the transfer of part of the operation of an undertaking, certification may not be applied for, notwithstanding subparagraphs *d* and *e* of the first paragraph, until the ninetieth to the sixtieth day prior to such date of expiration."

14. Sections 23 to 24 of the said Code are repealed.

15. Section 25 of the said Code is replaced by the following section:

"25. Certification shall be applied for by an association of employees by means of a petition filed with the Commission which shall, upon receipt of the petition, send a copy to the employer together with any information it considers appropriate.

The petition must be authorized by a resolution of the association and signed by its authorized representatives, indicate which group of employees the association wishes to represent, and be accompanied with the applications

for membership provided for in subparagraph *b* of the first paragraph of section 36.1 or with copies of those applications and of any document or information required by a regulation of the Government.

The employer must, on or before the first working day following the day the petition is received, post a copy of the petition in a conspicuous place. The employer must also, within five days after copy of the petition is received, post, in a conspicuous place, the complete list of the employees of the undertaking concerned by the petition indicating the function of each. The employer must send forthwith a copy of the list to the petitioning association and place a copy thereof at the disposal of the labour relations officer seized of the petition."

16. Section 26 of the said Code is amended

(1) by replacing "labour commissioner general" in the first line of the first paragraph by "Commission";

(2) by striking out the second paragraph.

17. Section 27 of the said Code is replaced by the following section:

"27. The Commission shall, by any means it considers appropriate, make a copy of the petition for certification available to the public for consultation."

18. Section 27.1 of the said Code is amended by replacing the second paragraph by the following paragraph:

"For the purposes of the first paragraph, a petition is deemed to have been filed on the day it is received in one of the offices of the Commission."

19. Section 28 of the said Code is amended

(1) by replacing "labour commissioner general" in the first line of paragraph *a* by "Commission";

(2) by adding the following sentences at the end of paragraph *a*: "If he does not come to the conclusion that the association has the representative character required, the labour relations officer must present a summary report on his examination to the Commission and transmit a copy to the parties. The report must specify the reasons why the labour relations commissioner did not grant certification.";

(3) by adding the following sentences at the end of paragraph *b*: "If he does not come to the conclusion that the association has the representative character required, the labour relations officer must present a summary report on his examination to the Commission and transmit a copy to the parties. The report must specify the reasons why the labour relations commissioner did not grant certification.";

(4) by replacing the words "certification agent" wherever they occur in paragraphs *a*, *b*, *c* and *d* by "labour relations officer";

(5) by replacing "who shall record them in the report made to the labour commissioner-general." in the third and fourth lines of paragraph *c* by ". The labour relations officer must present a summary report concerning the disagreement to the Commission and transmit a copy to the parties. The report must contain the reasons set forth by the employer, a description of the unit that the employer thinks suitable and, if applicable, the indication that 35% to 50% of the employees comprised in the bargaining unit are members of the association of employees.";

(6) by replacing "labour commissioner" in the sixth and seventh lines of paragraph *d* by "Commission";

(7) by replacing "labour commissioner general" in the ninth line of paragraph *d* by "Commission";

(8) by striking out "The labour commissioner general shall then refer the matter to a labour commissioner." in the tenth and eleventh lines of paragraph *d*;

(9) by inserting the following paragraph after paragraph *d*:

"(*d*.1) The labour relations officer shall immediately certify the association, even where there is no agreement with the employer as regards part of the bargaining unit, if the officer considers that the association is nevertheless representative and that it will remain representative regardless of any decision of the Commission on the description of the bargaining unit. The labour relations officer shall, at the same time, make a report on the disagreement to the Commission and send a copy of the report to the parties. No notice of negotiation may be given by the certified association before the decision of the Commission on the description of the bargaining unit.";

(10) by replacing paragraph *e* by the following paragraph:

"(*e*) Where a certified association already exists, or where there is more than one petitioning association of employees, the labour relations officer shall, if the officer ascertains that there is agreement on the bargaining unit and on the persons contemplated by the bargaining unit between the employer and any association concerned, certify the association grouping the absolute majority of the employees or, if not, hold a secret ballot in accordance with the provisions of section 37 and, consequently, certify the association that has obtained the greatest number of votes in accordance with the provisions of section 37.1. If there is disagreement on the bargaining unit or on the persons to whom it applies, the officer shall make a report on the disagreement to the Commission and send a copy thereof to the parties."

20. Sections 29 to 31 of the said Code are replaced by the following sections:

"29. A labour relations officer may not certify an association whenever he has reason to believe that section 12 has not been complied with or is informed that a third party or an interested party has filed a complaint under that section. However, the labour relations officer may, on his own initiative or at the request of the Commission, make an investigation into the alleged contravention of section 12.

The labour relations officer may also suspend an examination made under section 28.

For the purposes of the inquiry referred to in the first paragraph, the labour relations officer may

(1) have access, at any reasonable time, to any work place or establishment of a party to obtain information necessary for the application of this Code;

(2) require any information necessary for the application of this Code and the production of any relevant document for examination and reproduction.

The labour relations officer shall, on request, produce identification and show the certificate of capacity issued by the Commission.

"30. The labour relations officer shall make a report on any investigation made on his own initiative or at the request of the Commission. The labour relations officer shall also make a report on any examination suspended by the officer pursuant to section 29.

Such a report must be sent to the president of the Commission, entered in the record of the case and sent to the interested parties. Interested parties may present their observations in writing to the Commission within five days from receipt of the report. The parties' observations, if any, shall also be entered in the record of the case.

"31. The Commission may not certify an association of employees if it is established to the satisfaction of the Commission that section 12 has not been complied with.

Where the Commission must rule on a petition for certification, the Commission may, of its own motion, invoke non-compliance with section 12."

21. Section 32 of the said Code is amended

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

"32. The Commission shall, where a petition for certification is referred to it, dispose of any matter relating to the bargaining unit and the persons contemplated by the bargaining unit; the Commission may, for that purpose, modify the unit proposed by the petitioning association.

Only any association concerned and the employer are deemed interested parties as regards the bargaining unit and the persons contemplated by the bargaining unit.";

(2) by replacing "He" and "he" in the first two lines of the second paragraph by "The Commission" and "it", respectively.

22. Sections 33 and 34 of the said Code are repealed.

23. Section 35 of the said Code is amended by replacing the first sentence by the following sentence: "The record of the Commission shall include the reports produced by the labour relations officer under sections 28 and 30, the exhibits and documents filed, the recording or stenographic notes of the testimony, where applicable, and the decision of the Commission."

24. Section 36 of the said Code is amended by replacing "labour commissioner-general, the deputy labour commissioner-general, the labour commissioner, the certification agent," in the third and fourth lines by "Commission, a member of its personnel,".

25. Section 36.1 of the said Code is amended

(1) by replacing subparagraphs *b* and *c* of the first paragraph by the following subparagraphs:

"(*b*) he has signed an application for membership that contains, in particular, the information prescribed by regulation of the Government and that has not been revoked before the filing of the petition for certification or the request for an assessment of the representative character of the association;

"(*c*) he has personally paid as union dues an amount equal to or greater than the amount fixed by regulation of the Government within the twelve months preceding either the request for an assessment of the representative character of the association or the filing of the petition for certification;";

(2) by striking out "or its mailing by registered or certified mail" in the third and fourth lines of subparagraph *d* of the first paragraph;

(3) by replacing "The certification agent, the labour commissioner or the Court" in the first line of the second paragraph by "The Commission".

26. Section 37 of the said Code is amended by replacing "labour commissioner" in the first line of the first paragraph by "Commission".

27. Sections 37.1, 38 and 39 of the said Code are amended by replacing the words "labour commissioner" wherever they occur in those sections by "Commission".

28. Section 40 of the said Code, amended by section 218 of chapter 56 of the statutes of 2000, is again amended by replacing "a labour commissioner" in the second line by "the Commission".

29. Section 41 of the said Code is amended

(1) by replacing "A labour commissioner" in the first line of the first paragraph by "The Commission";

(2) by replacing "paragraph *b*.1, *c*, *d* or *e*" in the first line of the first paragraph by "subparagraph *b*.1, *b*.2, *c*, *d* or *e* of the first paragraph or the second paragraph";

(3) by replacing "third" in the first line of the second paragraph by "fourth";

(4) by replacing "labour commissioner" in the second and third lines of the second paragraph by "Commission";

(5) by replacing "certification agent" in the first line of the third paragraph by "labour relations officer";

(6) by replacing "labour commissioner-general or the labour commissioner to whom the matter has been referred, as the case may be, within ten days of receiving the report, failing which a decision may be rendered without calling the parties for a hearing" in the fourth, fifth, sixth and seventh lines of the third paragraph by "Commission within ten days after receiving the report".

30. Section 42 of the said Code is amended

(1) by replacing "labour commissioner seized of the matter or a labour commissioner designated to that effect by the labour commissioner-general" in the third, fourth and fifth lines of the first paragraph by "Commission";

(2) by replacing "labour commissioner seized of the matter" in the third line of the second paragraph by "Commission".

31. Section 45 of the said Code is amended by striking out "otherwise than by judicial sale" in the second line of the first paragraph.

32. The said Code is amended by inserting the following section after section 45:

"45.1. The employer shall give the association of employees concerned a notice indicating the date on which he intends to alienate or transfer the operation of all or any part of his undertaking. The association has 90 days after the date of receipt of the notice to apply to the Commission for a determination as to the application of section 45.

In the absence of such a notice, the time prescribed for filing such an application is 270 days from knowledge of the fact that the undertaking has been alienated or that the operation of all or a part of the undertaking has been transferred.

"45.2. Where the operation of part of an undertaking is transferred and notwithstanding section 45, the following rules apply:

(1) the collective agreement expires on the date fixed for its expiry or 12 months after the date of the transfer of the operation of part of the undertaking, whichever is earlier, unless, on motion by an interested party filed within the prescribed time, as the case may be, in the first or second paragraph of section 45.1, the Commission determines that the new employer remains bound by the collective agreement until the date fixed for its expiry, if it considers that the transfer was made for the purpose of dividing a bargaining unit or interfering with the power of representation of an association of employees;

(2) the new employer is not bound by the certification or the collective agreement where a special agreement on the transfer includes a clause to the effect that the parties elect not to apply to the Commission to request the application of section 45. Such a clause binds the Commission but does not affect the effect, within the transferring employer's enterprise, of the certification of the association of employees having signed the agreement.

Subparagraph 1 of the first paragraph does not apply in the case of the transfer of the operation of part of an undertaking between employers of the public and parapublic sectors within the meaning of paragraph 1 of section 111.2.

"45.3. Where an undertaking subject to the Canada Labour Code (Revised Statutes of Canada, 1985, chapter L-2) as regards labour relations becomes, in that regard, subject to the legislative authority of Québec, the following provisions shall apply:

(1) a certification granted, a collective agreement made and proceedings commenced under the Canada Labour Code for the securing of certification or the making or carrying out of a collective agreement are deemed to be a certification granted, a collective agreement made and filed and proceedings commenced under this Code;

(2) the employer remains bound by the certification or collective agreement or, where section 45 would have been applicable had the undertaking been under the legislative authority of Québec, the new employer becomes bound by the certification or collective agreement as if the employer were named therein and becomes *ipso facto* a party to any related proceeding in the place and stead of the former employer;

(3) proceedings in progress for the securing of certification or the making or carrying out of a collective agreement shall be continued and decided according to the provisions of this Code, with the necessary modifications.

However, the collective agreement made by an uncertified association binds the new employer only until the expiry of 90 days after the date of alienation or transfer of operation if the association has not filed, during that time, a petition for certification in respect of the bargaining unit governed by the collective agreement or in respect of an essentially similar unit. If such a petition for certification is filed within that time, the collective agreement continues to bind the new employer until the date of a decision rendered by the Commission refusing, as the case may be, to grant certification.

No certification may be applied for by another association of employees in respect of such a bargaining unit before the expiry of 90 days or, if a petition for certification is filed during that time, before the date of the decision of the Commission refusing, as the case may be, to grant certification."

33. Section 46 of the said Code is replaced by the following section:

"46. It shall be the duty of the Commission, upon the motion of an interested party, to dispose of any matter relating to the application of sections 45 to 45.3. For that purpose, the Commission may, in particular, determine the applicability of those sections.

The Commission may also, upon the motion of an interested party, settle any difficulty arising out of the application of those sections and of their effects in the manner it considers the most appropriate. To that end, the Commission may, in particular, render any decision necessary for the implementation of an agreement reached by the interested parties on the description of the bargaining units and on the designation of an association to represent the group of employees to whom the bargaining unit described in the agreement applies or on any other question of common interest.

Where two or more associations of employees are concerned by the application of sections 45 and 45.3, the Commission may also, to the same end,

(1) grant or amend a certification;

(2) certify the association of employees that includes the absolute majority of the employees or hold a secret ballot in accordance with the provisions of section 37 and, consequently, certify the association that has obtained the greatest number of votes in accordance with the provisions of section 37.1;

(3) describe or modify a bargaining unit;

(4) merge bargaining units and, where two or more collective agreements apply to the employees of the new employer included in a bargaining unit

resulting from the merger, determine the collective agreement that remains in force and make any modification or adaptation to the provisions of the collective agreement it considers necessary.

The merger of bargaining units entails the merger, if any, of the employees' seniority lists to which they applied, according to the rules determined by the Commission governing the employees' integration.

Where the operation of an undertaking is transferred to another during certification proceedings, the Commission may decide that the transferring employer and the transferee are successively bound by the certification."

34. Section 47.3 of the said Code is replaced by the following section:

"47.3. If an employee believes, after being dismissed or the subject of a disciplinary sanction, that, in that respect, the certified association has contravened section 47.2, the employee must, if he wishes to rely on that section, file, within six months, a complaint with and apply in writing to the Commission for an order directing that the employee's claim be referred to arbitration."

35. Section 47.4 of the said Code is repealed.

36. Section 47.5 of the said Code is amended

(1) by replacing "If the Court considers that the association has violated section 47.2, it" in the first line of the first paragraph by "If the Commission considers that the association has contravened section 47.2, it";

(2) by replacing "The Court" in the first line of the second paragraph by "The Commission".

37. Sections 49 and 50 and Division IV of Chapter II of Title I of the said Code, including sections 50.1 to 51.1, are repealed.

38. Section 52.2 of the said Code is amended by replacing "labour commissioner" in the first line of the third paragraph by "Commission".

39. The said Code is amended by inserting the following section after section 58.1:

"58.2. The Commission may, at the request of the employer and if it considers that it may foster the negotiation or making of a collective agreement, order a certified association to hold, on the date or within the time limit it determines, a secret ballot to give those of its members that are included in the bargaining unit an opportunity to accept or refuse the last offers made by the employer concerning all the matters still in dispute between the parties.

The Commission may order the holding of such a ballot only once during the negotiation of a collective agreement.

The ballot shall be held under the supervision of the Commission, according to the rules determined by the Commission."

40. Section 61 of the said Code is amended by replacing "labour commissioner general" in the fourth line by "Commission".

41. Section 72 of the said Code is amended by replacing "the office of the labour commissioner general" in the first and second lines of the first paragraph by "one of the offices of the Commission".

42. Section 86 of the said Code is amended by adding the following paragraph at the end:

"Where a person is duly summoned on the initiative of an arbitrator, the taxation is payable in equal shares by the parties."

43. Section 89 of the said Code is replaced by the following section:

"89. The arbitrator shall forward the original of the award to one of the offices of the Commission and send, at the same time, a copy to each party."

44. Section 90 of the said Code is replaced by the following section:

"90. The award of the arbitrator must be rendered within 60 days after the end of the last arbitration sitting.

If the arbitrator is unable to act, the Minister may, at the request of the arbitrator or of a party, grant an extension of a specific number of days to the arbitrator.

If the Minister considers that the circumstances and the interest of the parties so warrant, the Minister may also, at the request of the arbitrator, grant the latter an extension of not more than 30 days which may, on the same conditions, be extended."

45. Section 92 of the said Code is amended

(1) by replacing "two" in the second line by "three";

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

"Even if the award expires on a date prior to the date on which it is rendered, it may nevertheless cover all matters on which no agreement has been reached by the parties."

46. Section 93.9 of the said Code is amended by adding the following paragraph at the end:

"The arbitrator shall send a copy of the award to the Minister, in addition to the persons referred to in section 89."

47. Section 99.8 of the said Code is amended by adding the following paragraph at the end:

"Even if the award expires on a date prior to the date on which it is rendered, it may nevertheless cover all matters on which no agreement has been reached by the parties."

48. Section 99.9 of the said Code is amended by adding the following sentence at the end of the second paragraph: "The arbitrator shall send a copy of the award to the Minister, in addition to the persons referred to in section 89."

49. Section 100.2 of the said Code is amended by adding the following paragraph at the end:

"For the purposes set out in section 136, the arbitrator may also hold a pre-hearing conference prior to the hearing of the grievance."

50. Section 100.6 of the said Code is amended by adding the following paragraph at the end:

"Where a person is duly summoned on the initiative of an arbitrator, the taxation is payable in equal shares by the parties."

51. Section 100.12 of the said Code is amended by inserting ", including a provisional order," after "decision" in paragraph *g*.

52. Section 101 of the said Code is amended by replacing the second sentence by the following sentence: "Section 129 applies, with the necessary modifications, to the arbitration award; however, the authorization of the Commission provided for in that section is not required."

53. Section 101.6 of the said Code is amended by replacing "the office of the labour commissioner general" in the second line by "one of the offices of the Commission".

54. Section 101.7 of the said Code is amended

(1) by replacing "Labour Court" in the third line by "Commission";

(2) by replacing, in the French text, "il" in the fourth line by "elle".

55. Section 101.8 of the said Code is amended by replacing "the office of the labour commissioner general" in the third and fourth lines by "one of the offices of the Commission".

56. Section 101.10 of the said Code is replaced by the following section:

"101.10. The secretary or, in the absence of the secretary, a person duly authorized by the president of the Commission may certify true any arbitration award filed in accordance with section 101.6."

57. Section 103 of the said Code is amended by replacing the first paragraph by the following paragraphs:

"103. The Government may determine, by regulation, after consultation with the Conseil consultatif du travail et de la main-d'oeuvre, the remuneration and expenses to which the arbitrators of disputes and grievances appointed by the Minister are entitled, one or more methods for determining the remuneration and expenses to which the arbitrators chosen by the parties are entitled, and the situations in which the regulation does not apply.

The regulation may also determine who shall assume the payment of such remuneration and expenses and, where applicable, in what proportion."

58. Section 111.0.19 of the said Code is amended by adding the following sentence at the end of the third paragraph: "The council may also order the certified association to postpone the exercise of its right to strike until the association informs the council of the action it intends to take in respect of the recommendations."

59. Section 111.3 of the said Code is amended by replacing "paragraph *d*" in the first line of the first paragraph by "subparagraph *d* of the first paragraph".

60. Section 111.11 of the said Code is amended by inserting "or a group of employees referred to in the second paragraph of section 69 of the Public Service Act (chapter F-3.1.1)" after "institution" in the sixth line of the first paragraph.

61. The said Code is amended by inserting the following sections before Division IV of Chapter V.1:

"111.15.1. If no agreement is reached under section 69 of the Public Service Act (chapter F-3.1.1), a party may request the council to designate a person to help the parties to reach an agreement, or to itself determine what essential services must be maintained and in what manner. The party making the request shall notify the other party without delay.

After the request is sent, the parties must forward without delay any relevant information respecting the essential services that must be maintained to the council and attend any sitting of the council to which they are convened.

"111.15.2. On receiving a request under section 111.15.1, the council, on its own initiative or at the request of either party, may designate a person to help the parties to reach an agreement.

The council may also, at any time after receiving the request, determine the essential services that must be maintained in the event of a strike and the manner of maintaining them.

"111.15.3. No person shall derogate from any of the provisions of an agreement under section 69 of the Public Service Act or from a decision made by the council under section 111.15.2 of this Code."

62. Section 111.20 of the said Code is amended

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

"111.20. The council may file a true copy of an order made under section 111.0.19, 111.17 or 111.18 or, where applicable, of an undertaking made under section 111.19 at the office of the clerk of the Superior Court of the district of Montréal, where the public service or the body involved is situated in the districts of Beauharnois, Bedford, Drummond, Hull, Iberville, Joliette, Labelle, Laval, Longueuil, Mégantic, Montréal, Pontiac, Richelieu, Saint-François, Saint-Hyacinthe or Terrebonne and, where it is situated in another district, at the office of the clerk of the Superior Court of the district of Québec.";

(2) by inserting "or undertaking" after "order" in the first line of the second paragraph.

63. Chapter VI of Title I of the said Code is replaced by the following chapter:

"**CHAPTER VI**

"COMMISSION DES RELATIONS DU TRAVAIL

"**DIVISION I**

"ESTABLISHMENT, OBJECT AND JURISDICTION

"112. A labour relations commission is hereby established under the name "Commission des relations du travail".

"113. The head office of the Commission shall be situated in the territory of Ville de Québec, at the place determined by the Government. Notice of the address of the head office and of any change of address shall be published in the *Gazette officielle du Québec*.

The Commission shall have an office in the territory of Ville de Montréal and an office in the territory of Ville de Québec. Notice of the address of each office and of any change of address shall be published in the *Gazette officielle du Québec*.

"114. The Commission is responsible for ensuring the diligent and efficient application of the provisions of this Code and exercising the other functions assigned to it under this Code or any other Act.

Except as regards the provisions of sections 111.0.1 to 111.2, sections 111.10 to 111.20 and Chapter IX, the Commission shall hear and dispose, to the exclusion of any court or tribunal, of any complaint for a contravention of this Code, of any proceedings brought pursuant to the provisions of this Code or any other Act and of any application made to the Commission in accordance with this Code or any other Act. Proceedings brought before the Commission pursuant to another Act are listed in Schedule I.

For such purposes, the Commission shall exercise the functions, powers or duties assigned to it by this Code or any other Act.

"115. The Commission is composed of a president, two vice-presidents, and commissioners, and of the members of its personnel who are entrusted with rendering decisions on its behalf.

"116. Any complaint related to the application of sections 12 and 13 and, in the case of a refusal to employ a person, the application of section 14, shall be filed with the Commission within 30 days of knowledge of the alleged contravention.

The time limit provided for in section 47.3 applies to any complaint filed with the Commission that is related to the application of section 47.2 even where the complaint does not pertain to a dismissal or disciplinary sanction.

"**DIVISION II**

"DUTIES AND POWERS

"117. Before rendering a decision, the Commission shall allow the parties to be heard. The Commission may, however, proceed on the record, if it considers it appropriate and if the parties consent thereto.

In respect of certification, the obligation imposed by the first paragraph does not apply in respect of a decision made by a labour relations officer. The labour relations officer shall, however, allow the interested parties to present observations and, if appropriate, to produce documents to complete their file.

"118. The Commission may, in particular,

(1) summarily reject any motion, application, complaint or procedure it considers to be improper or dilatory;

(2) refuse to rule on the merits of a complaint where it considers that the complaint may be settled by an arbitration award disposing of a grievance, except in the case of a complaint referred to in section 16 of that Code or in sections 123 and 123.1 of the Act respecting labour standards (chapter N-1.1) or a complaint filed under another Act;

(3) make any order, including a provisional order, it considers appropriate to safeguard the rights of the parties;

(4) determine any question of law or fact necessary for the exercise of its jurisdiction;

(5) confirm, modify or quash the contested decision or order and, if appropriate, render the decision or order which, in its opinion, should have been rendered or made initially;

(6) render any decision it considers appropriate;

(7) ratify a conciliation agreement, if in conformity with the law.

"119. Except with regard to an actual or apprehended strike, slowdown, concerted action, other than a strike or slowdown, or lock-out in a public service or in the public and parapublic sectors within the meaning of Chapter V.1, the Commission may also

(1) order a person, group of persons, association or group of associations to cease performing, not to perform or to perform an act in order to be in compliance with this Code;

(2) require any person to redress any act or remedy any omission made in contravention of a provision of this Code;

(3) order a person or group of persons, in light of the conduct of the parties, to apply the measures of redress it considers the most appropriate;

(4) issue an order not to authorize or participate in, or to cease authorizing or participating in, a strike or slowdown within the meaning of section 108 or a lock-out that is or would be contrary to this Code, or to take measures considered appropriate by the Commission to induce the persons represented by an association not to participate, or to cease participating, in such a strike, slowdown or lock-out;

(5) order, where applicable, that the grievance and arbitration procedure under a collective agreement be accelerated or modified.

"120. The Commission and its commissioners are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

"**DIVISION III**

"PRE-DECISION CONCILIATION

"121. If the parties to a case consent thereto, the president of the Commission may ask a personnel member to meet with the parties and attempt to bring them to an agreement.

"122. Nothing said or written in the course of conciliation may be admitted as evidence, unless the parties consent thereto.

"123. Every agreement shall be recorded in writing and the documents, if any, to which it refers shall be attached thereto. The agreement must be signed by the conciliation officer and by the parties, and is binding on the parties.

The agreement may be submitted to the Commission for approval at the request of either party.

If no request for approval is submitted to the Commission within six months from the date of the agreement, the agreement terminates the matter at the expiry of that time.

"**DIVISION IV**

"DECISION

"124. A complaint, a proceeding or an application shall be heard and decided by one commissioner, except as regards certification granted under section 28.

The president may, where he considers it appropriate, assign a matter to a panel of three commissioners that includes at least one advocate or notary who shall preside the sitting.

Where a case is heard by more than one commissioner, the case is decided by a majority of the commissioners having heard it.

"125. If a commissioner to whom a case is referred does not render a decision within the applicable time, the president of the Commission may, by virtue of his office or at the request of a party, remove the commissioner from the case.

Before removing a commissioner who has not rendered a decision within the applicable time, the president must take the circumstances and the interest of the parties into account.

"126. A decision containing an error in writing or in calculation or any other clerical error may be corrected, on the record and without further formality, by the person who rendered the decision.

Where the person is unable to act or has ceased to hold office, another labour relations agent or commissioner, as the case may be, designated by the president of the Commission may correct the decision.

"127. The Commission may, on application, review or revoke any decision or order it has made

(1) if a new fact is discovered which, had it been known in time, could have warranted a different decision;

(2) if an interested party, owing to reasons considered sufficient, could not present observations or be heard; or

(3) if a substantive or procedural defect is of a nature likely to invalidate the decision.

In the case described in subparagraph 3 of the first paragraph, the decision or order may not be reviewed or revoked by the commissioner who made it. Such a decision or order may be reviewed or revoked only by a panel of three commissioners that includes at least one advocate or notary who shall preside the sitting.

"128. Review or revocation proceedings are brought by a motion filed at one of the offices of the Commission within a reasonable time following the decision concerned or following the discovery of a new fact that may warrant a different decision. The motion shall refer to the decision concerned and state the grounds invoked in support of the motion. It shall contain any other information required by the rules of evidence and procedure.

The secretary of the Commission shall send a copy of the motion to the other parties, who may respond to it in writing within 30 days after receiving it.

The Commission shall proceed on the record, unless a party demands to be heard or if, on its own initiative, the Commission considers it appropriate.

"129. The Commission may, within six months after the date of the decision, on application by an interested party, authorize the filing of the decision at the office of the clerk of the Superior Court of the district of the domicile of one of the parties to whom the decision applies.

The decision of the Commission becomes enforceable as if it were a final judgment of the Superior Court and has all the effects of such a judgment.

If the decision contains an order to do or not to do something, any person named or designated in the decision who transgresses the order or refuses to comply therewith, and any person not designated who knowingly contravenes the order, is guilty of contempt of court and may be condemned by the court having jurisdiction, in accordance with the procedure provided for in articles 53

to 54 of the Code of Civil Procedure (chapter C-25), to a fine not exceeding $50,000 with or without imprisonment for not over one year. These penalties may be imposed again until the offender complies with the decision.

"**DIVISION V**

"RULES OF EVIDENCE AND PROCEDURE

"§1. — *General provisions*

"130. Applications or complaints made to the Commission as well as any proceedings are introduced by filing a copy at one of the offices of the Commission.

Subject to the second paragraph of section 27.1, for the purposes of the first paragraph, applications, complaints, motions or proceedings are deemed to have been filed on the day they were mailed by registered or certified mail or on the day they were received if they were filed under any other mode of transmission determined by regulation of the Commission.

"131. Cases in which the matters in dispute are substantially the same or whose subject-matters could suitably be combined, whether or not the same parties are involved, may be joined by order of the president or of a person designated by the president, on the conditions fixed by the president.

An order made under the first paragraph may be revoked by the Commission hearing the matter if the Commission believes that the interests of justice will be better served.

"132. Every decision of the Commission must be recorded in writing, signed and notified to the interested persons or parties and must give the reasons on which it is based.

"133. In the case of a petition for certification, the decision of the Commission must be rendered within 60 days of the filing of the petition with the Commission. However, in the case of a petition under section 111.3, the decision of the Commission must be rendered within the period comprised between the end of the period for filing a petition for certification and the date of expiry of the collective agreement or anything in lieu thereof.

In the case of an application referred to in section 45.1, the Commission must render its decision within 90 days after the filing of the application with the Commission.

In any other case, of any nature whatsoever, the Commission must render its decision within 90 days after the case is taken under advisement.

The president may grant an extension. Before granting an extension, the president must take the circumstances and the interest of interested persons or parties into account.

"134. A decision of the Commission is without appeal and must be complied with without delay by every person to whom it applies.

"§2. — *Provisions applicable at the time of a hearing*

"135. The commissioner to whom a case has been referred may call the parties to a pre-hearing conference if it is considered useful and the circumstances of the case allow it.

"136. The pre-hearing conference is held by the commissioner for the purpose of

(1) defining the questions to be dealt with at the hearing;

(2) assessing the advisability of clarifying and specifying the pretensions of the parties and the conclusions sought;

(3) ensuring that all documentary evidence is exchanged by the parties;

(4) planning the conduct of the proceedings and proof at the hearing;

(5) examining the possibility for the parties of admitting certain facts or of proving them by means of sworn statements; and

(6) examining any other question likely to simplify or accelerate the conduct of the hearing.

A pre-hearing conference may also enable the parties to reach an agreement and thus terminate a case.

"137. The commissioner shall cause matters on which the parties have reached an agreement, admissions and decisions made by the commissioner to be recorded in the minutes of the pre-hearing conference. The minutes shall be filed in the record and a copy shall be sent to the parties.

The agreements, admissions and decisions recorded in the minutes shall, as far as they may apply, govern the conduct of the proceeding, unless the Commission, when hearing the matter, permits a derogation therefrom to prevent an injustice.

"137.1. If a party duly notified fails to appear at the time fixed for the hearing without having provided a valid excuse, or chooses not to be heard, the Commission may nonetheless proceed with the hearing and render a decision.

"137.2. In the absence of provisions applicable to a particular case, the Commission may supply any procedure consistent with this Code and its rules of procedure.

"137.3. Notice shall be sent to the parties within a reasonable time before the hearing, stating

(1) the purpose, date, time and place of the hearing;

(2) that the parties have the right to be assisted or represented; and

(3) that the Commission has the authority to proceed, without further delay or notice, despite the failure of a party to appear at the time and place fixed, if no valid excuse is provided.

"137.4. The Commission may hear the parties by any means provided for in its rules of evidence and procedure.

"137.5. Where an investigation is conducted by the Commission, the investigation report shall be filed in the record of the case and a copy thereof shall be transmitted to all interested parties.

In such a case, the president and the vice-presidents of the Commission may neither hear nor decide alone the case.

"137.6. A party who wishes to cause witnesses to be heard and to produce documents shall proceed in the manner prescribed in the rules of evidence and procedure of the Commission.

"137.7. Every person summoned to testify before the Commission in any case governed by this Code or any other Act is entitled to the same taxation as witnesses before the Superior Court and to the reimbursement of travelling and living expenses.

Such taxation is payable by the party who proposed the summons, but a person who receives his or her salary during such period is entitled only to the reimbursement of travelling and living expenses.

Where a person is duly summoned on the initiative of the Commission, the taxation is payable by the Commission.

"137.8. Where, by reason of inability to act, a commissioner is unable to continue a hearing, another commissioner designated by the president of the Commission may, with the consent of the parties, continue the hearing and rely, as regards oral evidence, on the notes and minutes of the hearing or, as the case may be, on the stenographer's notes or on the recording of the hearing, subject to a witness being recalled or other evidence required where the commissioner finds the notes or the recording insufficient.

The same rule applies to the continuance of a hearing after a commissioner ceases to hold office and to any case heard but not yet decided at the time a commissioner is removed from the case.

Where a case is heard by more than one commissioner, the hearing is continued by the remaining commissioners. Where opinions are equally divided on a question, the matter is referred to the president of the Commission or to a commissioner designated by the president, to be decided according to law.

"137.9. A commissioner who has knowledge of a valid cause for recusation must declare that cause in a writing filed in the record and must advise the parties of it.

"137.10. A party may, at any time before the decision and provided the party acts with dispatch, apply for the recusation of a commissioner seized of the case if the party has good reason to believe that a cause for recusation exists.

The application for recusation shall be addressed to the president of the Commission. Unless the commissioner removes himself or herself from the case, the application shall be decided by the president or by a commissioner designated by the president.

"**DIVISION VI**

"COMMISSIONERS

"§1. — *Appointment*

"137.11. The commissioners of the Commission shall be appointed by the Government, in the number determined by the Government. Commissioners shall be appointed after consultation with the most representative associations of workers and employers' associations.

"137.12. Only a person who has knowledge of the applicable legislation and ten years' experience pertinent to the matters under the jurisdiction of the Commission may be a commissioner of the Commission.

"137.13. The commissioners shall be appointed from among persons declared to be qualified according to the recruiting and selection procedure established by government regulation. The regulation shall, in particular,

(1) determine the publicity that must be given to the recruiting procedure and the content of such publicity;

(2) determine the procedure by which a person may seek nomination as a candidate;

(3) authorize the establishment of selection committees to assess the qualifications of candidates and formulate an opinion concerning them;

(4) fix the composition of the committees and the mode of appointment of committee members;

(5) determine the selection criteria to be taken into account by the committees; and

(6) determine the information a committee may require from a candidate and the consultations it may hold.

"137.14. The names of the persons declared to be qualified shall be recorded in a register kept at the Ministère du Conseil exécutif.

"137.15. A certificate of qualifications shall be valid for a period of 18 months or for such period as is determined by government regulation.

"137.16. The members of a selection committee shall receive no remuneration except in such cases, subject to such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, subject to the conditions and to the extent determined by the Government.

"§2. — *Term of office*

"137.17. Subject to the following exceptions, the term of office of a commissioner is five years.

"137.18. The Government may determine a shorter term of office of a fixed duration in the instrument of appointment of a commissioner where the candidate so requests for a valid reason or where required by special circumstances stated in the instrument of appointment.

"137.19. The term of office of a commissioner shall be renewed for five years, after consultation with the most representative associations of workers and employers' associations,

(1) unless the commissioner is notified to the contrary at least three months before the expiry of the commissioner's term by the agent authorized therefor by the Government; or

(2) unless the commissioner requests otherwise and so notifies the Minister at least three months before the expiry of the commissioner's term.

A variation of the term of office is valid only for a fixed period of less than five years determined in the instrument of renewal and, except where requested by the commissioner for a valid reason, only where required by special circumstances stated in the instrument of renewal.

"137.20. The renewal of the term of office of a commissioner shall be examined according to the procedure established by government regulation. The regulation may, in particular,

(1) authorize the establishment of committees;

(2) fix the composition of the committees and the mode of appointment of committee members;

(3) determine the criteria to be taken into account by the committees; or

(4) determine the information a committee may require from the commissioner and the consultations it may hold.

"137.21. The members of an examination committee shall receive no remuneration except in such cases, subject to such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, subject to the conditions and to the extent determined by the Government.

"137.22. The term of office of a commissioner may terminate prematurely only on the commissioner's retirement or resignation, or on the commissioner's being dismissed or otherwise removed from office, in the circumstances referred to in sections 137.23 to 137.25.

"137.23. To resign, a commissioner must give the Minister reasonable notice in writing and send a copy to the president of the Commission.

"137.24. The Government may dismiss a commissioner if the Conseil de la justice administrative so recommends, after an inquiry following a complaint for breach of the code of ethics or of the prescriptions governing conflicts of interest or incompatible functions or for a dereliction of duty under this Code. It may also impose a suspension or issue a reprimand.

A complaint must be in writing and must briefly state the grounds on which it is based. The complaint is sent to the seat of the council.

The council shall, when examining a complaint brought against a commissioner, act in conformity with the provisions of sections 184 to 192 of the Act respecting administrative justice (chapter J-3), with the necessary modifications.

However, where the council, for the purposes of section 186 of the said Act, forms an inquiry committee, the committee shall be composed of one member chosen by the council from a list established by the president of the Commission after consultation with the commissioners and of two other members chosen from among the members of the council, one of whom shall neither practice a legal profession nor be a member of the Administrative Tribunal of Québec. The commissioner of the Commission or, where the commissioner is unable to act, another commissioner of the Commission chosen in the same manner, shall also take part in the deliberations of the council for the purposes of section 192 of the said Act.

"137.25. The Government may remove a commissioner from office if, in the opinion of the Government, a permanent disability prevents the commissioner from performing the duties of a commissioner satisfactorily. Permanent disability is ascertained by the Conseil de la justice administrative after an inquiry is conducted at the request of the Minister or of the president of the Commission.

The council shall, when conducting an inquiry to determine whether a commissioner is suffering from a permanent disability, act in conformity with the provisions of sections 193 to 197 of the Act respecting administrative justice, with the necessary modifications; however, the inquiry committee shall be formed in accordance with the rules set out in section 137.24.

"137.26. A commissioner may, with the authorization of and for the time determined by the president of the Commission, continue to exercise the functions of a commissioner after the expiry of his or her term of office in order to conclude the cases the commissioner has begun to hear but has yet to determine; the commissioner shall be considered to be a supernumerary commissioner for the time required.

The first paragraph does not apply to a commissioner who has been dismissed or otherwise removed from office.

"§3. — *Remuneration and other conditions of employment*

"137.27. The Government shall make regulations determining

(1) the mode of remuneration of the commissioners and the applicable standards and scales;

(2) the conditions subject to which and the extent to which a commissioner may be reimbursed for the expenses incurred in the performance of his or her duties.

The Government may make regulations determining other conditions of employment applicable to all or certain commissioners, including employment benefits other than a pension plan.

The regulatory provisions may vary according to whether they apply to a full-time or part-time commissioner or to a commissioner holding an administrative office within the Commission.

The regulations come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

"137.28. The Government shall fix, in accordance with the regulations, the remuneration, employment benefits and other conditions of employment of the commissioners.

"137.29. Once fixed, a commissioner's remuneration may not be reduced.

However, additional remuneration attaching to an administrative office within the Commission shall cease upon termination of such office.

"137.30. The pension plan of commissioners shall be determined pursuant to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or the Act respecting the Civil Service Superannuation Plan (chapter R-12), as the case may be.

"137.31. A public servant appointed as a commissioner of the Commission ceases to be subject to the Public Service Act (chapter F-3.1.1) in all matters concerning his office as commissioner; the public servant is, for the duration of his appointment and to discharge the duties of commissioner, on full leave without pay.

"§4. — *Ethics and impartiality*

"137.32. Each commissioner shall, before acting as such, take an oath, solemnly affirming the following: "I (...) swear that I will exercise the powers and fulfil the duties of my office impartially and honestly and to the best of my knowledge and abilities."

The oath shall be taken before the president of the Commission. The president of the Commission shall take the oath before a judge of the Court of Québec.

The writing evidencing the oath shall be sent to the Minister.

"137.33. The Government shall, after consultation with the president, establish a code of ethics applicable to the commissioners.

The code comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, or on any later date indicated therein.

"137.34. The code of ethics shall set out the rules of conduct and the duties of the commissioners towards the public, the parties, their witnesses and the persons representing them; it shall, in particular, define the conduct that is derogatory to the honour, dignity or integrity of a commissioner. In addition, the code of ethics may determine the activities or situations that are incompatible with their office, their obligations concerning the disclosure of interests, and the functions they may exercise gratuitously.

The code of ethics may provide for special rules governing part-time commissioners.

"137.35. A commissioner may not, on pain of forfeiture of office, have a direct or indirect interest in any enterprise that could cause a conflict between the commissioner's personal interest and the commissioner's duties of office, unless the interest devolves to the commissioner by succession or gift and the commissioner renounces it or disposes of it with dispatch.

"137.36. In addition to observing conflict of interest requirements and the rules of conduct and duties imposed by the code of ethics established under this Code, a commissioner must refrain from pursuing an activity or placing himself or herself in a situation incompatible, within the meaning of the code of ethics, with the exercise of the commissioner's functions.

"137.37. Full-time commissioners shall devote themselves exclusively to their office.

They may, however, carry out any mandate entrusted to them by order of the Government after consultation with the president of the Commission.

"**DIVISION VII**

"CONDUCT OF THE COMMISSION'S AFFAIRS

"§1. — *Internal management*

"137.38. The administrative affairs of the Commission shall be conducted in accordance with rules of internal management established by the president of the Commission, after consultation with the vice-presidents. The rules shall be submitted to the Government for approval.

"137.39. The Commission may, in accordance with its rules of internal management, enter into an agreement with any person, association, partnership or body, and with the Government or a department or body of the Government.

The Commission may also, subject to the applicable legislative provisions, enter into an agreement with a government in Canada or abroad, a department or agency of such a government, an international organization or an agency of such an organization.

"§2. — *Administrative mandate*

"137.40. The Government shall appoint a president and two vice-presidents.

Those persons must comply with the requirements provided for in section 137.12 and shall be appointed after consultation with the most representative associations of workers and employers' associations.

The persons appointed under the first paragraph become, upon their appointment, commissioners of the Commission charged with an administrative office.

"137.41. The administrative mandates of the president and vice-presidents shall not exceed five years and shall be determined in the instrument of appointment.

At the expiry of their mandate, the president and the vice-presidents shall remain in office until replaced or reappointed.

They may continue to exercise their functions as commissioners in order to dispose of the matters they have begun to hear ; they shall be considered to be supernumerary commissioners during such time as is necessary.

"137.42. The Government shall fix the remuneration, employment benefits and other conditions of employment of the president and vice-presidents.

"137.43. The president and the vice-presidents shall exercise their functions on a full-time basis.

"137.44. The Minister shall designate a vice-president to replace the president or another vice-president.

"137.45. The administrative mandate of the president or of a vice-president may terminate prematurely only if the president or vice-president relinquishes his or her administrative office, on the premature termination of his or her term of office as commissioner, or on his or her dismissal or removal from administrative office in circumstances referred to in section 137.46.

"137.46. The Government may remove the president or a vice-president from administrative office if the Conseil de la justice administrative so recommends, after an inquiry is conducted at the Minister's request concerning a lapse pertaining only to administrative duties. The council shall act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice, with the necessary modifications ; however, the formation of an inquiry committee is subject to the rules set out in section 137.24.

"§3. — *Management and administration*

"137.47. In addition to the exercise of the powers and duties that may otherwise be assigned to the president, the president is charged with the administration and general management of the Commission.

The functions of the president include

(1) directing the personnel of the Commission and seeing to it that the personnel's functions are carried out;

(2) promoting the professional development of the personnel of the Commission and the commissioners as regards the exercise of their functions;

(3) fostering the participation of commissioners in the formulation of guiding principles so as to maintain a high level of quality and coherence in the decisions of the Commission;

(4) coordinating and assigning the work of the commissioners who, in that respect, must comply with the president's orders and directives;

(5) seeing to the observance of the standards of ethics.

"137.48. For the exercise of the Commission's functions, duties and powers, the president may appoint labour relations officers charged with

(*a*) attempting to bring the parties to an agreement;

(*b*) ascertaining the representative character of an association of employees or its rights to be granted certification;

(*c*) conducting, at the request of the president of the Commission, or on their own initiative in matters referred to them, an investigation into an apprehended contravention of section 12, a survey or research on any matter relating to certification and the safeguarding or exercise of the freedom of association.

Those persons are also charged with exercising any other functions entrusted to them by the president.

"137.49. In assigning work to commissioners, the president may take the commissioners' specific knowledge and experience into account.

"137.50. The president may delegate all or part of the president's powers and duties to the vice-presidents.

"137.51. In addition to the powers and duties that may otherwise be assigned to them or delegated to them by the president, the vice-presidents shall assist and advise the president in the exercise of his or her functions and perform their administrative functions under the president's authority.

"§4. — *Immunity*

"137.52. The Commission, its commissioners and the members of its personnel may not be prosecuted for an act done in good faith in the exercise of their functions.

"137.53. No person designated by the Commission to attempt to bring the parties to an agreement may be compelled to disclose anything revealed to or learned by the person in the exercise of his functions, or to produce personal notes or a document made or obtained in the exercise of his functions before a court or tribunal or an arbitrator or before a body or person exercising judicial or quasi-judicial functions.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person shall have access to such a document unless the document is used as the basis for an agreement and for the decision confirming an agreement following conciliation.

"§5. — *Personnel and material and financial resources*

"137.54. The secretary and the other members of the personnel of the Commission shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

"137.55. The secretary shall have custody of the records of the Commission.

"137.56. The documents emanating from the Commission are authentic if they are signed, as are copies if they are certified true, by the president, a vice-president or the secretary or, as the case may be, by any person designated by the president for that purpose.

"137.57. Once proceedings have been completed, the parties shall reclaim the exhibits they produced and the documents they filed.

The exhibits or documents not reclaimed by the parties may be destroyed after the expiry of one year from the date of the decision of the Commission or of the proceeding terminating the proceedings, unless the president decides otherwise.

"137.58. The fiscal year of the Commission shall end on 31 March.

"137.59. Each year, the president shall submit the budgetary estimates of the Commission for the following fiscal year to the Minister according to the form, tenor and schedule determined by the Minister.

The estimates shall be submitted to the Government for approval.

"137.60. The books and accounts of the Commission shall be audited by the Auditor General each year and whenever ordered by the Government.

"137.61. Not later than 15 days before the expiry of the time limit provided for in the second paragraph, the Commission shall submit a report of activities for the preceding fiscal year to the Minister.

The Minister shall table the report in the National Assembly within four months of the end of such fiscal year or, if the Assembly is not in session, within 15 days of resumption.

"137.62. The sums required for the purposes of this chapter shall be taken out of the fund of the Commission des relations du travail.

The fund shall be made up of

(1) the sums paid by the Minister out of the appropriations allocated for that purpose by Parliament;

(2) the sums paid by the Commission des normes du travail under section 28.1 of the Act respecting labour standards (chapter N-1.1);

(3) the sums collected in accordance with the tariff of administrative fees, professional fees and other charges attached to applications, complaints, proceedings or documents filed with or services provided by the Commission.

"137.63. The Government may, subject to the conditions it determines, authorize the Minister of Finance to advance to the fund of the Commission sums taken out of the consolidated revenue fund. Any advance paid shall be repayable out of the fund of the Commission."

64. Section 138 of the said Code is amended

(1) by replacing the part before subparagraph *a* of the first paragraph by the following:

"138. The Government may make any regulation it deems proper to give effect to the provisions of this Code, in particular,";

(2) by inserting "of the first or second paragraph" after "subparagraph *d* or *e*" in the fourth line of subparagraph *b* of the first paragraph;

(3) by replacing subparagraph *e* of the first paragraph by the following subparagraphs:

"(*e*) to require any document or information that must be submitted with a petition or motion from an association;

"(*f*) to determine a tariff of administrative fees, professional fees or charges attached to applications, complaints, proceedings or documents filed with or services provided by the Commission. The regulation may also

i. provide that the administrative fees, professional fees or charges may vary according to the applications, complaints, proceedings, documents or services or according to the persons or categories or subcategories of persons;

ii. determine the persons and categories or subcategories of persons who are exempt from the payment of duties, fees or charges and the applications, complaints, proceedings, documents or services to which the exemption applies;

iii. prescribe, for the applications, complaints, proceedings, documents or services it designates, the terms and conditions of payment of the administrative fees, professional fees and charges;

"(*g*) to determine the information to be included in the application for membership referred to in subparagraph *b* of the first paragraph of section 36.1;

"(*h*) to fix the minimum amount of union dues referred to in subparagraph *c* of the first paragraph of section 36.1.";

(4) by replacing the second paragraph by the following paragraph:

"The Commission may, in a regulation passed by a majority of the commissioners, make rules of evidence and procedure specifying the manner in which the rules established under this Code or the special Acts pursuant to which the proceedings are brought are to be implemented, and rules concerning the mode of transmission of documents and the place where a document may be filed with the Commission.";

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

"A regulation made under the second paragraph must be submitted to the Government for approval."

65. The heading of Chapter VIII of Title I of the said Code is replaced by the following heading:

"RECOURSES".

66. Section 139 of the said Code is replaced by the following section:

"139. Except on a question of jurisdiction, none of the extraordinary recourses provided for in articles 834 to 846 of the Code of Civil Procedure (chapter C-25) may be exercised and no injunction may be granted against an arbitrator, the Conseil des services essentiels, the Commission, any of its commissioners or a labour relations officer of the Commission acting in their official capacity."

67. Section 144 of the said Code is amended by replacing "certification agent, labour commissioner, the Court or one of its judges" in the third and fourth lines by "the Commission".

68. Section 146.2 of the said Code is amended

(1) by replacing "or 111.10.7" in the third line by "or 111.10.7 or in an agreement or a decision referred to in section 111.15.3";

(2) by inserting "or with the agreement or the decision" after "list" in the fifth line.

69. Section 151 of the said Code is amended by striking out the second paragraph.

70. The said Code is amended by adding the following schedule at the end:

"SCHEDULE I

"PROCEEDINGS BROUGHT UNDER OTHER ACTS

"In addition to the proceedings brought under this Code, the Commission shall hear and decide proceedings under

(1) the second paragraph of section 45 and the second paragraph of section 46 of the Charter of the French language (chapter C-11);

(2) the second paragraph of section 72 of the Cities and Towns Act (chapter C-19);

(3) the second paragraph of section 267.0.2 of the Municipal Code of Québec (chapter C-27.1);

(4) the fourth paragraph of paragraph *g* of section 48 of the Act respecting the Commission municipale (chapter C-35);

(5) the first paragraph of section 30.1 of the Act respecting collective agreement decrees (chapter D-2);

(6) the second paragraph of section 88.1 and the first paragraph of section 356 of the Act respecting elections and referendums in municipalities (chapter E-2.2);

(7) section 205 of the Act respecting school elections (chapter E-2.3);

(8) the second paragraph of section 144 and the first paragraph of section 255 of the Election Act (chapter E-3.3);

(9) sections 104 to 107, 110, 112 and 121, the second paragraph of section 109 and the third paragraph of section 111 of the Pay Equity Act (chapter E-12.001);

(10) section 17.1 of the National Holiday Act (chapter F-1.1);

(11) the sixth paragraph of section 5.2, section 20 and the second paragraph of section 200 of the Act respecting municipal taxation (chapter F-2.1);

(12) the second paragraph of section 65, the fourth paragraph of section 66 and the third paragraph of section 67 of the Public Service Act (chapter F-3.1.1);

(13) the second paragraph of section 256 of the Forest Act (chapter F-4.1);

(14) the second paragraph of section 47 of the Jurors Act (chapter J-2);

(15) sections 123, 123.1 and 126 of the Act respecting labour standards (chapter N-1.1);

(16) sections 176.1, 176.6, 176.7 and 176.11 of the Act respecting municipal territorial organization (chapter O-9);

(17) the second paragraph of section 49 of the Act respecting the protection of persons and property in the event of disaster (chapter P-38.1);

(18) section 61.4, the first paragraph of section 65, the second paragraph of section 74, the second paragraph of section 75, the third paragraph of section 93 and the fourth paragraph of section 105 of the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20);

(19) the second paragraph of section 5.2 of the Courts of Justice Act (chapter T-16);

(20) the second paragraph of section 154 of the Fire Safety Act (2000, chapter 20);

(21) the second paragraph of section 73 and the seventh paragraph of section 265.1 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34);

(22) the second paragraph of section 64 of Schedule VI and the seventh paragraph of section 229 of Schedule VI to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);

(23) the second paragraph of section 73 of the Act respecting public transit authorities (2001, chapter 23)."

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

71. Section 473 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by striking out the first paragraph.

ACT RESPECTING THE BARREAU DU QUÉBEC

72. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended

(1) by replacing subparagraph 2 of paragraph *a* of subsection 2 by the following subparagraph:

"(2) the Commission des relations du travail established by the Labour Code;";

(2) by replacing ", an investigator or the Labour Court" in the third line of subparagraph 6 of paragraph *a* of subsection 2 by "or an investigator".

BUILDING ACT

73. Section 11.1 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing "Subject to section 164.1, the Labour Court" in the first line by "The construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)".

74. Sections 11.2 and 11.3 of the said Act are repealed.

75. Section 160 of the said Act is amended by striking out "or the Labour Court" in the fourth and fifth lines.

76. The heading of subdivision 1 of Division II of Chapter VII of the said Act is struck out.

77. Section 164.1 of the said Act is amended by replacing the first paragraph by the following paragraph:

"164.1. Any interested person may contest before the construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)

(1) a ruling of the Board or of a mandatary Corporation referred to in section 129.3 where such ruling pertains to the issue, renewal, alteration, suspension or cancellation of a licence or is made under section 58.1; and

(2) a ruling of the Board or of a municipality referred to in section 132 made under section 123, 124, 127, 128, 128.3 or 128.4."

78. Section 164.2 of the said Act is amended

(1) by replacing "or the Corporation" in the first paragraph by ", the Corporation or the municipality";

(2) by replacing "of the Board or the Corporation" in the third line of the second paragraph by "of the Board, the Corporation or the municipality".

79. Section 164.3 of the said Act is amended by replacing "or the Corporation" in the first line by ", the Corporation or the municipality".

80. Section 164.4 of the said Act is amended by replacing "or the Corporation" in the second line by ", the Corporation or the municipality".

81. Section 164.5 of the said Act is amended by replacing "or the Corporation" in the second line of the first paragraph by ", the Corporation or the municipality".

82. Subdivision 2 of Division II of Chapter VII of the said Act, comprising sections 165 to 172, is repealed.

CHARTER OF THE FRENCH LANGUAGE

83. Section 45 of the Charter of the French language (R.S.Q., chapter C-11), amended by section 7 of chapter 57 of the statutes of 2000, is again amended by replacing the second paragraph by the following paragraph:

"A staff member not subject to a collective agreement who believes he has been aggrieved by an action that is prohibited by the first paragraph may exercise a remedy before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications."

84. Section 46 of the said charter, amended by section 8 of chapter 57 of the statutes of 2000, is again amended

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

"A person, whether or not in an employment relationship with the employer, who believes he has been aggrieved by a contravention of the first paragraph and who is not subject to a collective agreement may exercise a remedy before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.";

(2) by replacing "a labour commissioner by filing a complaint as provided by section 16 of the Labour Code," in the first and second lines of the fourth paragraph by "the Commission";

(3) by striking out the second sentence of the fourth paragraph;

(4) by replacing "labour commissioner" in the first line of the fifth paragraph by "Commission";

(5) by replacing "labour commissioner or the arbitrator finds the complaint to be justified, the labour commissioner or the arbitrator may issue any order he" in the first and second lines of the sixth paragraph by "Commission or the arbitrator finds the complaint to be justified, the Commission or the arbitrator may issue any order the Commission or the arbitrator".

85. Section 47 of the said charter, enacted by section 9 of chapter 57 of the statutes of 2000, is amended by replacing "a labour commissioner" in the first line of the fourth paragraph by "the Commission des relations du travail".

CITIES AND TOWNS ACT

86. Section 72 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 2 of chapter 54 of the statutes of 2000, is amended by replacing "labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint" in the fourth and fifth lines of the second paragraph by "Commission des relations du travail established by the Labour Code (chapter C-27) to make an inquiry and dispose of the complaint".

87. Section 72.1 of the said Act, enacted by section 2 of chapter 54 of the statutes of 2000, is amended

(1) by replacing "labour commissioner general, the labour commissioners" in the second line by "Commission des relations du travail, its commissioners";

(2) by striking out "and 118 to 137" in the fourth line.

88. Section 72.2 of the said Act, enacted by section 2 of chapter 54 of the statutes of 2000, is amended by replacing "labour commissioner" in the first line before paragraph 1 and in the first line of paragraph 3 by "Commission des relations du travail".

89. Section 72.3 of the said Act, enacted by section 2 of chapter 54 of the statutes of 2000, is repealed.

90. Section 73 of the said Act, enacted by section 107 of chapter 56 of the statutes of 2000, is amended by replacing "72.3" in the first line by "72.2".

91. Section 468.51 of the said Act, amended by section 4 of chapter 54 of the statutes of 2000, is again amended by replacing "72.3" by "72.2".

CODE OF CIVIL PROCEDURE

92. Article 60 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing "labour commissioner general" in the third line of the second paragraph by "Commission des relations du travail".

CODE OF PENAL PROCEDURE

93. Article 370 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by replacing "85 of the statutes of 1987" in the fourth line by "26 of the statutes of 2001".

MUNICIPAL CODE OF QUÉBEC

94. Section 267.0.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), enacted by section 10 of chapter 54 of the statutes of 2000, is amended by replacing "labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint" in the fourth and fifth lines of the second paragraph by "Commission des relations du travail to make an inquiry and dispose of the complaint".

95. Section 267.0.3 of the said Code, enacted by section 10 of chapter 54 of the statutes of 2000, is amended

(1) by replacing "labour commissioner general, the labour commissioners" in the second line by "Commission des relations du travail, its commissioners";

(2) by striking out "and 118 to 137" in the fourth line.

96. Section 267.0.4 of the said Code, enacted by section 10 of chapter 54 of the statutes of 2000, is amended by replacing "labour commissioner" in the first line before paragraph 1 and in the first line of paragraph 3 by "Commission des relations du travail".

97. Section 267.0.5 of the said Code, enacted by section 10 of chapter 54 of the statutes of 2000, is repealed.

98. Section 267.0.6 of the said Code, enacted by section 10 of chapter 54 of the statutes of 2000, is amended by replacing "267.0.5" in the first line by "267.0.4".

ACT RESPECTING THE COMMISSION MUNICIPALE

99. Section 48 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), amended by section 319 of chapter 12 and by section 18 of chapter 54 of the statutes of 2000, is again amended

(1) by replacing "labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint" in the fourth and fifth lines of the fourth paragraph of paragraph *g* by "Commission des relations du travail established by the Labour Code (chapter C-27) to make an inquiry and dispose of the complaint";

(2) by replacing "72.3" in the first line of the fifth paragraph of paragraph *g* by "72.2".

ACT RESPECTING COLLECTIVE AGREEMENT DECREES

100. Section 1 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) is amended by replacing "certification agent, the labour commissioner or the Labour Court" in the second and third lines of paragraph *b* by "Commission des relations du travail".

101. Section 30.1 of the said Act is amended

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

"30.1. An employee who believes that he has been dismissed, suspended or transferred for any of the reasons set forth in paragraph *a*, *b* or *c* of section 30 and who wishes to assert his rights shall do so before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.";

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

"Notwithstanding section 16 of the Labour Code, the period within which a complaint must be filed with the Commission is 45 days. If the complaint is presented to the committee within that time, failure to present the complaint to the Commission cannot be invoked against the complainant. The Commission shall send a copy of the complaint to the committee concerned."

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

102. Section 88.1 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), amended by section 35 of chapter 54 of the statutes of 2000, is again amended by replacing the second paragraph by the following paragraph:

"Any contravention of the first paragraph authorizes the person on whom the penalty is imposed to assert his rights before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications."

103. Section 356 of the said Act is amended

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

"356. An employee believing himself or herself to be the victim of a contravention of this division may file a complaint with the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.";

(2) by replacing the words "labour commissioner general" wherever they occur in the second and third paragraphs by the words "Commission des relations du travail".

ACT RESPECTING SCHOOL ELECTIONS

104. Section 205 of the Act respecting school elections (R.S.Q., chapter E-2.3) is replaced by the following section:

"205. An employee believing himself or herself to be the victim of a contravention of this chapter may file a complaint with the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications."

105. Section 206 of the said Act is amended by replacing the words "labour commissioner general" wherever they occur by the words "Commission des relations du travail".

ELECTION ACT

106. Section 255 of the Election Act (R.S.Q., chapter E-3.3) is amended

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

"255. An employee believing himself or herself to be the victim of a contravention of this division may file a complaint with the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.";

(2) by replacing the words "labour commissioner general" wherever they occur in the second and third paragraphs by the words "Commission des relations du travail".

PAY EQUITY ACT

107. Section 104 of the Pay Equity Act (R.S.Q., chapter E-12.001) is amended by replacing "Labour Court" in the second line by "Commission des relations du travail established by the Labour Code (chapter C-27)".

108. Sections 105 and 106 of the said Act are amended by replacing the words “Labour Court” wherever they occur by the words “Commission des relations du travail”.

109. Section 107 of the said Act is amended

(1) by replacing the words “Labour Court” wherever they occur by the words “Commission des relations du travail”;

(2) by replacing “Labour Court to order that the injured employee be reinstated, on such date as the Labour Court” in the first and second lines of the third paragraph by “Commission des relations du travail to order that the injured employee be reinstated, on such date as the Commission des relations du travail”.

110. Section 108 of the said Act is amended by replacing “Labour Court” in the first line of the first paragraph by “Commission des relations du travail”.

111. Section 109 of the said Act is amended

(1) by replacing “Labour Court” in the first line of the first paragraph by “Commission des relations du travail”;

(2) by replacing “Labour Court” in the second line of the second paragraph by “Commission des relations du travail”.

112. Section 110 of the said Act is amended by replacing “Labour Court” in the second line by “Commission des relations du travail”.

113. Section 111 of the said Act is amended by replacing “Labour Court” in the fifth line of the third paragraph by “Commission des relations du travail”.

114. The heading of Division II of Chapter VI of the said Act is amended by replacing “LABOUR COURT” by “THE COMMISSION DES RELATIONS DU TRAVAIL”.

115. Section 112 of the said Act is amended by replacing “Labour Court created by the Labour Code (chapter C-27)” in the first line by “Commission des relations du travail”.

116. Section 113 of the said Act is amended by replacing “Labour Court are final and” by “Commission des relations du travail are”.

117. Section 121 of the said Act is amended by replacing “Labour Court” in the fifth line by “Commission des relations du travail”.

118. Section 123 of the said Act is amended by replacing “Commission or the Labour Court” in the third line of the second paragraph by “Commission de l’équité salariale or the Commission des relations du travail”.

ACT RESPECTING MUNICIPAL TAXATION

119. Section 5.2 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by section 109 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 25) is amended by replacing "with the labour commissioner general who shall designate a labour commissioner to make an inquiry and decide the complaint. The provisions of the Labour Code (chapter C-27) relating to the labour commissioner general, the labour commissioners" in the sixth paragraph by "with the Commission des relations du travail established under the Labour Code (chapter C-27) so that it may make an inquiry and dispose of the complaint. The provisions of the Labour Code relating to the Commission des relations du travail, its commissioners".

120. Section 20 of the said Act, amended by section 38 of chapter 54 of the statutes of 2000, is again amended by replacing "72.3" by "72.2".

121. Section 27 of the said Act, amended by section 39 of chapter 54 of the statutes of 2000, is again amended by replacing "labour commissioner general" in the second line of the second paragraph by "Commission des relations du travail established by the Labour Code (chapter C-27)".

122. Section 200 of the said Act, enacted by section 58 of chapter 54 of the statutes of 2000, is amended

(1) by replacing "labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint" in the third and fourth lines of the second paragraph by "Commission des relations du travail established by the Labour Code (chapter C-27) to make an inquiry and dispose of the complaint";

(2) by replacing "labour commissioner general, the labour commissioners" in the first and second lines of the third paragraph by "Commission des relations du travail, its commissioners";

(3) by striking out "and 118 to 137" in the fourth line of the third paragraph;

(4) by replacing "labour commissioner" in the first line of the fourth paragraph by "Commission des relations du travail";

(5) by replacing "labour commissioner" in the second line of the fourth paragraph and in the first line of subparagraph 3 of the fourth paragraph by "Commission des relations du travail";

(6) by striking out the fifth, sixth and seventh paragraphs.

PUBLIC SERVICE ACT

123. Section 65 of the Public Service Act (R.S.Q., chapter F-3.1.1) is amended

(1) by replacing "a labour commissioner" in the first and second lines of the first paragraph by "the Commission des relations du travail";

(2) by replacing "Labour Court established by the Labour Code" in the first line of the second paragraph by "Commission des relations du travail";

(3) by replacing, in the French text, "il" in the third line of the second paragraph by "elle".

124. Section 66 of the said Act is amended

(1) by replacing "labour commissioner" in the second line of the third paragraph by "Commission des relations du travail";

(2) by replacing "Labour Court" in the first line of the fourth paragraph by "Commission des relations du travail";

(3) by replacing, in the French text, "il" in the second line of the fourth paragraph by "elle".

125. Section 67 of the said Act is amended by replacing "Labour Court within 15 days of the decision of the Court rendered" in the third and fourth lines of the third paragraph by "Commission des relations du travail within 15 days of the decision rendered by the Commission".

126. Section 69 of the said Act is amended

(1) by replacing "by decision of the Labour Court" in the third line of the second paragraph by ", failing an agreement, by a decision of the Conseil des services essentiels established by the Labour Code (chapter C-27)";

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

"The Conseil du trésor shall transmit, without delay, a copy of any agreement made under the second paragraph to the Conseil des services essentiels."

FOREST ACT

127. Section 256 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing "A labour commissioner" in the first line of the second paragraph by "The Commission des relations du travail established by the Labour Code".

ACT RESPECTING HOURS AND DAYS OF ADMISSION TO COMMERCIAL ESTABLISHMENTS

128. Section 28.1 of the Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1) is repealed.

ACT RESPECTING ELECTRICAL INSTALLATIONS

129. Section 34 of the Act respecting electrical installations (R.S.Q., chapter I-13.01) is amended by replacing "Labour Court established by the Labour Code (chapter C-27)" in the second line of the third paragraph by "construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)".

130. Section 35.3 of the said Act is repealed.

JURORS ACT

131. Section 47 of the Jurors Act (R.S.Q., chapter J-2) is amended by replacing the second paragraph by the following paragraph:

"Any contravention of this section, in addition to being an offence against this Act, authorizes an employee to assert his rights before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications."

STATIONARY ENGINEMEN ACT

132. Section 9.2 of the Stationary Enginemen Act (R.S.Q., chapter M-6) is amended by replacing "Tribunal referred to in section 9.3" in the third and fourth lines of the first paragraph by "construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)".

133. Section 9.3 of the said Act is amended by replacing "Labour Court established by the Labour Code (chapter C-27)" in the second and third lines of the first paragraph by "construction industry commissioner".

134. Section 9.4 of the said Act is repealed.

ACT RESPECTING THE MINISTÈRE DU REVENU

135. Section 69 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended

(1) by replacing "labour commissioner general, the Labour Court" in the fourth and fifth lines of the fourth paragraph by "Commission des relations du travail established by the Labour Code (chapter C-27)";

(2) by replacing "labour commissioner general, the Labour Court" in the first and second lines of the fifth paragraph by "Commission des relations du travail".

ACT RESPECTING THE MINISTÈRE DU TRAVAIL

136. The Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2) is amended by inserting the following section after section 8:

"8.1. The Minister may generally or specially delegate, in writing, the exercise of the powers conferred on the Minister under this Act or an Act under the Minister's administration to a personnel member of the department or to the holder of a position."

137. The said Act is amended by inserting the following chapter after section 16:

"CHAPTER II.1

"TARIFFING

"16.1. The Government may determine, by regulation, a tariff of administrative fees, professional fees or other charges attached to applications filed with or services provided by the Ministère du Travail relating to the application of this Act or any other Act. The regulation may also

(1) provide that administrative or professional fees and charges may vary according to the applications or services or according to the categories or subcategories of persons;

(2) determine the persons and categories or subcategories of persons who are exempt from the payment of administrative or professional fees and charges and the applications or services to which the exemption applies;

(3) prescribe, for the applications or services it designates, the terms and conditions of payment of the administrative fees, professional fees and charges."

ACT RESPECTING LABOUR STANDARDS

138. Section 6.2 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is repealed.

139. The said Act is amended by inserting the following section after section 28:

"28.1. The Commission des normes du travail shall contribute to the fund of the Commission des relations du travail referred to in section 137.62 of the Labour Code (chapter C-27) to provide for expenses incurred by the Commission in relation to proceedings brought before the Commission under Divisions II and III of Chapter V of this Act.

The amount and terms and conditions of payment of the contribution of the Commission des normes du travail shall be determined by the Government after consultation with the Commission by the Minister."

140. Section 123 of the said Act is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

"123. An employee who believes he has been the victim of a practice prohibited by section 122 or 122.2 and who wishes to assert his rights must do so before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.

Notwithstanding section 16 of the Labour Code, the period within which a complaint must be filed with the Commission des relations du travail is 45 days. If the complaint is submitted within that time to the Commission des normes du travail, failure to file the complaint to the Commission des relations du travail cannot be invoked against the complainant. The Commission des relations du travail shall transmit a copy of the complaint to the Commission des normes du travail.";

(2) by replacing "A labour commissioner" in the first line of the third paragraph by "The Commission des relations du travail";

(3) by replacing "he" in the first line of the third paragraph by "it";

(4) by inserting "des normes du travail" after "Commission" in the first line of the fourth paragraph.

141. Section 123.1 of the said Act is amended by replacing "labour commissioner general" in the first and second lines of the second paragraph by "Commission des relations du travail".

142. Section 124 of the said Act is amended

(1) by replacing "Commission" wherever it occurs by "Commission des normes du travail";

(2) by replacing "labour commissioner general or with the Minister" in the first and second lines of the second paragraph by "Commission des relations du travail".

143. Section 125 of the said Act is amended by replacing "Commission" wherever it occurs by "Commission des normes du travail".

144. Section 126 of the said Act is replaced by the following section:

"126. If no settlement is reached within 30 days following receipt of the complaint by the Commission des normes du travail, the employee may, within the ensuing 30 days, apply in writing to the Commission des normes du travail for referral of the complaint to the Commission des relations du travail so that the latter may conduct an inquiry and decide the complaint."

145. Section 126.1 of the said Act is amended by inserting "des normes du travail" after "Commission" in the first line.

146. Section 127 of the said Act is amended

(1) by replacing "labour commissioner general, the labour commissioners" in the second line by "Commission des relations du travail, its commissioners";

(2) by striking out "and 118 to 137" in the fourth line.

147. Section 128 of the said Act is amended

(1) by replacing the part of the first paragraph preceding subparagraph 1 by the following:

"128. Where the Commission des relations du travail considers that the employee has been dismissed without good and sufficient cause, the Commission may";

(2) by replacing "he" in the first line of subparagraph 3 of the first paragraph by "the Commission" and "labour commissioner" in the first line of the second paragraph by "Commission des relations du travail".

148. Section 129 of the said Act is repealed.

149. Section 130 of the said Act is amended by replacing "a labour commissioner" in the first line by "the Commission des relations du travail".

150. Section 131 of the said Act is replaced by the following section:

"131. The Commission des relations du travail shall send forthwith a true copy of its decision to the Commission."

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

151. The Act respecting municipal territorial organization (R.S.Q., chapter O-9), amended by chapters 27, 54 and 56 of the statutes of 2000 and chapter 25 of the statutes of 2001, is again amended

(1) by replacing "A labour commissioner to whom a petition addressed to the labour commissioner general is referred" in the first and second lines of the third paragraph of section 176.1 by "The Commission des relations du travail, established by the Labour Code (chapter C-27), after being seized of an application for certification,";

(2) by replacing "labour commissioner general" in the third line of section 176.4 by "Commission";

(3) by replacing "labour commissioner to whom an agreement made under section 176.3 is referred" in the first and second lines of the first paragraph of section 176.5 by "Commission, after being seized of an agreement made under section 176.3,";

(4) by replacing "commissioner" in the third line of the second paragraph of section 176.5 by "Commission";

(5) by replacing "the labour commissioner general" at the end of the second paragraph of section 176.5 by "the Commission";

(6) by replacing "labour commissioner" in the first line of the third paragraph of section 176.5 by "Commission";

(7) by replacing "labour commissioner general requesting that a labour commissioner" in the third and fourth lines of section 176.6 by "Commission requesting it to";

(8) by replacing "labour commissioner general" in the third line of the first paragraph of section 176.7 by "Commission";

(9) by replacing "labour commissioner general" in the first line of section 176.8 by "Commission";

(10) by replacing, in the French text, "le commissaire général du travail" in the first line of section 176.8 by "la Commission";

(11) by replacing "the labour commissioner general" in the second line of section 176.8 by "it";

(12) by replacing "labour commissioner to whom an application made to the labour commissioner general is referred pursuant to section 176.6 or 176.7" in the first and second lines of the first paragraph of section 176.9 by "Commission, after being seized of an application pursuant to section 176.6 or 176.7,";

(13) by replacing "labour commissioner" in the first line of the third paragraph of section 176.9 by "Commission";

(14) by replacing "the labour commissioner" in the second and third lines of the third paragraph of section 176.9 by "it";

(15) by replacing "labour commissioner" in the third line of the third paragraph of section 176.9 by "Commission";

(16) by replacing "labour commissioner" in the first line of the fifth paragraph of section 176.9 by "Commission";

(17) by replacing "labour commissioner" in the second and third lines of the fifth paragraph of section 176.9 by "Commission";

(18) by replacing "the labour commissioner", "he considers" and "the commissioner" in the fifth paragraph of section 176.9 by "the Commission", "the Commission considers" and "the Commission", respectively;

(19) by replacing "labour commissioner general" in the first line of the sixth paragraph of section 176.9 by "Commission";

(20) by replacing "labour commissioner general" in the first and second lines of the first paragraph of section 176.11 by "Commission";

(21) by replacing "labour commissioner general" in the sixth line of the first paragraph of section 176.11 by "Commission";

(22) by replacing "labour commissioner to whom the matter is referred" in the first line of the second paragraph of section 176.11 by "Commission";

(23) by replacing "the labour commissioner" in the second and in the third lines of the second paragraph of section 176.11 by "it" and "the Commission", respectively;

(24) by replacing the third paragraph of section 176.19 by the following paragraph:

"Even if the award expires on a date prior to the date on which it is rendered, it may nevertheless cover all matters on which no agreement has been reached by the parties.";

(25) by replacing "the office of the labour commissioner general" in the first and second lines of the fourth paragraph of section 176.19 by "one of the offices of the Commission".

ACT RESPECTING THE PROTECTION OF PERSONS AND PROPERTY IN THE EVENT OF DISASTER

152. Section 49 of the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1) is amended by replacing the second paragraph by the following paragraph:

"Any contravention of the first paragraph, in addition to being an offence against this Act, authorizes the employee to exercise a remedy before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications."

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

153. Section 61 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended by replacing "in the office of the labour commissioner general" in the first and second lines of the first paragraph by "at one of the offices of the Commission des relations du travail".

154. Section 74 of the said Act is amended by replacing "the office of the labour commissioner general" in the first and second lines by "one of the offices of the Commission des relations du travail".

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

155. Section 183 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by section 36 of chapter 32 of the statutes of 2000, is again amended by replacing "chief judge of the Labour Court" in the second line of the third paragraph by "president of the Commission des relations du travail established by the Labour Code (chapter C-27)".

156. Schedule I to the said Act, amended by section 48 of chapter 32 of the statutes of 2000, is again amended

(1) by inserting, in alphabetical order, "the Commission des relations du travail" in paragraph 1;

(2) by inserting, in alphabetical order, "the Commission des relations du travail" in paragraph 3.

157. The words "chief judge of the Labour Court" in a pension plan established under section 9, 10 or 10.0.1 of the said Act are replaced by "president of the Commission des relations du travail established by the Labour Code".

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

158. Section 21 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended

(1) by replacing "section" in subparagraph 1 of the third paragraph by "sections 11.1 and";

(2) by inserting "the third paragraph of section 34 and" after "under" in subparagraph 3 of the third paragraph;

(3) by adding the following subparagraph at the end of the third paragraph:

"(4) proceedings instituted under section 9.3 of the Stationary Enginemen Act (chapter M-6)."

159. Section 21.2 of the said Act is amended by adding the following paragraph at the end:

"The construction industry commissioner or the construction industry deputy-commissioner may confirm, amend or quash any contested decision or order and, if appropriate, make the decision or order which, in his opinion, should have been made initially."

160. Section 45.0.3 of the said Act is amended by replacing "the clerk of the office of the labour commissioner general" in the second line of the second paragraph by "one of the offices of the Commission des relations du travail established by the Labour Code (chapter C-27)".

161. Section 48 of the said Act is amended

(1) by replacing "the office of the labour commissioner general" in the third and fourth lines of the first paragraph by "one of the offices of the Commission des relations du travail";

(2) by replacing "The labour commissioner general shall, without delay, transmit to the Commission" in the first and second lines of the second paragraph by "The Commission des relations du travail shall, without delay, transmit to the Commission de la construction du Québec".

162. Section 61.4 of the said Act is amended by replacing "Labour Court" in the second line of the first paragraph by "Commission des relations du travail".

163. Section 65 of the said Act is amended

(1) by replacing "Labour Court at Montréal or at Québec" in the first line of the first paragraph by "Commission des relations du travail";

(2) by replacing the second sentence of the first paragraph by the following sentence: "At the expiry of such period, the Commission des relations du travail shall dispose of the motion unless the person whose recusation is requested has consented to the request in a written declaration filed at one of the offices of the Commission des relations du travail.";

(3) by replacing "Court" in the second line of the fourth paragraph by "Commission des relations du travail".

164. Section 74 of the said Act is amended by replacing "Labour Court" in the first line of the second paragraph by "Commission des relations du travail".

165. Section 75 of the said Act is amended by replacing "Labour Court" in the second line of the second paragraph by "Commission des relations du travail".

166. Section 93 of the said Act is amended by replacing the third paragraph by the following paragraph:

"The chairman's decision may be contested before the Commission des relations du travail within 60 days after being received; the Commission's decision is not subject to appeal."

167. Section 105 of the said Act is amended by replacing "Labour Court" in the first line of the fourth paragraph by "Commission des relations du travail".

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

168. Section 1 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by striking out the definitions of "labour commissioner", "labour commissioner general" and "Court".

169. Section 244 of the said Act is repealed.

COURTS OF JUSTICE ACT

170. Section 5.2 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing the second paragraph by the following paragraph:

"Any contravention of the first paragraph, in addition to being an offence against this Act, authorizes an employee to exercise a remedy before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications."

171. Section 106 of the said Act is amended by adding the following paragraph at the end:

"Notwithstanding the first paragraph, only the judges of the Court designated by the chief judge shall exercise the jurisdiction conferred on the Court for the application of the provisions of the following Acts:

(1) the Act respecting industrial accidents and occupational diseases (chapter A-3.001);

(2) the Building Act (chapter B-1.1);

(3) the Labour Code (chapter C-27);

(4) the Act respecting collective agreement decrees (chapter D-2);

(5) the Pay Equity Act (chapter E-12.001);

(6) the National Holiday Act (chapter F-1.1);

(7) the Act respecting manpower vocational training and qualification (chapter F-5);

(8) the Act respecting piping installations (chapter I-12.1);

(9) the Act respecting electrical installations (chapter I-13.01);

(10) the Stationary Enginemen Act (chapter M-6);

(11) the Act respecting labour standards (chapter N-1.1);

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

(13) the Act respecting occupational health and safety (chapter S-2.1)."

172. Section 248 of the said Act is amended by striking out "chief judge of the Labour Court," in the first and second lines of paragraph *d*.1.

ACT TO ESTABLISH THE COMMISSION DES RELATIONS DU TRAVAIL AND TO AMEND VARIOUS LEGISLATION

173. The Act to establish the Commission des relations du travail and to amend various legislation (1987, chapter 85) is repealed.

FIRE SAFETY ACT

174. Section 154 of the Fire Safety Act (2000, chapter 20) is amended by replacing the second paragraph by the following paragraph:

"In addition, a person who feels aggrieved by a measure referred to in the first paragraph may exercise a recourse before the Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications."

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

175. Section 73 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34), enacted by section 111 of chapter 54 of the statutes of 2000, is amended by replacing "labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint" in the third and fourth lines of the second paragraph by "Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27) requesting it to make an inquiry and to dispose of the complaint".

176. Section 74 of the said Act, enacted by section 111 of chapter 54 of the statutes of 2000, is amended

(1) by replacing "labour commissioner general, the labour commissioners" in the second line by "Commission des relations du travail, its commissioners";

(2) by striking out "and 118 to 137" in the fourth line.

177. Section 74.1 of the said Act, enacted by section 111 of chapter 54 of the statutes of 2000, is amended by replacing "labour commissioner" in the first line before paragraph 1 and in the first line of paragraph 3 by "Commission des relations du travail".

178. Section 74.2 of the said Act, enacted by section 111 of chapter 54 of the statutes of 2000, is repealed.

179. Section 75 of the said Act, amended by section 112 of chapter 54 of the statutes of 2000, is again amended by replacing "74.2" by "74.1".

180. Section 265.1 of the said Act, enacted by section 68 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), is amended by replacing the seventh paragraph by the following paragraph:

"Any officer or employee laid off or dismissed by a regional county municipality referred to in the first paragraph who is not identified in any document referred to in the second paragraph may, if the officer or employee believes that the document should apply to him, file a complaint in writing, within 30 days of being laid off or dismissed, with the Commission des relations du travail and request it to make an inquiry and dispose of the complaint. The provisions of the Labour Code (R.S.Q., chapter C-27) relating to the Commission des relations du travail, its commissioners, their decisions and the exercise of their jurisdictions shall apply, with the necessary modifications."

ACT TO REFORM THE MUNICIPAL TERRITORIAL ORGANIZATION OF THE METROPOLITAN REGIONS OF MONTRÉAL, QUÉBEC AND THE OUTAOUAIS

181. Section 52 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) is amended by replacing "the office of the labour commissioner general in accordance with the first paragraph of section 72 of the Labour Code (R.S.Q., chapter C-27)" in the first, second and third lines by "one of the offices of the Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27) in accordance with the first paragraph of section 72 of that Code".

182. Section 152 of Schedule I to the said Act is amended

(1) by replacing "a labour commissioner" in the second line of paragraph 3 by "the Commission des relations du travail";

(2) by replacing "a labour commissioner" in the second line of paragraph 4 by "the Commission des relations du travail";

(3) by replacing "the sixth paragraph of section 21 of the Labour Code (R.S.Q., chapter C-27)" in the third and fourth lines of paragraph 4 by "section 203 of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, chapter 26)";

(4) by replacing "labour commissioner's decision" in the first line of paragraph 5 by "decision of the Commission des relations du travail".

183. Section 183 of Schedule I to the said Act is amended by replacing "labour commissioner" in the first line of the second paragraph by "Commission des relations du travail".

184. Section 49 of Schedule II to the said Act is amended by replacing "the office of the labour commissioner general in accordance with the first paragraph of section 72 of the Labour Code (R.S.Q., chapter C-27)" in the first, second and third lines by "one of the offices of the Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27) in accordance with the first paragraph of section 72 of that Code".

185. Section 132 of Schedule II to the said Act is amended

(1) by replacing "a labour commissioner" in the second line of paragraph 3 by "the Commission des relations du travail";

(2) by replacing "labour commissioner's decision" in the first line of paragraph 4 by "decision of the Commission des relations du travail".

186. Section 163 of Schedule II to the said Act is amended by replacing "labour commissioner" in the first line of the second paragraph by "Commission des relations du travail".

187. Section 49 of Schedule III to the said Act is amended by replacing "the office of the labour commissioner general in accordance with the first paragraph of section 72 of the Labour Code (R.S.Q., chapter C-27)" in the first, second and third lines by "one of the offices of the Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27) in accordance with the first paragraph of section 72 of that Code".

188. Section 89 of Schedule III to the said Act is amended

(1) by replacing "a labour commissioner" in the second line of paragraph 3 by "Commission des relations du travail";

(2) by replacing "labour commissioner's decision" in the first line of paragraph 4 by "decision of the Commission des relations du travail".

189. Section 120 of Schedule III to the said Act is amended by replacing "labour commissioner" in the first line of the second paragraph by "Commission des relations du travail".

190. Section 78 of Schedule IV to the said Act is amended by replacing "labour commissioner's decision" in the first line of paragraph 3 by "decision of the Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27)".

191. Section 121 of Schedule IV to the said Act is amended by replacing "labour commissioner" in the first line of the second paragraph by "Commission des relations du travail".

192. Section 47 of Schedule V to the said Act is amended by replacing "the office of the labour commissioner general in accordance with the first paragraph of section 72 of the Labour Code (R.S.Q., chapter C-27)" in the first, second and third lines by "one of the offices of the Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27) in accordance with the first paragraph of section 72 of that Code".

193. Section 103 of Schedule V to the said Act is amended

(1) by replacing "a labour commissioner" in the second line of paragraph 3 by "the Commission des relations du travail";

(2) by replacing "labour commissioner's decision" in the first line of paragraph 4 by "decision of the Commission des relations du travail".

194. Section 134 of Schedule V to the said Act is amended by replacing "labour commissioner" in the first line of the second paragraph by "Commission des relations du travail".

195. Section 64 of Schedule VI to the said Act is amended by replacing "labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint" in the third, fourth and fifth lines of the second paragraph by "Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27) to make an inquiry and dispose of the complaint".

196. Section 65 of Schedule VI to the said Act is amended

(1) by replacing "labour commissioner general, the labour commissioners" in the second line by "Commission des relations du travail, its commissioners";

(2) by striking out "and 118 to 137" in the fourth line.

197. Section 66 of Schedule VI to the said Act is amended by replacing the part before paragraph 1 by the following:

"66. The Commission may".

198. Section 67 of Schedule VI to the said Act is repealed.

199. Section 68 of Schedule VI to the said Act is amended by replacing "67" in the first line by "66".

200. Section 229 of Schedule VI to the said Act is amended by replacing the seventh paragraph by the following paragraph:

"Any officer or employee laid off or dismissed by a regional county municipality referred to in the first paragraph who is not identified in a document referred to in the second paragraph may, if the officer or employee

believes that the document should apply, file a complaint in writing within 30 days of being laid off or dismissed with the Commission des relations du travail requesting it to make an inquiry and decide the complaint. The provisions of the Labour Code (R.S.Q., chapter C-27) relating to the Commission des relations du travail, its commissioners, their decisions and the exercise of their jurisdictions shall apply, with the necessary modifications."

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

201. The Act respecting public transit authorities (2001, chapter 23) is amended

(1) by replacing "the labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint" in the second paragraph of section 73 by "the Commission des relations du travail established under the Labour Code (R.S.Q., chapter C-27) so that it may make an inquiry and dispose of the complaint";

(2) by replacing "the labour commissioner general, the labour commissioners" in section 74 by "the Commission des relations du travail, its commissioners";

(3) by replacing "labour commissioner" in the first line and in paragraph 3 of section 75 by "Commission des relations du travail" and "Commission", respectively.

TRANSITIONAL AND FINAL PROVISIONS

202. The associations which were recognized by the Commission hydroélectrique du Québec (Hydro-Québec) or Ville de Montréal on 2 August 1969 to represent groups of persons comprising, in whole or in part, managers, superintendents, foremen or employer representatives in its relations with its employees and which, on that date or in the year preceding that date, were, in their respect, signatories of a collective labour arrangement, shall, from 17 July 1970, be certified associations in their respect as if certification had been granted by a labour commissioner or by the Commission des relations du travail.

203. The provisions of a regulation made under section 138 of the Labour Code (R.S.Q., chapter C-27) remain in force to the extent that they are not inconsistent with this Act.

204. In any statute or statutory instrument, the expressions "labour commissioner general", "assistant labour commissioner general", "deputy labour commissioner-general" and "labour commissioner" shall be replaced, with the necessary modifications, by the word "Commission" or the expression "Commission des relations du travail", unless the context indicates otherwise.

205. In any statute or statutory instrument, the expressions "the clerk of the office of the labour commissioner general", "the office of the labour commissioner-general" and "the office of the labour commissioner general" shall be replaced, with the necessary modifications, by the expression "one of the offices of the Commission des relations du travail" or "one of the offices of the Commission", unless the context indicates otherwise.

206. Until the coming into force of section 112 of the Labour Code (R.S.Q., chapter C-27), enacted by section 59 of this Act, a labour commissioner may, upon the motion of an interested party, dispose of any matter relating to the application of section 45.3 of the Labour Code, enacted by section 32 of this Act. For such purpose, the labour commissioner may exercise the powers provided for in the second paragraph of section 46 of the Labour Code.

For the purposes of this section, the words "the Commission" in the second and third paragraphs of section 45.3 shall read as though they were replaced by the words "the labour commissioner".

207. The labour commissioner general, assistant labour commissioner general and labour commissioners on (*insert here the date preceding the date of coming into force of this section*) are hereby declared qualified for appointment as commissioners of the Commission des relations du travail and their names shall be recorded in the register kept under section 137.14 of the Labour Code (R.S.Q., chapter C-27), enacted by section 63 of this Act; the candidacy of such persons shall be examined by the committee appointed to examine the renewal of a term, which may recommend to the Government that they be appointed. Section 137.11 of the Labour Code, enacted by section 63 of this Act, applies to their appointment.

Every person to whom the first paragraph applies and who becomes a commissioner of the Commission des relations du travail is deemed to meet the requirements provided for in section 137.12 of the Labour Code, enacted by section 63 of this Act, even at the time of a subsequent renewal, as long as the person remains a commissioner.

Every person to whom the first paragraph applies shall remain an employee of the Ministère du Travail until the person is appointed commissioner of the Commission des relations du travail. The chair of the Conseil du trésor shall establish the person's classification on the basis of the current classification in the public service, years of experience and formal training. The person shall occupy the position and exercise the functions assigned by the Deputy Minister of Labour.

If a person to whom the first paragraph applies is not appointed commissioner of the Commission des relations du travail within the period during which the qualification certificate provided for in section 137.15 of the Labour Code, enacted by section 63 of this Act, is valid, the person shall be placed on reserve in the public service and shall remain an employee of the Ministère du Travail until the chair of the Conseil du trésor can place the person.

208. Until a code of ethics applicable to commissioners of the Commission des relations du travail is adopted in accordance with section 137.33 of the Labour Code (R.S.Q., chapter C-27), enacted by section 63 of this Act, and comes into force, the commissioners of the Commission des relations du travail are bound to fulfil the duties below and any breach may be invoked in a complaint against them.

Commissioners must exercise their functions with honesty and avoid all situations having an adverse effect on the exercise of their functions; the commissioners' conduct must at all times be compatible with the requirements of honour, dignity and integrity attaching to the exercise of their functions.

209. The members of the personnel of the Ministère du Travail to whom a government order applies shall become, without further formality, members of the personnel of the Commission des relations du travail.

210. The chief judge of the Labour Court shall continue to receive the additional remuneration attached to the office of chief judge until the expected date of expiry of the chief judge's term. The chief judge is also entitled during that period to the reimbursement of official expenses attached to the office of chief judge.

At the end of that period, the chief judge of the Labour Court is entitled to receive, pursuant to section 116 of the Courts of Justice Act (R.S.Q., chapter T-16), until the salary received as judge of the Court of Québec is equal to the salary and additional remuneration the chief judge was receiving at the end of that period, the difference between the latter amount and the chief judge's salary.

However, if an additional remuneration is otherwise paid to the chief judge of the Labour Court under section 115 of that Act or if, pursuant to section 121 of that Act, the chief judge is reimbursed for official expenses, the amounts paid under this section shall be reduced accordingly.

The additional remuneration attached to the office of chief judge and paid to that judge is, for the purposes of the fourth paragraph of section 122, the second paragraph of section 224.9 and the second paragraph of section 231 of the Courts of Justice Act, included in the average salary taken into account for the purpose of computing the judge's retirement pension, provided that upon the judge's becoming eligible for retirement with a pension, at least seven years have elapsed since the judge's appointment as chief judge of the Labour Court.

211. Proceedings under section 11.1 of the Building Act (R.S.Q., chapter B-1.1), section 34 of the Act respecting electrical installations (R.S.Q., chapter I-13.01) or section 9.3 of the Stationary Enginement Act (R.S.Q., chapter M-6) that are pending before the Labour Court on 15 July 2001 shall be continued before that Court in accordance with the provisions of law as they read before being amended by this Act.

212. Matters pending before the Labour Court on (*insert here the date of coming into force of this section*) shall be continued before that court in accordance with the provisions of the Labour Code as they read before being amended by this Act.

213. Matters pending before the labour commissioner general, the deputy labour commissioner general or a labour commissioner on (*insert here the date of coming into force of this section*) shall be continued before the Commission, without continuance of suit.

214. Matters in which a decision was rendered before (*insert here the date of coming into force of this section*) and for which an appeal to the Labour Court was provided by law shall remain subject to an appeal to the extent that the time within which an appeal may be filed under the former law has not expired. The time for appeal runs from the date on which the decision is rendered. Such matters shall be decided by the Labour Court in accordance with the provisions of the Labour Code as they read before they were amended by this Act.

215. The rules of evidence and procedure applicable before the Commission des relations du travail, in particular the provisions respecting the introductory and preliminary procedure, pre-decision conciliation, the pre-hearing conference or the hearing, apply according to the status of the records to the proceedings which, on the date of coming into force of the new Act, had already been brought and are to be continued before the Commission.

Where the parties or interested persons have already been convened to the hearing, the former rules of evidence and procedure remain applicable to the proceedings, unless the parties agree to apply the new rules.

216. Until the coming into force of a regulation prescribing rules of procedure provided for in the second paragraph of section 138 of the Labour Code (R.S.Q., chapter C-27), enacted by section 64 of this Act, proceedings before the Commission des relations du travail shall be governed by the rules of procedure applicable before the labour commissioner general, but only to the extent that they are consistent with the new Act.

217. The records, documents and archives of the Labour Court become the records, documents and archives of the Court of Québec when they are no longer necessary for the purposes of sections 212 and 214.

218. The records, documents and archives of the office of the labour commissioner general relating to the application of the Acts under the jurisdiction of the Commission des relations du travail become the records, documents and archives of the Commission when they are no longer necessary for the purposes of sections 212 and 214.

219. The certificates and other documents issued by or originating from the labour commissioner general or the office of the labour commissioner general remain valid and are deemed to have been issued by or to originate from the Commission des relations du travail.

220. The sums put at the disposal of the office of the labour commissioner general shall, to the extent determined by the Government, be paid into the fund of the Commission des relations du travail.

221. The Government may appoint the first president and vice-presidents of the Commission des relations du travail before it is established. Such persons shall be appointed in accordance with sections 137.40 to 137.46 of the Labour Code (R.S.Q., chapter C-27), enacted by section 63 of this Act, as if those provisions were in force.

Until the Commission des relations du travail is established, the function of the president and the vice-presidents of the Commission des relations du travail shall be to prepare the implementation of Chapter VI of the Labour Code, as replaced by section 63 of this Act, and the president and vice-presidents shall have all the powers required for such purpose.

Until the coming into force of section 137.62 of the Labour Code, enacted by section 63 of this Act, the sums required to provide for the remuneration and other conditions of employment of those persons shall be taken out of the appropriations granted to the Ministère du Travail.

222. The provisions of this Act come into force on the date or dates to be fixed by the Government, except the provisions of paragraph 2 of section 12, section 31, section 45.3 of the Labour Code enacted by section 32, sections 42, 44, 45, 47, 50, 51, 57, 58, 60 to 62, 73 to 82, 93, 126, 128 to 130, 132 to 134, 136 and 137, paragraph 24 of section 151, sections 158, 159 and 173, paragraph 3 of section 182 and sections 202, 206, 211 and 221, which come into force on 15 July 2001.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 38
(2001, chapter 29)

An Act to amend the Highway Safety Code as regards alcohol-impaired driving

Introduced 14 June 2001
Passage in principle 21 June 2001
Passage 21 June 2001
Assented to 21 June 2001

Québec Official Publisher
2001

EXPLANATORY NOTES

This bill introduces measures dealing with alcohol-impaired driving. Thus, the rule prohibiting persons from driving a vehicle if any alcohol is present in their body is extended to operators of heavy vehicles or emergency vehicles and taxi drivers. The bill increases from 15 to 30 days in the case of a first suspension and from 30 to 90 days for any subsequent suspension the duration of the immediate suspension of a licence by a peace officer, in particular as concerns the holder of a learner's licence or a probationary licence, the operator of a heavy vehicle or emergency vehicle or a taxi driver if any alcohol is present in the person's body or as concerns any other driver with a concentration of alcohol in excess of 80 milligrammes in 100 millilitres of blood.

In the case of a 90-day suspension, a review of the decision by the Société de l'assurance automobile du Québec may be applied for and the review decision may be contested before the Administrative Tribunal of Québec.

Moreover, the rules governing the issue, following a criminal impaired-driving offence, of a restricted licence authorizing the operation of a road vehicle equipped with an alcohol ignition interlock device are revised.

Any person whose licence is cancelled for the first time will now be required to undergo a summary assessment to verify whether or not the person's relationship with alcohol compromises the safe operation of a road vehicle. If the assessment is not conclusive, the person must undergo a comprehensive assessment.

In addition, the bill increases the subsequent offence reference period from five to ten years. The sanction period established by the Highway Safety Code following impaired-driving conviction under the Criminal Code, is set at one year for a first sanction, three years for a second sanction and five years for any subsequent sanction.

Finally, the bill proposes that the issue of a new licence after a person undergoes an assessment be conditional upon the vehicle being equipped with an alcohol ignition interlock device, for a period of one to three years.

LEGISLATION AMENDED BY THIS BILL :

– Highway Safety Code (R.S.Q., chapter C-24.2) ;

– Act respecting administrative justice (R.S.Q., chapter J-3).

Bill 38

AN ACT TO AMEND THE HIGHWAY SAFETY CODE AS REGARDS ALCOHOL-IMPAIRED DRIVING

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 64 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by adding the following paragraph at the end:

"In the case of a licence authorizing a person to drive a road vehicle only if it is equipped with an alcohol ignition interlock device, the Société shall establish conditions for the issue of the licence and conditions for the use of the alcohol ignition interlock device. Where so required by the Société, the licence holder must furnish the data collected by the alcohol ignition interlock device."

2. Section 73 of the said Code is amended by adding the following paragraphs after the third paragraph:

"If the examination shows that the person suffers from chronic alcoholism or a pharmaco-physiological alcohol dependence or the assessment shows that the person's relationship with alcohol compromises the safe operation of a road vehicle corresponding to the class of licence applied for, the probationary licence or driver's licence that may be issued to the person by the Société shall authorize the person to drive a road vehicle only if it is equipped with an alcohol ignition interlock device approved by the Société.

If warranted by exceptional medical reasons, the Société may exempt a person from the obligation to equip the vehicle the person drives with an alcohol ignition interlock device. In that case, the person is prohibited from driving or having the care or control of a vehicle if any alcohol is present in the person's body. The Société may require the person to furnish it with any relevant information or documents concerning the person's relationship with alcohol."

3. Section 76 of the said Code is replaced by the following section:

"76. No licence may be issued to a person whose licence has been cancelled or whose right to obtain a licence has been suspended following a conviction for an offence under section 180, until one, three or five years have elapsed since the date of the cancellation or suspension, according to whether, in the ten years preceding the cancellation or suspension, the person incurred no cancellation or suspension, one cancellation or suspension, or more than one cancellation or suspension under that section.

Where a conviction is followed by an order prohibiting the driving of a road vehicle made under subsection 1 or 2 of section 259 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) for a period that exceeds the period applicable under the first paragraph, the applicable period shall be equal to the period established in the order.

Upon the expiry of the order referred to in the second paragraph or as soon as permitted by the Criminal Code, a person whose licence has been cancelled or whose right to obtain a licence has been suspended following a conviction for an offence referred to in subparagraph 4 of the first paragraph of section 180 may be authorized to drive a road vehicle, under a restricted licence, if it is equipped with an alcohol ignition interlock device. The restricted licence is valid until the end of the period determined under the first paragraph.

If the offence giving rise to the cancellation or suspension is an offence referred to in subparagraph 4 of the first paragraph of section 180, the following additional conditions apply to the issue of a new licence :

(1) if, during the ten years preceding the cancellation or suspension, the person incurred no cancellation or suspension under subparagraph 4 of the first paragraph of section 180, the person must

(*a*) successfully complete an educational program accredited by the Minister of Public Security that is designed to raise the awareness of drivers concerning alcohol and drug consumption problems ;

(*b*) establish, to the satisfaction of the Société, after undergoing a summary assessment by a duly authorized person working in a rehabilitation centre for alcoholic and other addicted persons or in a hospital centre offering rehabilitation services to such persons that the person's relationship with alcohol or drugs does not compromise the safe operation of a road vehicle corresponding to the class of licence applied for. If the summary assessment is not conclusive, the person must satisfy that requirement on the basis of a comprehensive assessment ;

(2) if, during the ten years preceding the cancellation or suspension, the person incurred one or more cancellation or suspension under subparagraph 4 of the first paragraph of section 180, the person must satisfy the requirement specified in subparagraph *b* of subparagraph 1 on the basis of a comprehensive assessment.

An assessment report must be submitted to the Société within the time it specifies.

If the restricted licence referred to in the third paragraph is expired and an assessment has not established to the satisfaction of the Société that the person's relationship with alcohol or drugs does not compromise the safe operation of a road vehicle corresponding to the class of licence applied for, the Société may issue to the person, for the period it determines, a probationary

licence or a driver's licence authorizing the person to drive a road vehicle only if it is equipped with an alcohol ignition interlock device approved by the Société."

4. Section 76.1 of the said Code is replaced by the following section:

"76.1. A new licence issued under the fourth paragraph of section 76 shall authorize the person to drive a road vehicle, for a period of one, two or three years, according to whether a waiting period of one, three or five years was imposed on the person under the first paragraph of section 76, only if it is equipped with an alcohol ignition interlock device approved by the Société.

In computing the one-year, two-year or three-year period referred to in the first paragraph, any time during which the licence was suspended and any time during which the person was not authorized to drive a road vehicle pursuant to the first paragraph of section 93.1 shall be disregarded.

This section does not apply where the summary assessment provided for in subparagraph *b* of subparagraph 1 of the fourth paragraph of section 76 has established that the person's relationship with alcohol or drugs does not compromise the safe operation of a road vehicle corresponding to the class of licence applied for.

If warranted by exceptional medical reasons, the Société may exempt a person from the obligation to equip the vehicle the person drives with an alcohol ignition interlock device. In that case, the person is prohibited from driving or having the care or control of a vehicle if any alcohol is present in the person's body. The Société may require the person to furnish it with any relevant information or documents concerning the person's relationship with alcohol.

Where the new licence is a learner's licence, the person concerned must complete the learning period. On completion of the learning period, the person may only obtain a probationary licence authorizing the person to drive a road vehicle if it is equipped with an alcohol ignition interlock device approved by the Société for the period referred to in the first paragraph."

5. Section 76.2 of the said Code is amended by replacing "the device" in the second line and in the third line by "the alcohol ignition interlock device".

6. Section 76.3 of the said Code is amended by adding "or if the applicant has never held a probationary licence or a driver's licence authorizing the operation of a passenger vehicle other than a moped or a motorcycle" at the end.

7. The said Code is amended by inserting the following section after section 95:

"95.1. The holder of a licence of a class authorizing the operation of a taxi or emergency vehicle whose licence or class of licence is suspended must inform the owner of the taxi or emergency vehicle without delay."

8. The said Code is amended by inserting the following section after section 98:

"98.1. The holder of a probationary licence or a driver's licence authorizing the operation of a road vehicle only if it is equipped with an alcohol ignition interlock device who drives a road vehicle that is not equipped with such a device or does not comply with the conditions for the use of the device established by the Société is deemed to be driving without holding the licence required under section 65.

The same applies to a person referred to in the fifth paragraph of section 73 or the fourth paragraph of section 76.1 if the person drives or has the care or control of a road vehicle without complying with the conditions specified in those sections."

9. Section 141 of the said Code is amended by inserting "95.1," after "92.1,".

10. The said Code is amended by inserting the following section after section 187.2:

"187.3. The Société may revoke a restricted licence authorizing the operation of a road vehicle only if it is equipped with an alcohol ignition interlock device if the holder does not comply with the conditions of use established by the Société."

11. The said Code is amended by inserting the following section after section 195.1:

"195.2. The Société may suspend for a period of three months or revoke a probationary licence or a driver's licence authorizing the operation of a road vehicle only if it is equipped with an alcohol ignition interlock device if the holder does not comply with the conditions of use established by the Société."

12. Section 202.2 of the said Code is amended

(1) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) the holder of a restricted licence issued under section 118, if the licence was issued following the suspension of a probationary licence and the holder of a licence issued under the fourth and fifth paragraphs of section 73 or under section 76 or 76.1;";

(2) by adding the following subparagraph after subparagraph 3 of the first paragraph:

"(4) the driver of a heavy vehicle, an emergency vehicle or a taxi.";

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

"Subparagraph 4 of the first paragraph does not apply to the driver of an emergency vehicle acting as a volunteer fireman."

13. Section 202.4 of the said Code is amended

(1) by replacing the text preceding subparagraph 1 of the first paragraph by the following text:

"202.4. A peace officer shall immediately suspend on behalf of the Société, for a period of 30 days, the licence, or the classes of a licence authorizing the operation of a heavy vehicle, an emergency vehicle or a taxi, held by";

(2) by adding "de" at the beginning of the French text of subparagraph 1 of the first paragraph and by replacing "sampling" in that subparagraph by "screening test";

(3) by adding "de" at the beginning of the French text of subparagraph 2 of the first paragraph and by replacing "sampling by an approved instrument carried out" in that subparagraph by "sample taken by means of an approved instrument";

(4) by inserting the following subparagraph after subparagraph 2 of the first paragraph:

"(3) a person who fails to comply with a demand made on the person by a peace officer under section 202.3 or 636.1 of this Code or section 254 of the Criminal Code.";

(5) by replacing the second paragraph by the following paragraphs:

"If the person is not the holder of a licence, the peace officer shall advise the Société so that it may immediately suspend the person's right to obtain a learner's licence, a probationary licence or a driving licence for a period of 30 days.

If the person holds a licence issued by another administrative authority, the peace officer shall instead prohibit the person from driving a road vehicle for 30 days. The peace officer shall advise the Société so that it may immediately

suspend the person's right to obtain a learner's licence, a probationary licence or a driving licence.

In the case of a person who, during the ten years preceding the suspension or prohibition, would have incurred a suspension or prohibition under this section or a suspension or cancellation under section 180, the duration of the suspension or prohibition is increased to 90 days."

14. Section 202.5 of the said Code is repealed.

15. The said Code is amended by inserting the following sections after section 202.6:

"202.6.1. On suspending a licence or prohibiting a person from driving a road vehicle, the peace officer shall draw up a report in the form and tenor determined by the Société.

A copy of the report must be left with the person whose licence has been suspended or who has been prohibited from driving a road vehicle and sent to the Société where it so requires. A refusal to receive the report does not prevent the suspension or prohibition from taking effect.

"202.6.2. A person whose licence or right to obtain a licence has been suspended for 90 days or who is prohibited from driving a road vehicle for 90 days may apply for a review of the decision by the Société.

"202.6.3. A review is applied for by filing the duly completed form provided by the Société at an office of the Société and paying the fees determined by regulation.

The Société shall proceed on the record, unless a meeting is requested.

"202.6.4. The application for review must be signed by the person concerned and filed together with the report of the peace officer and a copy of any certificate of analysis under section 258 of the Criminal Code.

"202.6.5. In exercising its jurisdiction, the Société shall only consider

(1) any relevant written representations and any other relevant information;

(2) the report and any other relevant document drawn up by the peace officer;

(3) a copy of any certificate of analysis under section 258 of the Criminal Code; and

(4) where a meeting is held with the person concerned, any relevant representations made and other information supplied at the meeting.

"202.6.6. The Société shall lift the suspension of the licence, the suspension of the right to obtain a licence or the prohibition from driving if the person concerned establishes by a preponderance of evidence,

(1) in the case of a prohibition under section 202.2, that no alcohol was present in the person's body;

(2) that the person had not, at the time of driving or having the control or care of a road vehicle, consumed alcohol in such a quantity that the concentration of alcohol in the person's blood exceeded 80 milligrammes of alcohol in 100 millilitres of blood;

(3) that the person had a reasonable excuse for not complying with a demand made on the person by a peace officer under section 202.3 or 636.1 of this Code or section 254 of the Criminal Code; or

(4) that the person was not driving or did not have the care or control of a road vehicle in the circumstances described in this section.

Where a suspension or a driving prohibition is lifted, the Société shall reimburse the review fees paid to the Société.

"202.6.7. The report and any other relevant document drawn up by the peace officer may stand in lieu of the peace officer's statement if the peace officer attests in the report that he or she personally ascertained the facts recorded in the report. The same applies to a copy of the report certified by an authorized person.

A copy of a certificate of analysis under section 258 of the Criminal Code is evidence of its contents without proof of the signature or official character of the person appearing to have signed the certificate or that the copy is a true copy.

"202.6.8. Where a meeting is requested, it must be held by the Société within 10 days after the application for review is duly filed.

"202.6.9. The Société shall render its decision within 10 days after the application for review is duly filed or, if a meeting is held, within 10 days after the meeting is held.

For the purposes of this section, an application is not duly filed unless the fees payable at the time of the filing have been paid.

"202.6.10. An application for review filed with the Société does not lift the suspension of the licence, the suspension of the right to obtain a licence or the prohibition from driving a road vehicle.

"202.6.11. A person may, within 10 days after a review decision is rendered by the Société, contest the decision before the Administrative Tribunal of Québec.

The provisions of section 107 of the Act respecting administrative justice (chapter J-3) allowing a member of the Tribunal to suspend the execution of a decision are not applicable in that case."

16. Section 209.2 of the said Code is amended by replacing ", 202.4 and 202.5" in the seventh line by "and 202.4".

17. Section 624 of the said Code is amended by adding the following subparagraph after subparagraph 20 of the first paragraph:

"(21) determine the fees for a review of a decision to suspend a licence or the right to obtain a licence or to prohibit the driving of a road vehicle for a period of 90 days."

18. Section 25 of the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by inserting "2.1.1" after "paragraphs" in the first line of the third paragraph.

19. Section 119 of the said Act is amended by adding the following paragraph at the end:

"(7) a proceeding under section 202.6.11 of the Highway Safety Code (chapter C-24.2) which pertains to a decision to suspend a licence or the right to obtain a licence for a period of 90 days."

20. Schedule I to the said Act is amended by inserting the following paragraph after paragraph 2.1 of section 3:

"(2.1.1) proceedings under section 202.6.11 of the Highway Safety Code;".

21. A licence issued after a cancellation or suspension imposed in connection with an offence under section 180 of the Highway Safety Code committed before (*insert here the date of coming into force of section 3*) shall be issued in accordance with the provisions of the first and third paragraphs of section 76 of the Highway Safety Code, as they read on (*insert here the date preceding the date of coming into force of section 3*).

22. This Act comes into force on 21 June 2001, except the provisions of sections 3, 4, 12 to 16 and 21, which come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 184
(2001, chapter 35)

An Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions

Introduced 20 December 2000
Passage in principle 20 June 2001
Passage 21 June 2001
Assented to 21 June 2001

Québec Official Publisher
2001

EXPLANATORY NOTES

This bill amends the Act respecting the preservation of agricultural land and agricultural activities to enact measures intended to preserve the potential to expand or maintain agricultural activities in certain specific cases. It gives municipalities the powers of inspection necessary to enforce the measures. In addition, the procedure for filing applications of collective scope with the Commission de protection du territoire agricole is modified. For instance, only a regional county municipality will be authorized to file such an application, which may pertain solely to destructured tracts of land or consolidated lots in identified sectors in agricultural zones. The bill authorizes the Government to make regulations imposing conditions to apply to the expansion of agricultural activities and defining what constitutes farm-based tourism activities.

The bill also amends the Act respecting land use planning and development to permit a regional county municipality, by means of an interim control by-law containing certain zoning standards, such as uses permitted in agricultural zones and separation distances intended to reduce the inconvenience caused by odours resulting from certain agricultural activities, to suspend the application of provisions of municipal by-laws inconsistent with the measures. The bill also permits an interim control by-law to be made to suspend the exercise of a local municipality's authority to adopt such by-laws until the coming into force of a development plan revised to bring it into compliance with government policy specifically concerning agricultural zones.

The bill amends the Act respecting La Financière agricole du Québec to enable the agency to determine standards, deriving from the application of the Environment Quality Act, which it will take into account in the preparation and administration of its programs.

Lastly, a number of provisions of a transitional or consequential nature are proposed in the bill.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting land use planning and development (R.S.Q., chapter A-19.1) ;

– Cities and Towns Act (R.S.Q., chapter C-19);

– Municipal Code of Québec (R.S.Q., chapter C-27.1);

– Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

– Animal Health Protection Act (R.S.Q., chapter P-42);

– Environment Quality Act (R.S.Q., chapter Q-2);

– Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, chapter 26);

– Act respecting La Financière agricole du Québec (2000, chapter 53).

Bill 184

AN ACT TO AMEND THE ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The heading of subdivision 3 of Division IV of Chapter II of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1) is replaced by the following heading:

"§3. — *Individual applications*".

2. Section 58.1 of the said Act is amended by replacing "together with" in the second line of the second paragraph by "furnishing all the information required by the commission, in particular as regards the standards intended to reduce the inconvenience caused by odours resulting from agricultural activities established pursuant to the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development, and".

3. Section 59 of the said Act is replaced by the following:

"§3.1. — *Applications of collective scope*

"59. A regional county municipality or a community may apply to the commission to determine in which cases and under which conditions new uses of land for residential purposes may be introduced in an agricultural zone.

In addition to the regional county municipality or the community, the local municipality concerned and the certified association are interested persons in relation to the application. A copy of the application must be sent to them by the regional county municipality or the community making the application.

The application must concern

(1) a destructured tract of land in the agricultural zone; or

(2) lots having an area sufficient to avoid destructuring the agricultural zone, situated in sectors identified in the development plan or in a draft amendment or revision of such a plan.

The application must contain the information required by the commission, including the information required for the purposes of sections 61.1 and 62.

However, an application that relates to a draft amendment or revision of the development plan may be made only after the consultation period provided for in the second paragraph of section 53.5 or, where applicable, the second paragraph of section 56.6 of the Act respecting land use planning and development.

The commission shall enter every admissible application in the general register and inform the interested persons.

For the purposes of this section, Municipalité de Baie-James is deemed to be a regional county municipality."

4. Section 59.1 of the said Act is repealed.

5. The said Act is amended by inserting the following sections after section 59.2:

"59.3. From the date of entry in the general register of an application under section 59, the commission may suspend the examination of any individual application concerning a new land use for residential purposes in the agricultural zone for which the application of collective scope has been made, for a period of six months or until the date of any decision it may make within that time.

"59.4. A favourable decision of the commission concerning an application of collective scope shall take effect only from the coming into force of the planning by-law of the local municipality concerned that introduces the conditions specified in the decision as mandatary standards."

6. Section 60.1 of the said Act is amended by adding the following at the end of the third paragraph: "However, in the case of an application filed under section 59, the time allowed is 45 days."

7. The said Act is amended by inserting the following section after section 61.1:

"61.1.1. Section 61.1 does not apply to an application under section 59 concerning a destructured tract of land nor to an application relating to a farm-based tourism activity as determined by regulation under section 80."

8. Section 62 of the said Act, amended by section 188 of chapter 56 of the statutes of 2000, is again amended by inserting the following at the end of subparagraph 3 of the second paragraph: ", in particular having regard to the standards aimed at reducing the inconvenience caused by odours resulting

from agricultural activities, originating from the exercise of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development".

9. The said Act is amended by inserting the following section after section 62.5:

"62.6. However, to render a decision on an application filed under section 59, the commission must have received a favourable opinion from the interested persons within the meaning of that section."

10. Section 64 of the said Act is amended by striking out the second paragraph.

11. Section 65.1 of the said Act is amended

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

"65.1. The applicant must demonstrate that there is no appropriate available space elsewhere in the territory of the local municipality, outside the agricultural zone, that is suitable for the purposes specified in the application for exclusion. The commission may reject an application on the sole ground that such spaces are available.";

(2) by replacing "**65.1.** In examining an application for exclusion, the" in the first line of the first paragraph by "The".

12. Section 67 of the said Act, amended by section 203 of chapter 42 of the statutes of 2000, is again amended

(1) by replacing "filed" in the second line of the second paragraph by "presented";

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

"In addition, where the regional county municipality or the community is required to amend its development plan to give effect to an application for exclusion, the notice referred to in the first paragraph may not be presented unless such an amendment is adopted and comes into force within twenty-four months of the date of the decision."

13. Section 79.2 of the said Act is replaced by the following:

"§1.1. — *Effect of the erection of certain non-agricultural buildings*

"79.2. For the purposes of sections 79.2 to 79.2.7,

"livestock facility" means a building where animals are raised or an enclosure or a part of an enclosure where animals are kept for purposes other than pasture;

"livestock unit" means the unit of measure of the number of animals that may be found in a livestock facility during a production cycle as determined by a regulation under section 79.2.7.

For the purposes of these sections, a "breeding unit" is made up of a livestock facility or, where there is more than one facility, of all the livestock facilities in respect of which a point on the perimeter of one facility is less than 150 metres from the neighbouring livestock facility, and of storage works, if any, for the manure from the animals in the facility or facilities.

For the purposes of these sections and section 98.1, "separation distance requirement" refers to any standard serving to delimit the open space that must be left in order to reduce the inconvenience caused by odours resulting from agricultural activities, and originating from the exercise of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development, or to any standard provided for in an Act or a regulation to take the place of such a standard.

"79.2.1. In an agricultural zone, a building used or intended to be used for a purpose other than an agricultural purpose must not be erected or enlarged on the side facing the breeding unit whose siting would entail the greatest restriction on the potential for expanding the agricultural activities therein if the siting or enlargement of the building were taken into account in applying separation distance requirements. However, a municipality may not refuse to issue a building permit for the sole reason of non-compliance with that condition.

Where, pursuant to the first paragraph, a point on the perimeter of such a building or its enlargement encroaches upon the space that, under separation distance requirements, must be left open between any neighbouring breeding unit, any separation distance requirement applicable at the time of the erection or enlargement of the building continues to apply to the expansion in agricultural activities of any neighbouring breeding unit without taking into account the siting of the building or its enlargement.

"79.2.2. Where the building referred to in section 79.2.1 is a residence erected without the authorization of the commission under section 40, after 21 June 2001, any agricultural use standards originating from the exercise of the powers provided for in subparagraph 3 of the second paragraph of section 113 of the Act respecting land use planning and development and any separation distance requirements apply to the neighbouring breeding units, without taking the siting of the residence into account.

"79.2.3. If a manure storage works, another works aimed at reducing pollution or a works aimed at reducing the inconvenience caused by the odours from a breeding unit can only be erected by encroaching upon the

space that must be left open under separation distance requirements, the erection is allowed notwithstanding the separation distance requirements so long as the works is not erected on the side facing the building used for a purpose other than an agricultural purpose whose siting would entail the greatest restriction on the potential for expanding the agricultural activities of that breeding unit if the separation distance requirements were taken into account.

"§1.2. — *Potential of certain agricultural operations to expand activities*

"79.2.4. This subdivision applies to agricultural operations registered in accordance with the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, made by Order in Council 340-97 (1997, G.O. 2, 1275), having at least one breeding unit that meets the following conditions on 21 June 2001:

(1) the agricultural operation contains at least one livestock unit; and

(2) the livestock facilities that make up the breeding unit are used by the same operator.

"79.2.5. The agricultural activities of a breeding unit may be expanded, subject to any standard applicable in other respects pursuant to an Act or a regulation, if the following conditions are met:

(1) the breeding unit was reported in accordance with section 79.2.6;

(2) a point on the perimeter of every livestock facility and, where applicable, every manure storage works necessary to the expansion is less than 150 metres from the neighbouring livestock facility or storage works for manure from the breeding unit;

(3) the number of livestock units, as reported in the statement referred to in section 79.2.6 for that breeding unit, is increased by no more than 75, although the total number of livestock units resulting from the expansion in no case may exceed 225;

(4) the odour coefficient of the categories or groups of new animals is not greater than the odour coefficient of the category or group of animals having the most livestock units; and

(5) the additional conditions, if any, prescribed by regulation of the Government under section 79.2.7 are complied with.

The expansion in agricultural activities in that breeding unit is, however, not subject to the following standards:

(1) separation distance requirements;

(2) agricultural use standards originating from the exercise of the powers provided for in subparagraph 3 of the second paragraph of section 113 of the Act respecting land use planning and development;

(3) standards originating from the exercise of the powers provided for in subparagraph 5 of the second paragraph of section 113 of that Act; however, the expansion continues to be subject to any such standard that concerns the open space which must be left between structures and the street and land boundaries.

"79.2.6. The reporting of a breeding unit referred to in section 79.2.5 is effected by the filing of a sworn statement by the operator of the breeding unit with the secretary-treasurer of the municipality in which the breeding unit is situated before 21 June 2002.

The sworn statement must indicate the name of the operator, the address of the premises on which the breeding unit is situated and a summary description of the livestock facilities and storage works that make up the breeding unit, the maximum number of livestock units for each category or group of animals raised or kept in the breeding unit in the 12 months preceding 21 June 2001 and a statement that the breeding unit was in operation on that date.

"79.2.7. The Government may, by regulation, prescribe other conditions applicable to the expansion in agricultural activities permitted under section 79.2.5 to reduce the inconvenience caused by odours resulting from agricultural activities.

The regulation must determine the animals to which this subdivision applies, and fix the number of animals equivalent to one livestock unit and the odour coefficient per category or group of animals.

The regulation may, in particular, prescribe, determine, prohibit, limit, and control practices, methods, equipment, processes or techniques as regards the spreading or storing of manure.

In addition, the regulation may vary any standard or condition on the basis in particular of the number, category or group of animals concerned, types of manure, the odour coefficient attributed to a category or group of animals, geographical characteristics, the regions or municipalities concerned and periods of the year.

The Government may, in the regulation, make mandatary a standard established by another government or body, and provide that a reference to such a standard includes any subsequent amendments made to it.

Without restricting the powers of the Minister, the Government may specify in the regulation which sections of the regulation must be applied by one or more municipalities, and the municipalities must enforce or see to the enforcement of the regulation to that extent."

14. Section 79.17 of the said Act is amended by replacing the words "regulatory standards adopted by a municipality under the third" in the third and fourth lines of paragraph 1 by "standards aimed at reducing the inconvenience caused by odours resulting from agricultural activities, originating from the exercise of the powers provided for in subparagraph 4 of the second".

15. Section 79.19 of the said Act is amended by replacing the words "regulatory standards adopted by a municipality under the third" in the third and fourth lines of paragraph 1 by "standards aimed at reducing the inconvenience caused by odours resulting from agricultural activities, originating from the exercise of the powers provided for in subparagraph 4 of the second".

16. The said Act is amended by inserting the following sections after section 79.19:

"79.19.1. Nothing in this division shall be interpreted as enabling a person who carries on an agricultural activity to avoid liability for a gross or intentional fault committed in carrying on that activity.

"79.19.2. The agricultural activities of a breeding unit that are carried on in accordance with subdivisions 1.1 and 1.2 of Division I of this chapter are, for the purposes of sections 79.17 to 79.19, deemed to be carried on in compliance with the standards aimed at reducing the inconvenience caused by odours resulting from agricultural activities, originating from the exercise of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development."

17. Section 80 of the said Act is amended by inserting the following paragraph after paragraph 7.1:

"(7.2) establish the standards to determine whether an activity is a farm-tourism activity and identify farm-tourism activities for the purposes of section 61.1.1;".

18. Section 89 of the said Act is amended by replacing "section 90" in the fifth line by "sections 90 and 90.1".

19. The said Act is amended by inserting the following section after section 98:

"98.1. For the purposes of subdivisions 1.1 and 1.2 of Division I of Chapter III, or for the purposes of any other provision of this Act or any other Act relating to separation distance requirements, a municipality may request, in writing, the operator of an agricultural operation to transmit to the municipality any information within the time it fixes.

If the operator fails to transmit the information within the time fixed, the municipal inspector may, at the expense of the operator and in accordance with a by-law made under section 411 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 492 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), collect any information or determine any fact necessary to enforce a separation distance requirement. For those purposes, the municipal inspector may be assisted by an agrologist, a veterinary surgeon, a professional technologist or a land-surveyor."

20. The said Act is amended by inserting the following section after section 101:

"101.1. Notwithstanding section 101, no person may, as of 21 June 2001, add a new main use for a purpose other than agriculture in the area for which that right exists or convert the existing use into another use for a purpose other than agriculture, without the authorization of the commission."

21. Section 51 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by inserting the following paragraph after the first paragraph:

"Where the territory of the regional county municipality includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the notice shall include the guidelines relating to the objectives mentioned in subparagraph 2.1 of the first paragraph of section 5. It shall also indicate the parameters to serve in the establishment of separation distances with a view to reducing the inconvenience caused by odours resulting from certain agricultural activities."

22. Section 53.7 of the said Act is amended by inserting the following paragraph after the first paragraph:

"Where the territory of the regional county municipality includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities, the notice shall include the guidelines relating to the objectives mentioned in subparagraph 2.1 of the first paragraph of section 5. It shall also indicate the parameters to serve in the establishment of separation distances with a view to reducing the inconvenience caused by odours resulting from certain agricultural activities."

23. Section 56.14 of the said Act is amended by inserting the following paragraph after the first paragraph:

"Where the territory of the regional county municipality includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities, the notice shall include the guidelines relating to the objectives mentioned in subparagraph 2.1 of the first paragraph of section 5. It shall also indicate the parameters to serve in the

establishment of separation distances with a view to reducing the inconvenience caused by odours resulting from certain agricultural activities."

24. Section 64 of the said Act is amended by inserting the following paragraph after the second paragraph:

"Notwithstanding subparagraph *a* of subparagraph 1 of the second paragraph of section 62, the council may, pursuant to the powers provided for in subparagraphs 3, 4 and 5 of the second paragraph of section 113, prescribe standards applicable in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities."

25. Section 65 of the said Act is amended by inserting the following paragraph after the second paragraph:

"In the case of an interim control by-law concerning an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities, the notice shall take into account the guidelines relating to the objectives set out in subparagraph 2.1 of the first paragraph of section 5. If the by-law provides for standards aimed at reducing the inconvenience caused by odours resulting from agricultural activities, the notice shall also indicate the parameters to serve in the establishment of separation distances with a view to reducing the inconvenience."

26. Section 68 of the said Act is amended by adding the following paragraphs at the end:

"The provisions of an interim control by-law, adopted under the third paragraph of section 64, render inoperative any inconsistent provision of a by-law of a municipality adopted under subparagraphs 3, 4 and 5 of the second paragraph of section 113.

In addition, where a notice of motion has been given in relation to an interim control by-law referred to in the second paragraph, no construction plan may be approved and no permit or certificate may be issued or granted for the carrying out of work or the use of an immovable which, if the by-law that is the subject of the notice of motion comes into force, will be prohibited in the agricultural zone concerned.

The third paragraph ceases to apply on the date occurring four months after the filing of the notice of motion or according to the time indicated, where applicable, by the Minister in a notice issued in accordance with section 65."

27. Section 411 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 3 of chapter 19 of the statutes of 2000, is again amended by inserting "to verify any information or determine any fact necessary to the exercise by the municipality of the power to issue a permit or a notice of compliance of an application and to grant an authorization or any other form of permission, conferred on the municipality by an Act or regulation," after "thereof," in the fourth line of subparagraph 1 of the first paragraph.

28. Article 492 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting "to verify any information or determine any fact necessary to the exercise by the municipality of the power to issue a permit or a notice of compliance of an application and to grant an authorization or any other form of permission, conferred on the municipality by an Act or regulation," after "carried out," in the fourth line.

29. Section 55.43 of the Animal Health Protection Act (R.S.Q., chapter P-42), amended by section 56 of chapter 26 of the statutes of 2000 and by section 39 of chapter 40 of the statutes of 2000, is again amended

(1) by inserting "the second paragraph of section 3.0.1, section" after "2.1," in the first paragraph;

(2) by inserting "the first paragraph of section 3.0.1," after "section 3," in the first paragraph;

(3) by inserting ", paragraph 2 of section 11.14" after "section 11.5" in the first paragraph.

30. Section 55.43.1 of the said Act is amended by adding the following paragraph at the end:

"Every owner or custodian keeping animals for the purpose of sale or breeding who contravenes an order made under section 55.9.6 is liable to a fine of $1,600 to $5,000 and, in the case of a second or subsequent offence, to a fine of $3,200 to $15,000."

31. Section 19.1 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing "and, as regards odours, to the extent prescribed by any municipal by-law adopted under the third paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1)" by "and, as regards odours resulting from agricultural activities, to the extent prescribed by any standard originating from the exercise of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1)".

32. Section 84 of the Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, chapter 26) is repealed.

33. Section 87 of the said Act is amended

(1) by replacing "the third paragraph" in the second line of the first paragraph by "subparagraph 4 of the second paragraph";

(2) by inserting "in an interim control by-law that includes provisions deriving from the exercise of powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and

development that apply to the agricultural zone or, in the absence of such a by-law, the standards set out" after "set out" in the first line of subparagraph 1 of the first paragraph.

34. Sections 88 and 89 of the said Act are repealed.

35. Section 19 of the Act respecting La Financière agricole du Québec (2000, chapter 53) is amended by adding the following paragraph at the end:

"Compliance by enterprises with provisions of the Environment Quality Act (R.S.Q., chapter Q-2) and the regulations thereunder, as well as with orders, approvals and authorizations issued under that Act must be a criterion in the preparation and administration of the programs of the agency and may be a criterion for the payment of all or part of the sums of money to which those programs give entitlement."

TRANSITIONAL AND FINAL PROVISIONS

36. A regional county municipality may avail itself of subparagraph 2 of the third paragraph of section 59, enacted by section 3 of this Act, only from the date of coming into force of the first development plan taking into account the guidelines relating to the objectives set out in subparagraph 2.1 of the first paragraph of section 5 of the Act respecting land use planning and development.

37. From 21 June 2001, no local municipality whose territory is within that of a regional county municipality having a development plan that has not been amended or revised to take into account the guidelines relating to the objectives set out in subparagraph 2.1 of the first paragraph of section 5 of the Act respecting land use planning and development and complementary to the Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, chapter 26), may adopt standards applicable in an agricultural zone that originate from the exercise of the powers provided for in subparagraphs 3, 4 and 5 of the second paragraph of section 113 of that Act before the coming into force of an interim control by-law containing standards adopted under those subparagraphs and that apply in the agricultural zone.

38. Until the coming into force of an interim control by-law that includes standards deriving from the exercise of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development or of a by-law of a municipality adopted under that subparagraph, the set-back standards which the municipality must apply to issue a construction permit are, with the necessary modifications, those set out in the Guidelines for determining minimum distances to ensure odour management in rural areas (1998, G.O. 2, 1287), prepared by the Minister of the Environment, including any subsequent amendment the Minister may make.

39. In the absence of standards aimed at reducing the inconvenience caused by odours resulting from agricultural activities, originating from the exercise by a local municipality of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development, in force on 21 June 2003, the Guidelines referred to in section 38 of this Act shall take the place of a municipal by-law as regards those matters until they are amended or replaced in accordance with the applicable legislative provisions.

40. Until the coming into force of a regulation made under section 79.2.7 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1), enacted by section 13 of this Act, the animals concerned, the number of animals equivalent to a livestock unit and the odour coefficient attributed to each category or group of animals are those in Schedule I to this Act.

In the case of a breeding unit in which hogs are raised or kept, the following conditions are added to those provided for in section 79.2.5 of that Act, enacted by section 13 of this Act, until they are replaced or modified by a regulation made under section 79.2.7 of that Act:

(1) a boom-style applicator must be used in spreading liquid manure from the breeding unit or, if the topography of the land prevents the use of a boom, the low spraying method must be used;

(2) every storage works for liquid manure from the breeding unit situated within an urbanization perimeter and every works situated in an agricultural zone having a point on the perimeter that is less than 550 metres from an urbanization perimeter must be covered by a roof.

41. Section 101.1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1), enacted by section 20 of this Act, does not apply to the area of a lot for which the municipality received a permit application before 21 June 2001.

42. The governmental policy regarding the preservation and sustainable development of agricultural activities in agricultural zones, referred to in section 78 of the Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, chapter 26), includes the governmental policy concerning those matters that is complementary to this Act in the case of a regional county municipality whose original plan is not in force or whose development plan has not been amended or revised to take into account the governmental policy referred to in that section.

In every other regional county municipality, section 78 of that Act is rendered applicable as regards the governmental policy concerning those matters that is complementary to this Act.

43. As of 21 June 2001 and until the date of coming into force of the metropolitan land use and development plan of the Communauté métropolitaine de Montréal, the Commission de protection du territoire agricole shall request the Community to provide it with a recommendation as regards applications of collective scope made under section 59 of the Act respecting the preservation of agricultural land and agricultural activities, enacted by section 3 of this Act, concerning the lots in its territory.

The first paragraph applies, with the necessary modifications, to the Communauté métropolitaine de Québec as of 1 January 2002.

44. The Government may, by regulation made before 21 June 2003, prescribe any other measure necessary to ensure the application of this Act.

The regulation may, if it so provides, apply from any date not prior to 21 June 2001.

45. This Act comes into force on 21 June 2001, except sections 24, 25, 26 and 33, which come into force on 1 October 2001, and paragraphs 1 and 2 of section 29 and sections 30 and 35, which come into force on the date or dates to be fixed by the Government.

SCHEDULE I

(*Section 40*)

1. For the purposes of section 40 of this Act, a livestock unit is equivalent to the following animals according to the number listed:

1	cow;
1	bull;
1	horse;
2	calves 225 to 500 kg each;
5	calves under 225 kg each;
5	breeder hogs 20 to 100 kg each;
25	piglets under 20 kg each;
4	sows, plus piglets not weaned within the year;
125	hens or roosters;
250	broiler chickens;
250	growing pullets;
1,500	quails;
300	pheasants;
100	broiler turkeys 5 to 5.5 kg each;
75	broiler turkeys 8.5 to 10 kg each;
50	broiler turkeys 13 kg each;
100	female minks, excluding males and kits;
40	vixens, excluding males and kits;
4	sheep, plus new-crop lambs;
6	goats, plus new-crop kids;
40	does (rabbits), excluding males and nestlings.

2. For every other livestock species, an animal weighing 500 kilograms or more or a group of animals of that species whose total weight is 500 kilograms is equivalent to one livestock unit.

3. Where a weight is indicated in this schedule, it refers to an animal's anticipated weight at the end of the production period.

ODOUR COEFFICIENT PER LIVESTOCK GROUP OR CATEGORY

Livestock group or category	**Coefficient**
Beef cattle	
➤ in a closed facility	0.7
➤ in an outdoor feeding area	0.8
Dairy cattle	0.7
Ducks	0.7
Horses	0.7
Goats	0.7
Turkeys	
➤ in a closed facility	0.7
➤ in an outdoor feeding area	0.8
Rabbits	0.8
Sheep	0.7
Hogs	1.0
Hens	
➤ laying hens in cages	0.8
➤ breeder hens	0.8
➤ broiler hens / large chickens	0.7
➤ pullets	0.7
Foxes	1.1
Slaughter calves	
➤ veal calves	1.0
➤ grain-fed calves	0.8
Mink	1.1

For all other livestock species, use the coefficient 0.8.

Regulations and other acts

M.O. , 2001

Order of the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour dated 11 July 2001

Building Act
(R.S.Q., c. B-1.1)

Delegation agreements between the Régie du bâtiment du Québec and Ville de Châteauguay, Ville de Dorval, Ville de Pierrefonds, Ville de Pointe-Claire, Ville de Saint-Laurent and Ville de Westmount respectively

THE MINISTER OF STATE FOR LABOUR, EMPLOYMENT AND SOCIAL SOLIDARITY AND MINISTER OF LABOUR,

CONSIDERING the first paragraph of section 132 of the Building Act (R.S.Q., c. B-1.1), amended by section 37 of chapter 46 of the Statutes of 1998, which provides that the Régie du bâtiment du Québec may enter into a written agreement with a local municipality to delegate to it, within its territory and to the extent specified, its powers and duties pursuant to sections 14 to 19, 21, 22, 24 to 27, 32 to 37.2 and 37.4 to 39 of the Act with a view to ensuring the quality of construction work and public safety;

CONSIDERING the delegation agreement that was entered into on 4 July 2001 between the Régie du bâtiment du Québec and Ville de Châteauguay and that is in effect for an indeterminate period;

CONSIDERING the delegation agreement that was entered into on 4 July 2001 between the Régie du bâtiment du Québec and Ville de Dorval and that provides, inter alia, that the agreement shall be in effect until 31 December 2001 and shall be extended every year for 12 months unless the new Ville de Montréal gives notice of its intent to terminate the agreement at any time;

CONSIDERING the delegation agreement that was entered into on 4 July 2001 between the Régie du bâtiment du Québec and Ville de Pierrefonds and that provides, inter alia, that the agreement shall be in effect until 31 December 2001;

CONSIDERING the delegation agreement that was entered into on 4 July 2001 between the Régie du bâtiment du Québec and Ville de Pointe-Claire and that provides, inter alia, that the agreement shall be in effect until 31 December 2003;

CONSIDERING the delegation agreement that was entered into on 4 July 2001 between the Régie du bâtiment du Québec and Ville de Saint-Laurent and that provides, inter alia, that the agreement shall be in effect until 31 December 2001 and shall be extended every year for 12 months unless the new Ville de Montréal gives notice of its intent to terminate the agreement at any time or unless either party gives written notice of the termination of the agreement six months from the date of the notice or unless the parties agree to terminate the agreement on any other date;

CONSIDERING the delegation agreement that was entered into on 4 July 2001 between the Régie du bâtiment du Québec and Ville de Westmount and that provides, inter alia, that either party may terminate the agreement by written notice to the other party of the termination of the agreement six months from the date of the notice and that the parties may agree to terminate the agreement on any other date;

CONSIDERING section 136 of the Act, which provides that the agreement requires approval by the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour and comes into force on the tenth day following publication in the *Gazette officielle du Québec* of a notice to that effect or on any later date fixed therein;

WHEREAS it is expedient to approve the delegation agreements and to have them come into force ten days following publication of this Minister's Order in the *Gazette officielle du Québec*;

ORDERS:

(1) THAT the delegation agreements entered into on 4 July 2001 between the Régie du bâtiment du Québec and Ville de Châteauguay, between the Régie du bâtiment du Québec and Ville de Dorval, between the Régie du bâtiment du Québec and Ville de Pierrefonds, between the Régie du bâtiment du Québec and Ville de Pointe-Claire, between the Régie du bâtiment du Québec and Ville de Saint-Laurent, and between the Régie du bâtiment du Québec and Ville de Westmount be approved;

(2) THAT this Minister's Order be published in the *Gazette officielle du Québec*; and

(3) THAT the delegation agreements come into force on 5 August 2001.

Québec, 11 July 2001

JEAN ROCHON,
Minister of State for Labour, Employment and Social Solidarity and Minister of Labour

4468

M.O., 2001

Order of the Minister of the Environment and the Minister responsible for Wildlife and Parks dated 6 July 2001

An Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01)

CONCERNING the establishment of a list of threatened or vulnerable plant species likely to be so designated

THE MINISTER OF THE ENVIRONMENT AND THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

GIVEN that under section 1 of the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01), the Act applies to the threatened or vulnerable wildlife and plant species designated under this Act;

GIVEN that under section 9 of this Act, the Minister of the Environment and the government designated minister may, by order, establish jointly a list of threatened or vulnerable species which are likely to be so designated; the order shall be published in the *Gazette officielle du Québec*;

GIVEN that under Order in Council 59-2000 dated January 26, 2000, the responsibility for threatened or vulnerable wildlife species or their habitats has been entrusted to the Minister responsible for Wildlife and Parks;

CONSIDERING that it is expedient to replace the Order of the Minister of the Environment and the Minister responsible for Wildlife and Parks (M.O., 2000-015) concerning the publication of a list of threatened or vulnerable plant species likely to be so designated in the *Gazette officielle du Québec* of May 31, 2000;

ORDER that:

The attached list of threatened or vulnerable plant species which are likely to be so designated be substituted for the list established by Order of the Minister 2000-015, published in the *Gazette officielle du Québec*, May 31, 2000.

This Order comes into force on the day of its publication in the *Gazette officielle du Québec*.

Québec, 6 July 2001

ANDRÉ BOISCLAIR,
Minister of the Environment

GUY CHEVRETTE,
Minister responsible for Wildlife and Parks

SCHEDULE

LIST OF VASCULAR PLANT SPECIES LIKELY TO BE DESIGNATED AS THREATENED OR VULNERABLE

When the name of a species is followed by the symbol P (population) and a number corresponding to an administrative region of Québec (Ministère des Ressources naturelles, 1997)[1], this means that the threatened or vulnerable species is likely to be so designated within this portion only of its distribution area:

P01: Bas-Saint-Laurent; P05: Estrie; P09: Côte-Nord; P11: Gaspésie–Îles-de-la-Madeleine; P12: Chaudière-Appalaches

Acer nigrum
Achillea sibirica
Adiantum aleuticum
Adiantum viridimontanum
Adlumia fungosa
Agastache nepetoides
Agoseris aurantiaca
Agrimonia pubescens
Alchemilla filicaulis subsp. *filicaulis* p09
Alchemilla glomerulans
Allium canadense
Alnus serrulata
Amelanchier sanguinea var. *grandiflora*
Amerorchis rotundifolia
Antennaria howellii subsp. *gaspensis*
Antennaria leuchippii
Antennaria rosea
Arabis boivinii
Arabis canadensis
Arabis divaricarpa var. *dacotica*
Arabis holboellii var. *retrofracta*
Arabis holboellii var. *secunda*
Arabis laevigata
Arctous rubra p09
Arethusa bulbosa
Arnica chamissonis subsp. *foliosa*

[1] Ministère des Ressources naturelles, 1997. Les régions administratives, map 1: 8 000 000. Service de la cartographie, ministère des Ressources naturelles, Québec.

Arnica lanceolata
Arnica lonchophylla subsp. *lonchophylla*
Artemisia tilesii subsp. *elatior*
Asclepias exaltata
Asclepias tuberosa var. *interior*
Aspidotis densa
Asplenium platyneuron
Asplenium rhizophyllum
Asplenium ruta-muraria
Astragalus americanus
Astragalus australis
Bartonia virginica
Bidens discoideus
Bidens eatonii
Bidens heterodoxus
Blephilia hirsuta var. *hirsuta*
Botrychium campestre
Botrychium lineare
Botrychium mormo
Botrychium oneidense
Botrychium pallidum
Botrychium rugulosum
Botrychium spathulatum
Braya glabella var. *glabella*
Bromus kalmii
Bromus pubescens
Calamagrostis purpurascens
Calypso bulbosa var. *americana*
Canadanthus modestus
Cardamine bulbosa
Cardamine concatenata
Carex annectens var. *xanthocarpa*
Carex appalachica
Carex argyrantha
Carex atherodes
Carex atlantica subsp. *capillacea*
Carex backii
Carex baileyi
Carex cephalophora
Carex cumulata
Carex deweyana var. *collectanea*
Carex digitalis
Carex folliculata
Carex formosa
Carex glacialis p09
Carex hirsutella
Carex hirtifolia
Carex hitchcockiana
Carex hostiana
Carex lapponica
Carex laxiculmis
Carex macloviana p11
Carex mesochorea
Carex molesta
Carex muehlenbergii
Carex oligocarpa
Carex petricosa var. *misandroides*
Carex platyphylla
Carex prairea
Carex richardsonii
Carex sartwellii
Carex siccata
Carex sparganioides
Carex swanii
Carex sychnocephala
Carex trichocarpa
Castilleja raupii
Ceanothus americanus
Ceanothus herbaceus
Celtis occidentalis
Cerastium cerastioides p01, p11
Cerastium nutans var. *nutans*
Ceratophyllum echinatum
Chamaesyce polygonifolia
Chenopodium foggii
Chimaphila maculata
Cirsium muticum var. *monticolum*
Claytonia virginica
Conopholis americana
Corallorhiza striata var. *striata*
Corallorhiza striata var. *vreelandii*
Corydalis aurea subsp. *aurea*
Corylus americana
Crataegus brainerdii
Crataegus crus-galli
Crataegus dilatata
Crataegus pruinosa var. *pruinosa*
Crataegus suborbiculata
Cyperus lupulinus subsp. *macilentus*
Cyperus odoratus var. *engelmannii*
Cypripedium parviflorum var. *planipetalum*
Cypripedium reginae
Deschampsia brevifolia
Deschampsia cespitosa subsp. *alpina*
Deschampsia paramushirensis
Desmodium nudiflorum
Desmodium paniculatum
Draba aurea p01, p09
Draba corymbosa
Draba crassifolia
Draba nemorosa
Draba peasei
Draba pycnosperma
Drosera linearis
Dryopteris clintoniana
Dryopteris filix-mas
Echinochloa walteri
Elaeagnus commutata
Eleocharis robbinsii
Elymus riparius
Elymus villosus
Epilobium arcticum
Epilobium ciliatum var. *ecomosum*
Eragrostis hypnoides

Erigeron compositus
Erigeron hyssopifolius var. *villicaulis*
Erigeron lonchophyllus
Erigeron philadelphicus subsp. *provancheri*
Erysimum inconspicuum var. *coarctatum*
Eurybia divaricata
Festuca altaica p01, p11, p12
Festuca baffinensis p11
Festuca frederikseniae
Festuca hyperborea
Fimbristylis autumnalis
Floerkea proserpinacoides
Galearis spectabilis
Galium circaezans
Gaura biennis
Gentiana clausa
Gentiana nivalis
Gentianella propinqua subsp. *propinqua* p09, p11
Gentianopsis crinita
Gentianopsis nesophila p09
Geranium maculatum
Gnaphalium norvegicum p01, p09, p11
Goodyera pubescens
Gratiola aurea
Gratiola neglecta var. *glaberrima*
Gymnocarpium jessoense subsp. *parvulum*
Halenia deflexa subsp. *brentoniana*
Hedeoma hispida
Hedysarum boreale subsp. *mackenziei*
Helianthemum canadense
Hieracium robinsonii
Hordeum brachyantherum
Houstonia longifolia
Hudsonia tomentosa
Hydrophyllum canadense
Hypericum kalmianum
Ionactis linariifolius
Iris virginica var. *shrevei*
Isoetes tuckermanii
Juncus acuminatus
Juncus ensifolius
Juncus greenei
Juncus longistylis
Juniperus virginiana var. *virginiana*
Lactuca hirsuta var. *sanguinea*
Lactuca tatarica var. *pulchella*
Lathyrus ochroleucus
Lathyrus venosus var. *intonsus*
Lesquerella arctica
Leucanthemum integrifolium
Lindernia dubia var. *inundata*
Lipocarpha micrantha
Listera australis
Listera borealis
Lycopus americanus var. *laurentianus*
Lycopus asper
Lycopus virginicus
Lysimachia hybrida
Lysimachia quadrifolia
Melica smithii
Mimulus glabratus var. *jamesii*
Minuartia michauxii
Moehringia macrophylla p01, p05, p11, p12
Monarda punctata var. *villicaulis*
Muhlenbergia richardsonis
Muhlenbergia sylvatica
Muhlenbergia tenuiflora var. *tenuiflora*
Myosotis verna
Myriophyllum heterophyllum
Myriophyllum humile
Najas guadalupensis subsp. *olivacea*
Neobeckia aquatica
Neotorularia humilis
Nymphaea leibergii
Oenothera pilosella subsp. *pilosella*
Onosmodium bejariense var. *hispidissimum*
Oxytropis deflexa var. foliolosa p11
Oxytropis hudsonica
Oxytropis viscida
Packera obovata
Panicum depauperatum var. *depauperatum*
Panicum flexile
Panicum philadelphicum
Panicum virgatum
Pedicularis sudetica subsp. *interioides*
Pellaea atropurpurea
Pellaea glabella subsp. *glabella*
Peltandra virginica
Physostegia virginiana var. *granulosa*
Phytolacca americana
Pinus rigida
Platanthera blephariglottis var. *blephariglottis*
Platanthera flava var. *herbiola*
Platanthera foetida
Platanthera macrophylla
Poa hartzii
Poa languida
Poa laxa subsp. *fernaldiana*
Poa secunda
Podostemum ceratophyllum
Polanisia dodecandra subsp. *dodecandra*
Polygala polygama var. *obtusata*
Polygala senega
Polygonella articulata
Polygonum careyi
Polygonum hydropiperoides var. *hydropiperoides*
Polygonum punctatum var. *parvum*
Polygonum robustius
Polystichum lonchitis
Potamogeton illinoensis
Potamogeton pusillus subsp. *gemmiparus*
Potamogeton vaseyi
Potentilla prostrata subsp. *chamissonis*
Potentilla vahliana

Proserpinaca palustris
Pseudorchis straminea
Pterospora andromedea
Puccinellia angustata
Puccinellia deschampsioides
Pycnanthemum virginianum
Quercus alba
Quercus bicolor
Ranunculus allenii p01, p11
Ranunculus flabellaris
Ranunculus rhomboideus
Ranunculus sulphureus
Rhus glabra
Rhynchospora capillacea
Rhynchospora capitellata
Ribes oxyacanthoides subsp. *oxyacanthoides*
Rubus flagellaris
Sagina nodosa subsp. nodosa
Sagina saginoides p01, p11
Salix arbusculoides
Salix maccalliana
Salix pseudomonticola
Samolus valerandi subsp. *parviflorus*
Sanicula canadensis var. *canadensis*
Saururus cernuus
Saxifraga gaspensis
Schoenoplectus heterochaetus
Schoenoplectus purshianus
Schoenoplectus torreyi
Scirpus ancistrochaetus
Scirpus pendulus
Sedum villosum
Selaginella eclipes
Solidago ptarmicoides
Solidago simplex subsp. *randii var. monticola*
Solidago simplex subsp. *randii var. racemosa*
Solidago simplex subsp. *simplex var. simplex*
Sorghastrum nutans
Sparganium androcladum
Sparganium glomeratum
Spiranthes casei var. *casei*
Spiranthes lucida
Sporobolus compositus var. *compositus*
Sporobolus cryptandrus
Sporobolus heterolepis
Sporobolus vaginiflorus var. *vaginiflorus*
Staphylea trifolia
Stellaria alsine
Strophostyles helvula
Symphyotrichum lanceolatum subsp. *lanceolatum var. interior*
Symphyotrichum novi-belgii var. *villicaule*
Symphyotrichum pilosum var. *pringlei*
Taenidia integerrima
Taraxacum latilobum
Taraxacum laurentianum
Thalictrum dasycarpum
Thalictrum revolutum
Tofieldia coccinea
Torreyochloa pallida var. *pallida*
Toxicodendron vernix
Triadenum virginicum
Trichophorum clintonii
Trichophorum pumilum
Trichostema brachiatum
Trichostema dichotomum
Triglochin gaspensis
Ulmus thomasii
Utricularia geminiscapa
Utricularia gibba
Utricularia resupinata
Valeriana uliginosa
Verbena simplex
Veronica anagallis-aquatica
Viburnum recognitum
Vicia americana
Viola affinis
Viola rostrata
Viola sagittata var. *ovata*
Viola sagittata var. *sagittata*
Wolffia borealis
Wolffia columbiana
Woodsia obtusa subsp. *obtusa*
Woodsia oregana subsp. *cathcartiana*
Woodsia scopulina subsp. *laurentiana*
Woodwardia virginica
Zizania aquatica var. *aquatica*
Zizania aquatica var. *brevis*

4456

M.O., 2001

Order of the Minister of State for Health and Social Services and Minister of Health and Social Services making the regulation to amend the regulation respecting the List of medications covered by the basic prescription drug insurance plan dated 16 July 2001

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01; 1999, c. 37)

THE MINISTER OF STATE FOR HEALTH AND SOCIAL SERVICES AND MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 60 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01; 1999, c. 37);

CONSIDERING Minister's Order 1999-014 dated 15 September 1999 of the Minister of State for Health and Social Services and Minister of Health and Social Services making the Regulation respecting the List of medications covered by the basic prescription drug insurance plan;

CONSIDERING that it is necessary to amend the List of medications attached to that Regulation;

CONSIDERING that the Conseil consultatif de pharmacologie has been consulted on the draft regulation;

MAKES the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan, the text of which is attached hereto.

Québec, 16 July 2001

RÉMY TRUDEL,
Minister of State for Health and Social Services and Minister of Health and Social Services

Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan*

An Act respecting prescription drug insurance
(R.S.Q., c. A-29.01, s. 60)

1. The Regulation respecting the List of medications covered by the basic prescription drug insurance plan is amended, in the List of medications attached thereto, by substituting the package size costs and unit prices indicated hereinafter for the package size costs and unit prices of the following medications:

	CODE	BRAND NAME		MANUFACTURER	PKG. SIZE	COST OF PKG. SIZE	UNIT PRICE
	24:08						
	HYPOTENSIVE AGENTS						
	LISINOPRIL P						
	Tab.		10 mg				
*	02217503	*Apo-Lisinopril*		Apotex	500	380.00	0.7600
	Tab.		20 mg				
*	02217511	*Apo-Lisinopril*		Apotex	500	457.00	0.9140

* The Regulation respecting the List of medications covered by the basic prescription drug insurance plan, made by Minister's Order 1999-014 dated 15 September 1999 (1999, *G.O.* 2, 3197) of the Minister of State for Health and Social Services and Minister of Health and Social Services, was last amended by Minister's Orders 2000-016 dated 15 September 2000 (2000, *G.O.* 2, 4637), 2000-019 dated 25 October 2000 (2000, *G.O.* 2, 5268), 2000-020 dated 8 December 2000 (2000, *G.O.* 2, 5933), 2001-002 dated 23 January 2001 (2001, *G.O.* 2, 1040), 2001-003 dated 7 March 2001 (2001, *G.O.* 2, 1419) and 2001-006 dated 12 June 2001 (2001, *G.O.* 2, 3049) of that Minister. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

	CODE	BRAND NAME		MANUFACTURER	PKG. SIZE	COST OF PKG. SIZE	UNIT PRICE
	88:16						
	VITAMIN D						
	VITAMIN D						
	Caps. or Tab.		400 I.U. **…P.P.B.**				
*	02242651	*Euro D*		Euro-Pharm	500	10.45	◗ 0.0209
	EXCEPTIONAL MEDICATIONS						
	EPOETIN ALFA ℞						
	Syringe		10,000 I.U. / 1.0 mL				
*	02231587	*Eprex*		J.O.I.	6	803.70	133.95
	PIOGLITAZONE HYDROCHLORIDE ℞						
	Tab.		15 mg				
*	02242572	*Actos*		Lilly	90	177.30	1.9700

2. This Regulation comes into force on 25 July 2001.

4455

Draft Regulations

Draft Regulation

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

Building service employees
— Montréal
— Amendments

Notice is hereby given that the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour has received an application to amend the Decree respecting building service employees in the Montréal region (R.R.Q., 1981, c. D-2, r.39) by the contracting parties governed by that decree and that, in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Decree to amend the Decree respecting building service employees in the Montréal region, copy of which appears below, may be made by the Government on the expiry of the 45 days following this publication.

The purpose of this draft regulation is to update certain working conditions that have remained unchanged since 22 December 1999.

To that end, it proposes primarily to make a distinction between class A work and class B work, to increase hourly wage rates progressively until 2005, to grant a five-day leave on the occasion of the death of the child of the employee's spouse, to extend the Decree until May 2005 and to renew it automatically from year to year thereafter unless one of the contracting parties is so opposed.

The Decree was the object of an economic impact study in 1999 and the present draft regulation is currently under study. The consultation period will serve to clarify the impact of the amendments being sought. According to the 2000 Annual Report of the Comité paritaire de l'entretien d'édifices publics, région de Montréal, this Decree governs 621 employers and 7 806 employees.

Further information may be obtained by contacting Ms. Michèle Poitras, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6e étage, Québec (Québec) G1R 5S1.; Telephone: 418-646-2631; Fax: 418-528-0559, E-mail: michele.poitras@travail.gouv.qc.ca.

Any interested person having comments to make is asked to send them in writing before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6e étage, Québec (Québec) G1R 5S1.

JACQUES DORÉ,
Assistant Deputy Minister

Decree to amend the Decree respecting building service employees in the Montréal region*

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 2, 6.1 and 6.2)

1. Section 1.01 of the Decree respecting building service employees in the Montréal region is amended:

1. by substituting in paragraph *d*, "11,34 kilograms" for "66 cm x 91 cm";

2. by inserting in paragraph *e*, after the word "baskets", "of 11,34 kilograms or less";

3. by substituting the following for paragraph *i*:

(i) "employer": any person, partnership, firm or corporation that has maintenance work done by an employee;".

2. Section 3.01 is amended by substituting the following for the first paragraph:

"**3.01.** The standard workweek is 40 hours.".

3. The following is substituted for section 6.01:

"**6.01.** The employee receives at least the following hourly wage:

* The last amendments to the Decree respecting building service employees in the Montreal region (R.R.Q., 1981, c. D-2, r. 39) were made by the Regulation made by Order in Council No. 1382-99 dated 8 December 1999 (1999, *G.O.* 2, 4605). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

1. as of (*insert here the date of the coming into force of the Decree*):

(a) Class A $12.55;

(b) Class B $12.15;

(c) Class C $13.05.

2. As of (*insert here the date of the first anniversary of the coming into force of the Decree*):

(a) Class A $12.85;

(b) Class B $12.45;

(c) Class C $13.35;

3. As of (*insert here the date of the second anniversary of the coming into force of the Decree*):

(a) Class A $13.15;

(b) Class B $12.75;

(c) Class C $13.65;

4. As of 31 May 2005:

(a) Class A $13.55;

(b) Class B $13.15;

(c) Class C $14.05.".

4. Section 9.01 is amended by substituting the following for subparagraph *a* of paragraph 1:

(a) 5 consecutive days, on the occasion of the death of his spouse, his child or the child of his spouse;".

5. Section 11.02 is amended in the French version by substituting the words "service continu" for "services continus".

6. The following is substituted for section 14.01:

"**14.01.** The Decree remains in force until 31 May 2005. It is automatically renewed from year to year thereafter, unless one of the contracting parties opposes it by a written notice sent to the Minister of Labour and to the other contracting party during the month of December of the year 2004 or during the month of December of any subsequent year.".

7. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec.*

4458

Draft Regulation

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

Occupational health and safety in mines — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and with section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the Regulation to amend the Regulation respecting occupational health and safety in mines, the text of which appears below, may be adopted by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is to protect the health and ensure the safety of workers in the mining industry and to prescribe standards more appropriate to this sector.

To that end, the draft Regulation proposes to add new provisions related to the forwarding of a notice to the Commission where certain events occur and provisions related to the use of a new type of motorized vehicle, the all-terrain vehicle. It proposes, in addition, to amend certain provisions concerning air quality, certain equipment, such as motorized vehicles and remote controlled equipment. It provides increased safety measures on certain equipment, such as electrical hoisting plants, friction pulleys and hoists controlled by a programmed electronic system.

It also clarifies the handling, use, storage and transportation of explosives. Lastly, it provides that certain categories of persons working underground should receive more elaborate training with respect to occupational health and safety.

To date, study of the matter has shown little impact on small and medium-sized businesses.

Further information may be obtained by contacting Gilles Gagnon, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2, telephone: (418) 266-4699, fax: (418) 266-4698.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to Alain Albert, Vice Chairman, Programmation et expertise-conseil, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, 14e étage, Montréal (Québec) H3B 3J1.

TREFFLÉ LACOMBE,
Chairman of the board of directors and
Chief Executive Officer of the Commission
de la santé et de la sécurité du travail

Regulation to amend the Regulation respecting occupational health and safety in mines*

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1, s. 51, par. 9, s. 223, 1st par. subpars. 1, 7, 9, 19, 41, 42, 2nd and 3rd pars.)

1. Section 1 of the Regulation respecting occupational health and safety in mines is amended by inserting the following definition in the appropriate alphabetical order:

""braking device" means any brake or all brakes activated independently from the energy of a hoist and capable of stopping a moving drum or friction pulley on a hoist;"

2. The following is inserted after section 25:

"**25.1.** A written notice shall be sent to the Commission within 24 hours

(1) of the occurrence of any of the following events:

(a) an accident or incident related to a crane, hoist, headsheave, hoisting rope, cage, skip, bucket or to the timbering of a shaft;

(b) an explosion or a fire related to a compressor, a compressed air tank or pipe;

(c) an explosion related to a boiler;

(d) an abnormal or unexpected inrush;

(e) a crack in a watertight bulkhead or dam retaining more than 23 cubic metres of water (812 cu. ft.);

(f) a fire in an underground mine, the head frame of a shaft, a hoistroom or an explosives magazine;

(g) a premature or unexpected firing provoking the ignition of explosives;

(h) an air blast or an important and unexpected ground movement;

(i) the fainting of a person due to harmful gas or oxygen deficiency;

(2) of acknowledging of the presence of a flammable gas in an underground mine.".

3. The following is substituted for section 27.1:

"**27.1.** Within six months following the date of coming into force of this Regulation, any person working underground shall

(1) undergo training in occupational health and safety in accordance with Modules I, II, III, V and VII of the modular course for miners published by the Commission scolaire de l'Or-et-des-Bois; and

(2) hold an attestation to that effect issued by the Commission scolaire de l'Or-et-des-Bois.

The conditions prescribed in subparagraphs 1 and 2 of the first paragraph shall apply to a person who is hired after the expiry of the six-month period provided for in the first paragraph; notwithstanding the preceding, that person shall receive training in occupational health and safety in accordance with Modules I, II, and III within four months and, in accordance with Modules V and VII within six months of the date of hiring.

That person shall, until he meets the conditions prescribed in the first and second paragraphs, be accompanied by a person who has already received training in accordance with Module I of the course.

A person who occasionally works underground is exempted from the conditions prescribed in the first and second paragraphs; however, that person shall be accompanied by a person referred to therein.".

4. Section 54 is amended by substituting the following for clause *a* of subparagraph 5 of the first paragraph:

" *(a)* have sufficient power to supply the facility and be reserved in priority to that facility;".

* The Regulation respecting occupational health and safety in mines, made by Order in Council 213-93 dated 17 February 1993 (1993, *G.O.* 2, 1757), was last amended by the Regulation approved by Order in Council 639-2000 dated 24 May 2000 (2000, *G.O.* 2, 2536). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

5. Section 103.1 is amended

(1) by inserting "et les modalités" after the word "fréquences" in the first paragraph of the French text; and

(2) by adding the following after paragraph 2:

"(3) the strategy for sampling such dust must be applied in accordance with the common practices of industrial hygiene summarized in the Guide d'échantillonnage des contaminants de l'air en milieu de travail published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail, as it reads at the time it applies.".

6. Section 134 is amended by substituting "manufactured" for "purchased" in subparagraph 1 of the first paragraph.

7. Section 142 is amended

(1) by substituting "install" for "have" in the part preceding paragraph 1; and

(2) by inserting "have" after "or" in the part preceding paragraph 1.

8. The following is substituted for section 168:

"**168.** The oxygen supply hose and the combustible gas supply hose of a welding torch shall be equipped with at least one nonreturn gas device and at least one nonreturn flame device. Those devices must be installed according to the instructions of the manufacturer.".

9. Section 183 is amended by adding the following paragraph at the end:

"The design, manufacturing or installation of a protective structure is deemed to be made in accordance with Chapter 6 of the standard provided for in the first paragraph, if it is subject to an attestation signed and sealed by an engineer.".

10. Section 211 is amended by inserting "except for a digital remote control with single encoding," before "answer" in subparagraph 2 of the first paragraph.

11. Section 213 is amended by substituting "Except for a digital remote control with single encoding, where" for "Where".

12. The following is inserted after subdivision 5 of Division VI:

"***§6.*** *All terrain-vehicles*

214.1. The use of all-terrain vehicles in an underground mine is permitted only under the following conditions:

(1) it is mounted on at least four wheels;

(2) it is equipped with a rotating light placed at least 2 metres (6.6 ft.) off the ground;

(3) it is equipped with a fixed closed box for the transportation of tools and small material;

(4) it is prohibited to install a winch on the vehicle;

(5) it may not be used to transport personnel;

(6) the driver has the skill and knowledge required to safely use the vehicle; and

(7) the driver shall wear the following pieces of individual protective equipment:

(a) a motorcycle or snowmobile protective helmet conforming to the standards provided for in the Regulation respecting protective helmets for persons riding motorcycles, mopeds or snowmobiles and for their passengers made by Order in Council 1015-95 dated 19 July 1995; and

(b) flexible leather gloves or gloves made of a material that ensures a good grip on the handles and controls of the vehicle.

For the purposes of this section, "all-terrain vehicle" means a pleasure vehicle designed for driving elsewhere than on public highways and having a net mass not exceeding 450 kilograms (990 lb.)

13. Section 222 is amended by inserting "required in this Regulation" after "devices".

14. The following is substituted for section 225:

"**225.** At the beginning of his shift and before transporting persons or material, the hoistman shall check that each braking device required in section 250 can stop and hold the maximum load suspended from the corresponding drum by trying each braking device according to a procedure established by an engineer or a body specializing in the field. He shall not disengage the hoist clutch before carrying out the tests.

The testing procedure shall be available at the hoistman's work station.".

15. Section 232 is amended by adding "and of section 242" at the end of paragraph 4.

16. Section 237 is amended by substituting "braking devices" for "brakes" in the part preceding paragraph 1.

17. The following is inserted after section 237:

"**237.1.** Section 237 shall apply to a hoist controlled by a programmable electronic system, except for paragraphs 1 and 2.".

18. Section 243 is amended by adding the following sentence at the end: "In case the electrical supply breaks down, that indicator shall show the position of the conveyance and the counterweight for at least one hour and return to the value corresponding to the return current.".

19. Section 246 is amended by substituting "braking device" for "brake" whenever it appears in the section.

20. Section 250 is amended

(1) by substituting the following for the first paragraph:

"**250.** Where a hoist is used to transport persons or material or during shaft sinking work, it shall have at least two separate braking devices that are activated by independent systems."; and

(2) by deleting the third paragraph.

21. Section 251 is amended

(1) by substituting "braking devices and clutch" for "brake and clutch systems";

(2) by inserting "mechanically" after "interlocked"; and

(3) by substituting "braking devices" for "brakes" at the end;

22. Section 253 is amended by adding the following paragraphs at the end:

"The programmable monitoring electronic system may only be connected to a communication network that is required for its own operation.

If changes to the programming or operating parameters must be made from a distance, safety measures must be set up to ensure that those changes show a level of safety equivalent to that provided for if such measures were made within sight of the hoist.".

23. The following is inserted after section 260:

"**260.1.** Where a hoist is controlled by a programmable electronic system, a continuous alternate supply source shall be provided to ensure the operation of the control in case the electrical supply breaks down, in order to adjust the deceleration until the hoist comes to a complete stop. The operation of that alternate supply source shall self-check itself.".

24. Section 295 is amended by adding the following sentence at the end of paragraph 1: "Six months after its installation, the part of the rope forming the attachment to the conveyance or counterweight must be cut and discarded;".

25. The following is inserted after section 295:

"**295.1.** Notwithstanding subparagraph 1 of the first paragraph of section 295, where the expected life of a hoisting rope of a drum hoist is less than 15 months, the rope shall undergo an electromagnetic examination at intervals not exceeding three months and a breaking test at intervals not exceeding six months after it is put into service.

For the purposes of this section, the expected life of a hoisting rope of a new installation of a drum hoist or of a change in such a hoist that may affect the life of the rope is considered to be less than 15 months.".

26. Section 388 is amended by adding "or by a permanent visual signal on a screen" at the end of subparagraphs 1 and 2.

27. The following is substituted for section 409:

"**409.** For opening explosives packaging, only tools not causing sparks may be used.".

28. Section 415 is amended

(1) by inserting "located underground or on the surface" in the part preceding paragraph 1 and after "explosives"; and

(2) by substituting the following for paragraphs 3 and 4:

"(3) have a smooth and easy-to-clean floor;

(4) should there be any nitroglycerine present, have their shelves and floor treated with a neutralizing product when contaminated by explosive substances, according to the method prescribed by the manufacturer;".

29. Section 417 is amended by substituting "102 millimetres (4 in.)" for "75 millimetres (3 in.) in paragraph 2.

30. Section 423 is amended

(1) by substituting the following for paragraph 1:

"(1) the quantity of explosives so stored does not exceed the quantity that can be loaded for the shifts planned on the workday schedule;";

(2) by adding the following after paragraph 2:

"(3) the place of loading is identified by notices bearing the word "LOADING" in light-reflecting paint on both sides in letters at least 102 millimetres (4,0 in.) high and by at least one flashing red light installed at no less than 8 metres (26.2 ft.) from the site where explosives are stored;

(4) access to the loading area is closed in the absence of attendants assigned to that task by safety devices such as a barrier or a guardrail, so as to prevent any contact between explosives and a motorized vehicle; and

(5) only authorized workers have access to the loading area.".

31. Section 430 is amended by adding ", except if a video-surveillance camera allows the hoistman to follow the loading.".

32. The following is substituted for section 433:

"**433.** In a shaft conveyance, blasting accessories, ignition fuses and other types of explosives shall be placed in separate closed containers or between partitions made of wood or other spark arrester material, identified by the word EXPLOSIVES written on both sides in white letters at least 102 millimetres (4,0 in.) high and used exclusively for that purpose.".

33. Schedule VI is amended in section 5 by inserting the following after the third paragraph:

"Sampling shall focus on the total duration of the shift.".

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

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Treasury Board

Gouvernement du Québec

T.B. 196868, 10 July 2001

Public Service Act
(R.S.Q., c. F-3.1.1)

Holding of competitions
— Amendments

Regulation to amend the Regulation respecting the holding of competitions

WHEREAS, under subparagraphs 1, 2, 3, 5, and 7 of the first paragraph of section 50.1 of the Public Service Act (R.S.Q., c. F-3.1.1), amended by section 135 of chapter 8 of the Statutes of 2000, the Conseil du trésor shall determine by regulation the procedure for holding recruitment or promotion competitions, geographical areas and criteria to determine whether a person belongs to an area for the purposes of eligibility for a competition or for a candidate inventory in that area, the administrative entity to which a public servant must belong in order to be eligible for a competition or candidate inventory and the norms relating to qualifications lists and the use of candidate inventories;

WHEREAS, under paragraph 1 of section 3 of the Regulations Act (R.S.Q. c. R-18.1), the Act does not apply to regulations respecting the management of human resources;

WHEREAS the Office des ressources humaines made the Regulation respecting the holding of competitions and the Government approved the Regulation by Order in Council 2290-85 dated 7 November 1985;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 21 of the Act respecting the transfer of the powers and functions of the Office des ressources humaines (1996, c. 35), regulations made under section 103 of the Public Service Act and in force on 19 June 1996 are deemed regulations made by the Conseil du trésor under section 50.1 of the Public Service Act;

WHEREAS, in accordance with the second paragraph of section 50.1 of the Public Service Act, a draft of the Regulation to amend the Regulation respecting the holding of competitions was published on 25 April 2001 in the *Gazette officielle du Québec* with a notice that it could be made by the Conseil du trésor, with or without amendment, upon the expiry of a 30-day period following its publication;

WHEREAS it is expedient to make, with amendments, the Regulation to amend the Regulation respecting the holding of competitions;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the holding of competitions, attached hereto, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting the holding of competitions*

Public Service Act
(R.S.Q., c. F-3.1.1, s. 50.1, 1st par., subpars. 1, 2, 3, 5 and 7; 2000, c. 8, s. 135)

1. Section 1 of the Regulation respecting the holding of competitions is amended by adding the words "and to candidate inventories constituted under the Act" at the end.

2. Section 2 is amended

(1) by inserting the words "or to the constitution of a candidate inventory" after the word "competition" in the first paragraph;

(2) by inserting the words "or for which the candidate inventory is constituted" after the word "held" in the second paragraph.

3. Section 7 is amended by inserting the words "or a candidate inventory" after the word "competition".

* The Regulation respecting the holding of competitions, made by Order in Council 2290-85 dated 7 November 1985 (1985, *G.O.* 2, 4072) was last amended by the Conseil du trésor Decision 192495 dated 29 September 1998 (1998, *G.O.* 2, 4251). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

4. Section 8 is amended by substituting the following for the first paragraph:

"**8.** Where a competition for promotion is held, or an inventory of candidates for the promotion is constituted, eligibility may be restricted, in consideration of the criteria listed in section 7, to persons belonging to the administrative unit for which the competition is held or for which the candidate inventory is constituted and to persons on reserve who would otherwise belong to that administrative unit.".

5. Section 10 is amended by substituting the following for the first paragraph:

"**10.** Notwithstanding section 9, for recruitment purposes and in the circumstances provided for in an affirmative action program or in a program designed to ensure the hiring of handicapped persons, the eligibility of a person covered by the program may not be restricted because that person belongs to another geographical area than the one specified in the conditions of eligibility.".

6. The heading of Division IV is amended by striking out the words "POUR LA TENUE DE CONCOURS" in the French text.

7. The following is substituted for section 12:

"**12.** The period allowed for the filing of applications for a competition or a candidate inventory shall be at least 10 working days. The closing date shall be indicated in the call for candidates.".

8. The headings of Divisions V and VI are amended by striking out the words "À UN CONCOURS" in the French text.

9. Section 21 is amended by inserting the words "or constitution of a candidate inventory" after the word "competition" in the first paragraph.

10. Section 22 is amended by adding the following paragraph at the end:

"A person who is eligible for a candidate inventory shall be responsible for updating his application form and the required supporting documents.".

11. The following is substituted for section 27:

"**27.** The result a person obtains on an examination or part of an examination for a competition or the constitution of a candidate inventory may be transferred to any competition or candidate inventory where the following two conditions are met:

(1) the content of the examinations or parts of examination is identical; and

(2) the period between the dates of those examinations or parts of examination does not exceed twelve months.".

12. The following is inserted after Division VII:

"**DIVISION VII.1**
USE OF CANDIDATE INVENTORIES

31.1. A candidate inventory may be used for a period of two years from the date of its constitution. Notwithstanding the foregoing, the period for using the candidate inventory may be extended, each extension corresponding to one year, by taking the following criteria into consideration:

(1) the number of applicants eligible for the candidate inventory or whose eligibility is established by the evaluation, as the case may be, who have not yet been declared qualified;

(2) the number of positions likely to be filled after competitions are held from the candidate inventory; and

(3) the appropriateness of the evaluation procedure used in relation to the nature of the position.

31.2. A candidate inventory may only be used for the purposes set forth in the call for candidates.".

13. Division VIII, including sections 32 to 34, is revoked.

14. Section 39 is amended by striking out the words "at his level" in the second paragraph.

15. Section 40 is amended

(1) by substituting "either one of the lists may be used" for "the list which first took effect shall have priority for purposes of using the lists for a given staffing method" in the first paragraph; and

(2) by deleting the third paragraph.

16. Section 40 as amended by section 15 of this Regulation does not apply in respect of a qualifications list that took effect before the coming into force of this Regulation until the date provided for its expiry at the time of the coming into force of this Regulation.

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

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Erratum

Bill 28
(2001, chapter 24)

An Act to amend the Act respecting health services and social services and other legislative provisions

Gazette officielle du Québec, 18 July 2001, Vol. 133, No. 30, page 4079.

Due to an error in the execution of the motion to renumber Bill 28 of 2001, duly adopted by the National Assembly on 21 June 2001, the text of the second paragraph of section 117 of the Act to amend the Act respecting health services and social services and other legislative provisions (2001, chapter 24), published in issue No. 30 of the *Gazette officielle du Québec*, Part 2, p. 4117, is published anew and shall read as follows:

"For the purposes of subparagraph 1 of the second paragraph of section 370.1, the provisions enacted by section 5 of this Act are deemed to be in force. The expression "president and executive director", used in the third paragraph of section 370.1 or 370.5, designates the executive director until the coming into force of section 65 of this Act.".

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Index Statutory Instruments

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified