

Gazette officielle du Québec

Part 2 Laws and Regulations

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Summary

Table of Contents
Acts 2001
Regulations and other acts
Treasury Board
Index

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Table of Contents

Page

Acts 2001

45	An Act to amend the Tobacco Act	6137
47	An Act to amend the Civil Code as regards civil status documents	6141
	List of Bills sanctioned (22 November 2001)	6135
	List of Bills sanctioned (9 November 2001)	6133

Regulations and other acts

1389-2001	Reduction of pollution from agricultural sources (Amend.)	6145
1397-2001	Professional Code — Arpenteurs-géomètres — Standards of equivalence for diplomas and training for the issue of a permit	6146
1398-2001	Professional Code — Land surveyors — Code of ethics (Amend.)	6148
1400-2001	Approval of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Eastern Republic of Uruguay and implementation of that Agreement	6150
1403-2001	Hearing devices insured (Amend.)	6160
1405-2001	Commission de la construction du Québec — Levy Regulation	6161
	Hearing devices insured (Amend.)	6162

Treasury Board

197299	Pension Plan of Management Personnel, An Act respecting the... — Amendments to Schedule II to the Act	6165
197300	Government and Public Employees Retirement Plan, An Act respecting the... — Amendments to Schedule I to the Act — Pension Plan of Management Personnel, An Act respecting the... — Amendments to Schedule II to the Act	6166
197301	Government and Public Employees Retirement Plan, An Act respecting the... — Amendment to Schedule I to the Act — Pension Plan of Management Personnel, An Act respecting the... — Amendment to Schedule II to the Act	6168
197302	Government and Public Employees Retirement Plan, An Act respecting the... — Amendments to Schedules I and II.1 to the Act— Pension Plan of Management Personnel, An Act respecting the... — Amendments to Schedule II to the Act	6170
197303	Government and Public Employees Retirement Plan, An Act respecting the... — Amendments to Schedule I and II.1 to the Act— Pension Plan of Management Personnel, An Act respecting the... — Amendments to Schedule II to the Act	6172

PROVINCE OF QUÉBEC

2nd SESSION

36th LEGISLATURE

QUÉBEC, 9 NOVEMBER 2001

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 9 November 2001

This day, at thirty-two minutes past nine o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

47 An Act to amend the Civil Code as regards civil status documents

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

PROVINCE OF QUÉBEC

2nd SESSION

36th LEGISLATURE

QUÉBEC, 22 NOVEMBER 2001

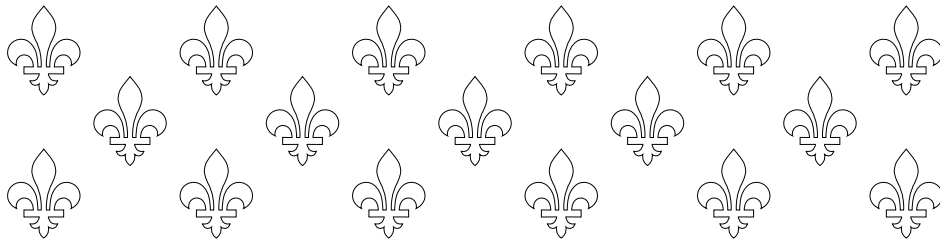
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 22 November 2001

This day, at thirty minutes past ten o'clock in the morning, the Honourable the Administrator of Québec was pleased to sanction the following bill:

45 An Act to amend the Tobacco Act

To this bill the Royal assent was affixed by the Honourable the Administrator of Québec.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 45
(2001, chapter 42)

An Act to amend the Tobacco Act

Introduced 25 October 2001
Passage in principle 6 November 2001
Passage 20 November 2001
Assented to 22 November 2001

Québec Official Publisher
2001

EXPLANATORY NOTES

This bill amends the Tobacco Act to clarify the application of the Act to private residences where home childcare is provided and to enclosed spaces where meals for consumption on the premises are ordinarily offered to the public in return for remuneration.

The bill extends the non-smoking prohibition set out in the Tobacco Act to state-owned casinos but provides that smoking areas may be set aside in the casino's gaming areas.

Bill 45

AN ACT TO AMEND THE TOBACCO ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 2 of the Tobacco Act (R.S.Q., chapter T-0.01), amended by section 22 of chapter 10 of the statutes of 2000, is again amended

(1) by replacing “, for the time during which childcare is provided if the facility is situated in a dwelling” in the third and fourth lines of paragraph 4 by “and private residences where home childcare within the meaning of that Act is provided, during the hours during which home childcare is provided”;

(2) by replacing “tourist establishments” in the first line of paragraph 8 by “tourist accommodation establishments”;

(3) by inserting the following paragraph after paragraph 8:

“(8.1) enclosed spaces specially laid out where meals for consumption on the premises are ordinarily offered to the public in return for remuneration, except rooms used by a natural person to hold a private reception for personal purposes;”.

2. Section 4 of the said Act is amended

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

“(1.1) the gaming areas of a state-owned casino;”;

(2) by striking out paragraph 5.

3. Section 5 of the said Act is amended by replacing paragraph 2 by the following paragraph :

“(2) for any person except an employee in a tourist accommodation establishment or on premises described in paragraph 8.1 of section 2.”

4. Section 6 of the said Act is amended by replacing “number of the rooms or, in a tourist establishment, the number of the rooms or” in the first and second lines of the first paragraph by “number of rooms or, on premises described in paragraph 8.1 of section 2, the number of”.

5. Section 7 of the said Act, amended by section 22 of chapter 10 of the statutes of 2000, is again amended by replacing “a place or business of 35 seats or more who holds a permit for the operation of a restaurant establishment under the Act respecting tourist accommodation establishments (chapter E-15.1) must, when setting aside areas where smoking is permitted,” in the first three lines by “premises described in paragraph 8.1 of section 2 containing 35 seats or more must, when setting aside areas where smoking is permitted,”.

6. Section 8 of the said Act is replaced by the following section :

“8. The operator of a place or business to which the admission of minors is prohibited pursuant to the Act respecting offences relating to alcoholic beverages (chapter I-8.1) and the operator of a bingo hall may permit smoking anywhere in such place, business or hall.

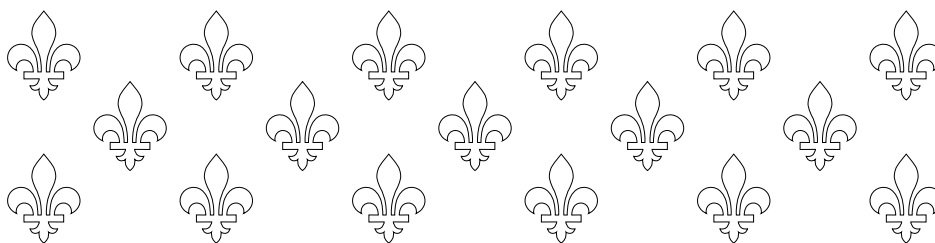
However, if the place, business or hall includes 35 seats or more where meals for consumption on the premises are ordinarily offered to the public in return for remuneration, the provisions applicable to premises described in paragraph 8.1 of section 2 apply to the area where the meals are offered.

Where the place, business or hall referred to in the second paragraph is situated within premises described in paragraph 8.1 of section 2 and the establishments are operated by the same operator, the area where meals are offered in the place, business or hall and the premises described in paragraph 8.1 of section 2 are deemed to constitute one and the same place, and the provisions that apply to premises described in paragraph 8.1 of section 2 thus apply thereto.”

7. Section 69 of the said Act is amended by adding the following paragraph :

“As concerns premises not covered by section 7 as it read before 1 December 2001, the date of 17 December 2001 specified in the first paragraph shall be replaced by the date of 17 December 2002.”

8. The provisions of this Act come into force on 1 December 2001.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 47
(2001, chapter 41)

An Act to amend the Civil Code as regards civil status documents

**Introduced 30 October 2001
Passage in principle 6 November 2001
Passage 8 November 2001
Assented to 9 November 2001**

**Québec Official Publisher
2001**

EXPLANATORY NOTE

This bill amends the Civil Code to restrict the issue of certificates of civil status by the registrar of civil status to the persons who are mentioned in the certificates or establish their interest.

Bill 47

AN ACT TO AMEND THE CIVIL CODE AS REGARDS CIVIL STATUS DOCUMENTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Article 148 of the Civil Code of Québec (1991, chapter 64) is amended by replacing the first paragraph by the following paragraph :

“148. The registrar of civil status issues a copy of an act or a certificate only to the persons mentioned in the act or certificate or to persons who establish their interest.”

2. This Act comes into force on 9 November 2001.

Regulations and other acts

Gouvernement du Québec

O.C. 1389-2001, 21 November 2001

Environment Quality Act
(R.S.Q., c. Q-2)

Pollution from agricultural sources

— Reduction

— Amendments

Regulation to amend the Regulation respecting the reduction of pollution from agricultural sources

WHEREAS, under paragraphs *c* and *e* of section 31 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations to

— prohibit, limit and control sources of contamination as well as the emission, deposit, issuance or discharge into the environment of any class of contaminants throughout all or part of the territory of Québec;

— define standards for the protection and quality of the environment or any of its parts throughout all or part of the territory of Québec;

WHEREAS the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), amended by chapters 25 and 26 of the Statutes of 2001 and by Orders in Council 1308-2001 to 1312-2001 dated 1 November 2001, provides for the amalgamation of several municipalities;

WHEREAS, by Order in Council 687-2001 dated 6 June 2001, the Government made the Regulation to amend the Regulation respecting the reduction of pollution from agricultural sources, which targets, among others, the municipal territories that will be amalgamated in accordance with the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of prior publication shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following reasons justifies the absence of prior publication of the Regulation to amend the Regulation respecting the reduction of pollution from agricultural sources:

— the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais that constitutes the new cities of Montréal, Québec, Gatineau, Longueuil and Lévis comes into force on 1 January 2002;

— it is important for the environment to maintain the current regulatory restrictions in the municipalities that have surplus manure even after their amalgamation with other municipalities;

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

THAT the Regulation to amend the Regulation respecting the reduction of pollution from agricultural sources, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the reduction of pollution from agricultural sources*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, pars. *c* and *e*)

1. Section 32 of the Regulation respecting the reduction of pollution from agricultural sources is amended in the French text by substituting “du regroupement de son territoire avec celui d’une” for “de fusion avec une” in the first paragraph.

* The Regulation respecting the reduction of pollution from agricultural sources, made by Order in Council 742-97 dated 4 June 1997 (1997, *G.O.* 2, 2607), was last amended by the Regulation made by Order in Council 687-2001 dated 6 June 2001 (2001, *G.O.* 2, 2713). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.

2. The following is inserted after section 32:

“**32.1.** The territory of a municipality that is a limited activity zone under the first paragraph of section 32 or that is considered as such for the purposes of the second paragraph of that section, shall continue to be a limited activity zone or to be considered as such even if the municipality ceases to exist after its amalgamation with another municipality.”.

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

4688

Gouvernement du Québec

O.C. 1397-2001, 21 November 2001

Professional Code
(R.S.Q., c. C-26)

Arpenteurs-géomètres
— **Standards of equivalence for diplomas and training for the issue of a permit by the Ordre**

Regulation respecting standards of equivalence for diplomas and training for the issue of a permit by the Ordre des arpenteurs-géomètres du Québec

WHEREAS under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26) the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS the Bureau of the Ordre des arpenteurs-géomètres du Québec duly adopted the Regulation respecting standards of equivalence for diplomas and training for the issue of a permit by the Ordre des arpenteurs-géomètres du Québec;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1) a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 13 June 2001 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Professional Code, the Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting standards of equivalence for diplomas and training for the issue of a permit by the Ordre des arpenteurs-géomètres du Québec, attached to this Order in Council, be approved

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting standards of equivalence for diplomas and training for the issue of a permit by the Ordre des arpenteurs-géomètres du Québec

Professional Code
(R.S.Q., c. C-26, s. 93, par. c)

DIVISION I
GENERAL

1. This Regulation applies to any person who does not hold a diploma giving access to a permit issued by the Ordre des arpenteurs-géomètres du Québec and who is requesting that, for the purposes of obtaining a permit, a diploma issued by an educational establishment outside Québec be recognized as equivalent.

It also applies to any person who neither holds a diploma giving access to a permit, nor a diploma issued by an educational establishment outside Québec that could be recognized as equivalent under this Regulation and who is requesting, for the purposes of obtaining a permit, that the training received in Québec or outside Québec be recognized as equivalent to that diploma.

2. In this Regulation,

“diploma giving access to the permit” means a diploma recognized as giving access to the permit issued by the Order, by a government regulation made under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26);

“diploma equivalence” means the recognition by the Bureau of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code, that a diploma issued by an educational establishment outside Québec certifies that its holder has attained a level of knowledge and skills equivalent to the level that may be attained by the holder of a diploma giving access to the permit;

“training equivalence” means the recognition by the Bureau of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code, that a person’s training demonstrates that he has attained a level of knowledge and skills equivalent to the level that may be attained by the holder of a diploma giving access to the permit.

3. The secretary of the Order shall forward a copy of this Regulation to any person who requests diploma or training equivalence in order to obtain a permit from the Order.

DIVISION II EQUIVALENCE STANDARDS FOR DIPLOMAS

4. A person who holds a diploma issued by an educational establishment outside Québec shall be granted a diploma equivalence if his diploma was obtained upon completion of undergraduate studies comprising a minimum of 120 training credits, with each credit corresponding to 45 hours of course attendance or personal work. At least 108 of the 120 credits must be apportioned as follows:

(1) at least 14 credits in geometry and senior mathematics;

(2) at least 24 credits in civil law, land law (cadastral survey and land surveying) and Québec administrative and municipal law;

(3) at least 25 credits in cartography, topometry, photogrammetry and remote sensing;

(4) at least 6 credits in company management and land use planning;

(5) at least 15 credits in geodesy, hydrography and metrology;

(6) at least 9 credits in data processing, data base and geographic information systems management; and

(7) at least 15 credits on the subjects referred to in paragraphs 1 to 6.

DIVISION III EQUIVALENCE STANDARDS FOR TRAINING

5. A person shall be granted a training equivalence if he has attained a level of knowledge and skills equivalent to the level that may be attained by the holder of a diploma giving access to the permit.

6. In appraising the training presented in support of an application for training equivalence, the Bureau of the Order shall take all the following factors into account, in particular:

(1) the fact that the person holds one or more college or undergraduate diplomas obtained in Québec or elsewhere;

(2) the type of courses taken and course content, the number of related credits and the marks obtained;

(3) the total years of education;

(4) the training sessions and other continuing professional training or upgrading activities engaged in;

(5) the relevant work experience;

(6) the fact that the person was a member of a recognized association of surveyors, land surveyors or building surveyors and that he held a permit to practise in due form; and

(7) any contribution to the advancement of the profession, estate in land or geomatics.

DIVISION IV PROCEDURE FOR THE RECOGNITION OF AN EQUIVALENCE

7. A person who applies for a diploma or training equivalence to obtain a permit issued by the Order shall provide the secretary of the Order with the following documents and information:

(1) a written application, along with the fees prescribed for the examination of the application pursuant to paragraph 8 of section 86.0.1 of the Professional Code;

(2) his academic record, including a description of the courses taken, the number of course hours completed or credits obtained and an official transcript of the marks obtained;

(3) a true copy of any diploma he holds;

(4) where applicable, authentic or certified proof that he was a member of a recognized association of surveyors, land surveyors or building surveyors, or a true copy of any permit to practise that he held;

(5) where applicable, a document attesting to his relevant work experience in the field of land surveying or in the field of the management of spatially referenced data bases, with a description thereof;

(6) where applicable, a document attesting to the person's participation in a training or professional development session and successful completion of that training session;

(7) where applicable, a document attesting to any additional training received during the last five years; and

(8) where applicable, any information related to the factors that the Bureau of the Order may take into account pursuant to section 6.

Where documents submitted in support of an application for recognition of an equivalence are written in a language other than French or English, the applicant shall provide a French translation of the documents, attested by an accredited translator or by a sworn statement of the person who did the translation.

8. The secretary of the Order shall send the documents and information referred to in section 7 to a committee formed by the Bureau of the Order in accordance with paragraph 2 of section 86.0.1 of the Professional Code for the purposes of examining applications for equivalence and making an appropriate recommendation to the Bureau of the Order.

For the purposes of making an appropriate recommendation, the committee may require that the applicant do one or more of the following: pass an examination, successfully complete a training session or do both.

9. At its first meeting following the date of receipt of the committee's recommendation, the Bureau of the Order shall decide whether or not the person shall be granted a diploma or training equivalence.

The secretary of the Order shall inform the person in writing of the Bureau's decision by sending it by registered mail within 15 days of the date the decision is made.

Where the equivalence is granted, the secretary of the Order shall issue a document, in the name of that person, attesting to the recognition of the equivalence of the diploma he holds or of the training that he has received.

Where the Bureau of the Order decides not to grant a diploma or training equivalence, the secretary of the Order shall, on the same occasion, inform the person in writing of the programs of study leading to a diploma giving access to the permit or of additional training that should be successfully completed within the time period indicated by the Bureau, taking into account the candidate's level of knowledge and skills at the time of his application, for the training equivalence to be granted.

10. Where the Bureau of the Order does not recognize a diploma or training equivalence, the person may apply to the Bureau for review of the decision and for a hearing. The person shall send a written application to that effect to the secretary of the Order within 30 days of the mailing of the Bureau's decision.

The secretary of the Order shall convene the applicant by means of a notice sent by registered mail not less than ten days before the date of the regular meeting of the Bureau following the date of receipt of the application for a hearing.

The Bureau shall hear the person and shall review its decision if necessary. The Bureau's decision is final and shall be sent to the person in writing by registered mail within 30 days following the date it is made.

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

4689

Gouvernement du Québec

O.C. 1398-2001, 21 November 2001

Professional Code
(R.S.Q., c. C-26)

Land surveyors
— **Code of ethics**
— **Amendments**

Regulation to amend the Code of ethics of land surveyors

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity;

WHEREAS under the same section of the Professional Code, the code of ethics must contain, *inter alia*, provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in section 60.5 and 60.6 of the Code and provisions concerning a professional's obligation to release documents to his client;

WHEREAS the Bureau of the Ordre des arpenteurs-géomètres du Québec adopted the Regulation to amend the Code of ethics of land surveyors;

WHEREAS under section 95.3 of the Professional Code, amended by section 22 of chapter 13 of the Statutes of 2000 and by section 8 of chapter 34 of the Statutes of 2001, the secretary of the order has sent a draft of the regulation to every member of the order at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 8 August 2001 with a notice that it could be submitted to the Government which could approve it with or without amendment, upon the expiry of 45 days following the date of its publication;

WHEREAS in accordance with section 95 of the Professional Code, l'Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of land surveyors, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of land surveyors*

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The following is substituted for Subdivision 7 of Division III of the Code of ethics of land surveyors:

“§7. Terms and conditions of the exercise of the rights of access and corrections provided for in sections 60.5 and 60.6 of the Professional Code and obligation for a land surveyor to release documents to a client.

3.07.01. A land surveyor may require that a request referred to in section 3.07.02, 3.07.05 or 3.07.08 be made at his place of business during his regular working hours.

3.07.02. In addition to the particular rules prescribed by law, a land surveyor shall promptly follow up, no later than 30 days after its receipt, on any request made by his client whose purpose is:

(1) to examine documents that concern him in any record established in his respect;

(2) to obtain a copy of the documents that concern him in any record established in his respect.

3.07.03. A land surveyor who grants a request referred to in section 3.07.02 shall allow his client access to documents, free of charge. However, a land surveyor who receives a request referred to in paragraph 2 of section 3.07.02 may charge reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for forwarding a copy.

A land surveyor charging such fees shall, before proceeding with the reproduction, transcription or forwarding of the documents, inform his client of the approximate amount he will have to pay.

3.07.04. A land surveyor who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuses to allow his client access to the information contained in a record established in his respect shall specify to the client, in writing, that the disclosure would be likely to cause serious harm to the client or to a third party.

3.07.05. In addition to the particular rules prescribed by law, a land surveyor shall promptly follow up, no later than 30 days after its receipt, on any request made by his client whose purpose is:

(1) to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document concerning him in any record established in his respect;

(2) to cause to be deleted any information that is outdated or not justified by the object of the record established in his respect;

(3) to file in the record established in his respect the written comments that he prepared.

3.07.06. A land surveyor who grants a request referred to in section 3.07.05 shall issue to his client, free of charge, a copy of the document or part of the document so that his client may see for himself that the information was corrected or deleted or, as the case may be, an attestation that the written comments prepared by his client were filed in the record.

* The Code of ethics of land surveyors (R.R.Q., 1981, c. A-23, r. 4) was amended once by the Regulation made by Order in Council 1415-92 dated 23 September 1992 (1992, G.O. 2, 4511).

3.07.07. Upon written request by his client, a land surveyor shall forward a copy, free of charge for the client, of corrected information or an attestation that the information was deleted or, as the case may be, that written comments were filed in the record of any person from whom the land surveyor received the information that was subject to the correction, deletion or comments and of any person to whom the information was provided.

3.07.08. A land surveyor shall promptly follow up on any written request made by his client, whose purpose is to take back a document entrusted to him by his client.

A land surveyor shall indicate in his client's record, where applicable, the reasons in support of his client's request."

2. The words "the president, the vice-president or a person designated by the president" are substituted for the words "the administrative committee" in paragraph i of section 4.01.01.

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

4690

Gouvernement du Québec

O.C. 1400-2001, 21 November 2001

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001)

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

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9)

Agreement on Social Security between the Gouvernement du Québec and the Government of the Eastern Republic of Uruguay — Approval — Implementation

Approval of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Eastern Republic of Uruguay and the Regulation respecting the implementation of that Agreement

WHEREAS Décret 905-2001 dated 31 July 2001 authorized the Minister of International Relations to sign alone the Agreement on Social Security between the Gouvernement du Québec and the Government of the Eastern Republic of Uruguay;

WHEREAS the Agreement was entered into on 16 October 2001 in Québec;

WHEREAS the purpose of the Agreement is to coordinate the pension plan of Québec and the pension plan of Uruguay in order to mitigate the disadvantages caused by the migration of persons;

WHEREAS, under paragraph 3 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001), in the exercise of his functions the Minister of Social Solidarity may, in particular, enter into agreements in accordance with the law, with a government other than the Gouvernement du Québec, a department of such a government, an international organization, or a body under the authority of such a government or organization;

WHEREAS, under section 10 of that Act, notwithstanding any other legislative or regulatory provision, where an agreement in the area of income security and social benefits under paragraph 3 of section 5 of that Act extends the coverage of an Act or a regulation to a person defined in the agreement, the Government may, by regulation, enact the measures required to implement the agreement in order to give effect to the agreement;

WHEREAS the Government may, by regulation made under section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), give effect to international fiscal agreements entered into under section 9 of that Act;

WHEREAS, under section 215 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), the Government may make regulations respecting the manner in which the act shall apply to any case affected by an agreement entered into with another country;

WHEREAS, under section 19 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1), the Minister of International Relations shall see to the negotiation and implementation of international agreements and shall administer the programs created under such agreements;

WHEREAS, under that section, the Agreement constitutes an international agreement;

WHEREAS, under section 20 of that Act, international agreements must be approved by the Government in order to be valid;

WHEREAS, under Order in Council 1118-93 dated 11 August 1993, proposed regulations and regulations concerning the implementation of reciprocal agreements in matters of social security entered into by the Gouvernement du Québec are excluded from the application of the Regulations Act (R.S.Q., c. R-18.1);

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour and Social Solidarity and Minister of Social Solidarity, the Minister of International Relations and the Minister of Revenue:

THAT the Agreement on Social Security between the Gouvernement du Québec and the Government of the Eastern Republic of Uruguay, entered into on 16 October 2001, the text of which appears as a Schedule to the Regulation respecting the implementation mentioned hereafter, be approved;

THAT the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Eastern Republic of Uruguay, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Eastern Republic of Uruguay

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001, s. 10)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, ss. 9 and 96)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9, s. 215)

1. The Act respecting the Québec Pension Plan (R.S.Q., c. R-9) and the regulations made thereunder shall apply to any person referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Eastern Republic of Uruguay, signed on 16 October 2001, and attached as Schedule I.

2. That Act and those regulations shall apply in the manner stipulated in the Agreement and in the Administrative Arrangement for the application of the Agreement, attached as Schedule II.

3. This Regulation comes into force on 1 January 2002.

SCHEDULE I

AGREEMENT ON SOCIAL SECURITY BETWEEN QUÉBEC AND URUGUAY

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE EASTERN REPUBLIC OF URUGUAY

RESOLVED to guarantee to their respective nationals the advantages of the coordination of their social security statutes,

HAVE AGREED AS FOLLOWS:

TITLE I GENERAL

ARTICLE 1 DEFINITIONS

1. In the Agreement, the following expressions shall mean:

— “competent authority”: for Québec, the Minister responsible for the application of the statutes referred to in Article 2 and for Uruguay, the Ministry of Labour and Social Security or the delegated institution;

— “competent institution or managing agency”: for Québec, the department or agency responsible for the application of the statutes referred to in Article 2 and for Uruguay, the managing agency responsible for the application of the statutes referred to in Article 2;

— “statutes”: laws, regulations and statutory provisions respecting social security plans referred to in Article 2;

— “period of insurance”: for Québec, any year for which contributions have been paid or for which a disability pension has been paid under the Act respecting the Québec Pension Plan or any other year considered as equivalent; and, for Uruguay, any period recognized as a period of insurance or considered as equivalent under its statutes;

— “benefit”: any benefit in cash provided under the statutes of each contracting Party, including any extension, supplement, increase or indexing; and

— “worker”: for Uruguay, any person who, by reason of his activity, for his own account or on behalf of another person, is or was subject to the statutes referred to in Article 2.

2. Any term not defined in the Agreement shall be understood as having the meaning given to it in the applicable statutes.

ARTICLE 2 MATERIAL SCOPE

1. The Agreement shall apply

(a) to the statutes of Québec concerning the Québec Pension Plan;

(b) to the statutes of Uruguay concerning social security benefits resulting from contributions and covered by the pension plans, under the system of apportionment and individual capitalization.

2. The Agreement shall also apply to any statutory or regulatory act which modifies, adds to or replaces the statutes referred to in paragraph 1.

3. The Agreement shall also apply to statutory or regulatory provisions of a contracting Party which extends the existing plans to new categories of beneficiaries or to new benefits; notwithstanding the preceding, that contracting Party may, within three months of the date of the official publication of those provisions, notify the other contracting Party that the Agreement shall not apply.

4. The Agreement shall not apply to statutory or regulatory provisions which cover a new branch of social security, unless the Agreement is modified to that effect.

ARTICLE 3 PERSONAL SCOPE

The Agreement shall apply to any person who is subject to the statutes of a contracting Party or who has acquired rights under such statutes.

ARTICLE 4 EQUAL TREATMENT

For the application of the statutes of a contracting Party, persons referred to in Article 3 shall receive equal treatment with respect to the rights and obligations from those statutes.

ARTICLE 5 EXPORT OF BENEFITS

1. Unless otherwise provided in the Agreement, any benefit acquired under the statutes of a contracting Party or under the Agreement may not be reduced, modified, suspended or suppressed solely because persons entitled to it reside permanently or temporarily in the territory of the other contracting Party.

2. Such benefit is payable in the territory of the other contracting Party or in the territory of a non-member country if the beneficiary so requests.

TITLE II APPLICABLE STATUTES

ARTICLE 6 GENERAL RULE

Unless otherwise provided in the Agreement and subject to Articles 7, 8, 9 and 10, persons working in the territory of a contracting Party shall be subject only to the statutes of that Party.

ARTICLE 7 SECONDED PERSONS

1. Persons subject to the statutes of a contracting Party and temporarily seconded by their employer, for a period not exceeding thirty-six months, to work in the territory of the other contracting Party shall, with respect to such work, be subject only to the statutes of the first contracting Party during the term of their secondment.

2. Notwithstanding the preceding, if the time required to complete the work comes to exceed thirty-six months, the statutes of the first contracting Party may continue to apply for a maximum of twenty-four months, provided that the competent authorities or delegated institutions of the other contracting Party give their approval.

ARTICLE 8 CREW MEMBER EMPLOYED IN INTERNATIONAL MARITIME TRANSPORT

Persons working as crew members on a ship who, in the absence of this Agreement, will be subject to the Statutes of both contracting parties because of such work, shall, with respect to such work, be subject only to the statutes of Québec if those persons reside in Québec and carry out the work under the undertaking contract of the crew entered into with Canada, and only to the statutes of Uruguay if those persons reside or are hired in Uruguay. Where those circumstances do not apply, the employees shall remain subject only to the statutes of Uruguay if the ship sails under the Uruguayan flag.

ARTICLE 9

PERSONS IN GOVERNMENT SERVICE

1. Persons in Government Service for one of the contracting Parties and assigned to a post in the territory of the other contracting Party shall be subject only to the statutes of the first contracting Party for all matters with respect to that post.

2. No provision of the Agreement may be interpreted as being contrary to the provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961, or to the provisions of the Vienna Convention on Consular Relations of 24 April 1963, relative to the statutes referred to in Article 2.

3. Persons residing in the territory of a contracting Party and being in that territory in Government Service for the other contracting Party shall, with respect to that service, be subject only to the statutes that apply in that territory.

ARTICLE 10

DEROGATION FROM THE PROVISIONS ON COVERAGE

The competent authorities of both contracting Parties or the institutions delegated by those competent authorities may, by common agreement, derogate from the provisions of Articles 6, 7, 8 and 9 with respect to any persons or categories of persons.

TITLE III

APPLICABLE BENEFITS

ARTICLE 11

TOTALIZATION OF PERIODS

1. When the statutes of a contracting Party require the completion of certain periods of insurance for entitlement to maintenance or recovery of the right to benefits, the periods completed under the statutes of the other contracting Party shall be totalized, if necessary, with the periods completed under the statutes of the first contracting Party, provided that overlapping periods are counted only once.

2. For the application of paragraph 1, the competent institution of Québec shall proceed as follows:

(a) it shall recognize one year of contribution where the managing agency of Uruguay certifies that a period of insurance of at least 75 days in a calendar year has been credited in favour of those persons under the statutes of Uruguay, provided that the year is included in the contributory period defined in the statutes of Québec;

(b) it shall totalize the years recognized under paragraph *a* with periods of insurance completed under the statutes of Québec.

3. For the application of paragraph 1, the managing agency of Uruguay shall proceed in the following manner:

(a) it shall recognize 300 days of contribution under the statutes of Uruguay for each period of insurance certified by the competent institution of Québec;

(b) it shall also recognize six days of contribution under the statutes of Uruguay, for each week of residence under the terms of the Old Age Security Act which applies in the territory of Québec, provided that such period does not overlap a period of insurance completed under the statutes of Québec;

(c) it shall totalize the days recognized under subparagraphs *a* and *b* with periods of insurance completed under the statutes of Uruguay.

4. If there is no entitlement to benefits after the totalization provided for in paragraph 2 or 3, the periods of insurance completed under the statutes of a third State that has, with each of the contracting Parties, a legal instrument on social security containing provisions on the totalization of periods of insurance shall be taken into account to determine if the person is entitled to benefits, in accordance with the terms and conditions covered by the Title.

ARTICLE 12

BENEFITS UNDER THE STATUTES OF QUÉBEC

1. If persons who have been subject to the statutes of either contracting Party meet the requirements for entitlement to benefits, for themselves, for their dependants, survivors or other rightful claimants, under the statutes of Québec, without resorting to the totalization referred to in Article 11, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the statutes it applies.

2. When the totalization prescribed in Article 11 entitles persons to benefits, the competent institution of Québec shall determine the amount payable as follows:

(a) that part of the benefit which is related to earnings is calculated according to the provisions of the statutes of Québec;

(b) the amount of the flat-rate portion of the benefit payable under the provisions of this Agreement shall be determined by multiplying

the amount of the flat-rate portion of the benefit determined under the provisions of the Québec Pension Plan

by

the fraction which represents the ratio of the periods of contribution to the Québec Pension Plan in relation to the contributory period as defined in statutes concerning the Plan.

ARTICLE 13 BENEFITS UNDER THE STATUTES OF URUGUAY

If persons have been subject successively or alternatively to the statutes of either contracting Parties, they shall be entitled to benefits, for themselves, for their dependants, survivors or other rightful claimants, under the statutes of Uruguay, in the following conditions :

A. Individual Capitalization System

(1) A worker associated with a savings fund administration company for social security (AFAP) will finance the benefits with the amount accumulated in its individual capitalization account ;

(2) Benefits granted by the capitalization plan will be added to the benefits charged to the apportionment plan when the worker meets the conditions established by the statutes in effect by applying, if necessary, the totalization of the periods of insurance ;

B. Apportionment System

(1) The managing agency of Uruguay shall determine the right and calculate the benefit by taking into account only the periods of insurance completed under the statutes of Uruguay ;

(2) The managing agency of Uruguay shall also determine the entitlement to benefits by applying the totalization provided for in Article 11. Where entitlement to benefits is acquired under the totalization, the following rules shall apply for the calculation of the amount to be paid :

(a) the managing agency shall determine the amount of benefits to which the person would be entitled if all the totalized periods had been completed under its own statutes (theoretical pension) ;

(b) then it establishes the amount of the benefits by applying to the theoretical pension, calculated under its statutes, the same proportion as that which exists between the period of insurance completed under the statutes of Uruguay and all the totalized periods (pension on a *prorata* basis) ;

(3) Once the rights are determined in accordance with the provisions of paragraphs 1 and 2, the managing agency shall grant and pay the benefit more favourable to the person notwithstanding the decision of the competent institution of Québec.

ARTICLE 14 SPECIFIC CONDITIONS FOR ENTITLEMENT TO BENEFITS

1. If attributing benefits is conditional to the fact that persons had been subject to the statutes of Uruguay at the time where the event establishing entitlement to benefits occurs, that condition is considered met if, at the time, the persons are subject to the statutes of Québec, or reside in Québec under the Old Age Security Act or receive contributor benefits of the Québec Pension Plan or old age security pension.

The same principle applies to attributing survivor benefits for which the status of beneficiary of the person deceased under the statutes of Québec or retired under the Old Age Security Act is taken into account, if necessary.

2. If, for attributing benefits, the statutes of Uruguay require that periods of contributions have been completed during a period determined immediately before the event for entitlement to benefits, that condition shall be considered met if those periods are included in the period of insurance of those persons under the statutes of Québec or in their period of residence under the terms of the Old Age Security Act.

3. The provisions of the statutes related to beneficiaries who work shall apply even if that work is carried out in the territory of Québec.

ARTICLE 15 PERIODS OF CONTRIBUTION TO SPECIAL OR SUPPLEMENTED PLANS

1. If the statutes submit the eligibility or attribution of certain benefits provided that periods of insurance have been completed in the practice of a profession that comes under a special or supplemented plan, or in the practice of a profession or a determined employment, the periods of insurance completed under the statutes of Québec shall be taken into account for attributing those benefits only if they were completed in the practice of the same profession or, where applicable, of an activity presenting similar characteristics.

2. If, considering the periods thus completed, the interested person does not meet the conditions required to be entitled to benefits of the general plan or of another special or supplemented plan, those periods shall be

taken into account for attributing benefits of the general plan or another special or supplemented plan from which the interested person could have acquired rights.

ARTICLE 16 DETERMINATION OF ENTITLEMENT TO DEATH BENEFITS

Where a person has completed periods of insurance under the statutes of each of the contracting Parties, entitlement to a death benefit shall be determined as follows:

(a) if a death benefit is payable under the statutes of Québec without having recourse to the totalization provided for in Article 11, only the competent institution of Québec is required to pay that benefit;

(b) if the provisions of paragraph *a* do not apply, the competent institution of Québec and the managing agency of Uruguay shall determine entitlement to a death benefit in accordance with their respective statutes, by applying, if necessary, the totalization provided for in Article 11. If a right is then determined only under the statutes of a contracting Party, the competent institution or managing agency of that Party is required to pay that benefit.

Notwithstanding the foregoing, if after having applied the first sentence of paragraph *b*, there is entitlement under the statutes of each of the contracting Parties, only the agency or institution of the contracting Party under the statutes of which the beneficiary has contributed last is required to pay a death benefit.

TITLE IV MISCELLANEOUS

ARTICLE 17 ADMINISTRATIVE ARRANGEMENT

1. The competent authorities of the two contracting Parties shall set out the terms and conditions for the application of the Agreement in an Administrative Arrangement.

2. The liaison agencies of each contracting Party shall be designated in the Administrative Arrangement.

ARTICLE 18 CLAIM FOR BENEFITS

1. To be entitled to a benefit under the Agreement, a person shall file a claim in accordance with the terms and conditions provided for in the Administrative Arrangement.

2. A claim for a benefit filed under the statutes of a contracting Party after the date of coming into force of this Agreement shall be deemed to be a claim under the statutes of the other contracting Party, provided that the claimant so indicates that he has completed the periods of insurance under the statutes of the other contracting Party.

The date of receipt of such a claim shall be deemed to be the date on which that claim was received by the other contracting Party. However, this shall not apply if the claimant expressly requests that the allocation of the benefit provided for by the statutes of the other contracting Party be deferred.

ARTICLE 19 PAYMENT OF BENEFITS

1. Benefits shall be payable directly to the person to whom they are owing, in the currency of the contracting Party making the payment or in the common currency of the place of residence of that person, without any deduction for administrative charges or for any other expenses incurred in paying the benefits.

2. For the application of paragraph 1, when it is necessary to convert currency, the conversion rate shall be the rate of exchange in effect on the day payment is made.

ARTICLE 20 DEADLINE FOR FILING

1. A request, a declaration, an appeal or a claim which, under the statutes of a contracting Party, shall be filed within a prescribed time with the authority or institution of that contracting Party shall be accepted if filed within the same time period with the corresponding authority or institution of the other contracting Party. In such a case, the authority or institution of the second contracting Party shall forward immediately the request, declaration, appeal or claim to the authority or institution of the first contracting Party.

2. The date on which the request, declaration, appeal or claim is filed with the authority or institution of a contracting Party shall be considered as the date of filing with the authority or institution of the other contracting Party.

ARTICLE 21 MEDICAL REPORTS

1. At the request of the competent institution of a contracting Party, the competent institution of the other contracting Party shall make the necessary arrangements

to provide medical reports required for persons residing or staying in the territory of the second contracting Party.

2. The medical reports referred to in paragraph 1 shall not be considered invalid solely because they have been made in the territory of the other contracting Party.

ARTICLE 22 EXEMPTION FROM FEES AND AUTHENTICATION

1. Any exemption from or reduction of fees provided for in the statutes of a contracting Party with respect to the issuing of a certificate or document required for the application of such statutes shall be extended to the certificates and documents required for the application of the statutes of the other contracting Party.

2. Any document required for the application of the Agreement shall be exempt from authentication by diplomatic or consular authorities.

ARTICLE 23 PROTECTION OF PERSONAL INFORMATION

1. In this Article, the word “information” shall mean any indication from which the identity of a natural or legal person can be easily established.

2. Unless disclosure is required under the statutes of a contracting Party, any information communicated by an institution of a contracting Party to an institution of the other contracting Party shall be confidential and shall be used exclusively for the application of the Agreement.

3. Access to a file containing information shall be subject to the statutes of the contracting Party on whose territory the file is located.

ARTICLE 24 MUTUAL ASSISTANCE

The competent authorities and institutions shall

(a) communicate to each other any information required for the application of the Agreement;

(b) assist each other free of charge in any matter concerning the application of the Agreement, subject to the provisions of Article 21;

(c) forward to each other any information on measures adopted for the application of the Agreement or on

amendments to their statutes to the extent that such amendments affect the application of the Agreement;

(d) notify each other of the difficulties encountered in the interpretation or in the application of the Agreement.

ARTICLE 25 REIMBURSEMENT BETWEEN INSTITUTIONS

1. The competent institution of a contracting Party shall reimburse to the competent institution of the other contracting Party the costs related to each expert's report produced in accordance with Article 21.

2. The Administrative Arrangement shall provide for the terms and conditions of the reimbursement of costs referred to in paragraph 1.

ARTICLE 26 COMMUNICATION

The competent authorities and institutions and the liaison agencies of both contracting Parties may communicate with each other in their official language.

ARTICLE 27 SETTLEMENT OF DISPUTES

1. Any dispute between the two contracting Parties concerning the interpretation or the application of the Agreement shall, as far as possible, be settled by the competent authorities.

2. Questions not resolved as prescribed by paragraph 1 shall be the subject of consultation between the contracting Parties immediately at the request of a contracting Party.

3. If a dispute between the contracting Parties concerning the interpretation of the Agreement cannot be resolved or settled by the consultation prescribed in paragraph 1 or 2, it shall be referred, at the request of one of the contracting Parties, to an arbitration board.

4. Unless the contracting Parties decide otherwise by common agreement, the arbitration board shall be composed of three arbitrators, one appointed by each contracting Party and those two arbitrators shall appoint a third arbitrator, who shall act as chair.

5. The arbitration board shall determine its own procedure.

6. The decision of the arbitration board shall be final and binding on both contracting Parties.

TITLE V
TRANSITIONAL AND FINAL

ARTICLE 28
TRANSITIONAL PROVISIONS

1. The Agreement shall not confer any right to the payment of benefits for a period preceding the date of its coming into force.

2. For the application of Title III and subject to the provisions of paragraph 1 of this Article,

(a) a period of insurance completed prior to the date of coming into force of the Agreement shall be taken into consideration for the purposes of determining entitlement to benefits under the Agreement;

(b) a benefit, other than a death benefit, is owing under the Agreement even if it is related to an event prior to the date of its coming into force;

(c) when benefits are payable pursuant to Article 11 and when the claim for such benefits is filed within two years from the date of coming into force of the Agreement, rights arising from the Agreement shall be acquired

i. from the date of coming into force of the Agreement if the event creating entitlement to benefits occurs before the date of coming into force; or

ii. from the date of the said event if it occurred after the date of coming into force of the Agreement;

and this, notwithstanding the provisions of the statutes of both contracting Parties concerning the forfeiture of rights;

(d) benefits granted before the date of coming into force of the Agreement shall be revised, at the request of the person concerned. If the revision leads to benefits lower than those paid before the coming into force of the Agreement, the amount of the benefits previously paid shall be maintained;

(e) if a claim referred to in paragraph *d* is filed within two years of the date of coming into force of the Agreement, rights arising from the Agreement shall be acquired from that date, notwithstanding the provisions of the statutes of both contracting Parties concerning the forfeiture of rights;

(f) if a claim referred to in paragraph *d* is filed after the expiry of the two-year period following the coming into force of the Agreement, rights which are not forfeited shall be acquired from the date of the claim, unless there are more favourable provisions in the applicable statutes.

ARTICLE 29
COMING INTO FORCE AND TERM OF THE
AGREEMENT

1. Each contracting Party shall notify the other when the internal procedures required for the coming into force of the Agreement have been completed.

2. The Agreement shall be entered into for an indefinite term beginning with the date of its coming into force, which shall be set by an exchange of letters between the contracting Parties. It may be denounced by one of the contracting Parties by notifying the other contracting Party. The Agreement ends on 31 December which follows the date of notification by at least 12 months, subject to guaranteeing the rights acquired or under way of being acquired on the date on which the Agreement ends.

Given at Québec on 16 October 2001, in duplicate, in the French and Spanish languages, both texts being equally authentic.

For the Gouvernement
du Québec

For the Government of
the Eastern Republic
of Uruguay

ANDRÉ BOULERICE,
*Secretary of State for
Reception and Integration
of Immigrants*

JUAN MARÍA FEDERICO
BOSCH INDART,
*Vice-Minister of
Labour and of
Social Security*

SCHEDULE II

ADMINISTRATIVE ARRANGEMENT FOR THE
APPLICATION OF THE AGREEMENT ON SOCIAL
SECURITY BETWEEN QUÉBEC AND URUGUAY

ADMINISTRATIVE ARRANGEMENT

In accordance with paragraph 1 of Article 17 of the Agreement on Social Security entered into on 16 October 2001 between Québec and Uruguay, the competent authorities of the two contracting Parties have agreed on this Administrative Arrangement.

PART I
GENERAL PROVISIONS

ARTICLE 1
DEFINITIONS

1. For the purposes of this Administrative Arrangement, the term “Agreement” shall mean the Agreement on Social Security between Québec and Uruguay, signed on 16 October 2001.

2. For the purposes of this Arrangement, the expressions and terms defined in Article 1 of the Agreement shall have the meaning given to them in the said document.

ARTICLE 2
LIAISON AGENCIES

1. For the purposes of the Agreement and in accordance with the provisions of paragraph 2 of Article 17, the liaison agencies designated by the contracting Parties shall be the following:

— in Uruguay: Social Insurance Bank;

— in Québec: the Direction des équivalences et des ententes de sécurité sociale of the Ministère des Relations avec les citoyens et de l’Immigration or any other agency that the competent authority of Québec may subsequently designate.

2. The liaison agencies may communicate directly with one another, with the interested persons or with the persons authorized by those agencies.

3. The liaison agencies of the contracting Parties agree on the forms and other documents written in Spanish and French, that are necessary for the application of the Agreement and Administrative Arrangement.

ARTICLE 3
COMPETENT INSTITUTIONS AND MANAGING AGENCIES

Competent institutions and managing agencies referred to in paragraph 1 of Article 1 of the Agreement are

— in Uruguay: public social insurance, paragovernmental and private institutions or agencies, responsible for the application of the statutes referred to in Article 2 of the Agreement;

— in Québec: the department or agency responsible for the application of the statutes referred to in Article 2 of the Agreement.

PART II
APPLICATION OF TITLE II OF THE AGREEMENT
APPLICABLE STATUTES

ARTICLE 4
TEMPORARY SECONDMENTS

1. In the cases referred to in Articles 7 to 10 of the Agreement, the liaison agencies shall issue, at the employer’s request, a form or certificate certifying that the worker continues to be submitted, during his temporary secondment, to the statutes of the contracting Party from where he was seconded.

2. The liaison agency that issues the form or certificate shall give it to the employer and shall forward two copies to the liaison agency of the other contracting Party.

ARTICLE 5
EXTENSION OF TEMPORARY SECONDMENTS

Applications for extensions of temporary secondments shall be filed with the liaison agency of the contracting Party from where the worker was seconded, and the extensions shall take effect as soon as the liaison agency of the other contracting Party agrees in writing. It is expedient, in the interest of the seconded worker, that the application for extension be filed within a reasonable period preceding the deadline of the initial period of secondment.

PART III
APPLICATION OF TITLE III OF THE AGREEMENT
CLAIM FOR BENEFITS

ARTICLE 6
FILING OF CLAIMS

1. For the application of Title III of the Agreement, claims for benefits under the said Agreement may be filed: in Québec, with the liaison agency or the competent institution whose statutes apply and in Uruguay, with the corresponding managing agency.

Where a claim for benefits referred to in paragraph 1 is filed with a liaison agency of Québec, that agency shall forward the said application to the competent institution whose statutes apply, along with the required supporting documents.

2. When the claim for benefits referred to in paragraph 2 of Article 18 of the Agreement is received by the competent institution of one of the contracting Parties, that institution shall send that claim to the liaison agency of the same contracting Party. The liaison agency shall send that claim to the liaison agency of the other contracting Party, along with the required supporting documents.

3. The liaison agency or competent institution shall indicate on the liaison form the periods of insurance recognized under the statutes it applies.

4. Any information concerning civil status entered on a claim form shall be certified by the liaison agency transmitting the claim, which shall then be exempt from forwarding the supporting documents.

5. Any original document or copy thereof shall be kept by the competent institution or managing agency with which it was initially filed and a copy shall, upon request, be made available to the equivalent institution of the other contracting Party.

ARTICLE 7 NOTIFICATION OF DECISIONS ON BENEFITS

1. The liaison agencies and competent institution of Québec shall notify one another on the decisions respecting the steps to obtain benefits under the Agreement, by specifying the following:

— in case of refusal, the nature of the benefit refused and the reason for the said refusal;

— in case of allocating the benefit, the nature of the said benefit, its amount, the date from which it is owing and the date from which it will begin to be paid.

2. Decisions made by the competent institutions or managing agencies in accordance with the statutes that apply shall be notified to the claimants and inform them about the recourses and time limits for such recourse prescribed by such statutes.

PART IV MISCELLANEOUS

ARTICLE 8 EXCHANGE OF DATA AND COMMUNICATIONS

Liaison agencies shall exchange annually general statistics and information related to the amendments made to the statutes referred to in Article 2 of the Agreement.

All communications that the managing agencies, savings fund administration company for social security (AFAP) and insurance companies must exchange with the liaison agency or competent institution of Québec, shall be made through the liaison agency of Uruguay.

ARTICLE 9 REIMBURSEMENT BETWEEN INSTITUTIONS

For the application of Article 25 of the Agreement, at the end of each calendar year, when the competent institution of a contracting Party has produced experts' reports, on behalf or at the expense of the other contracting Party, the liaison agency of the first contracting Party shall send to the liaison agency of the other contracting Party a statement listing the fees pertaining to the experts' reports produced during the year under consideration, indicating the amount owed. That statement shall be accompanied by supporting documents.

The reimbursement shall be made within 60 days following the date of receipt of the application for reimbursement.

ARTICLE 10 COMING INTO FORCE

This Administrative Arrangement shall come into force at the same time as the Agreement and has no effect on the date on which the said Agreement ceases to be in effect, subject to the provisions of paragraph 2 of Article 29 of the Agreement.

Given at Québec on 16 October 2001, in duplicate, in the French and Spanish languages, both texts being equally authentic.

For the Gouvernement
du Québec

For the Government of
the Eastern Republic
of Uruguay

ANDRÉ BOULERICE,
*Secretary of State for
Reception and Integration
of Immigrants*

JUAN MARÍA FEDERICO
BOSCH INDART,
*Vice-Minister of
Labour and of
Social Security*

Gouvernement du Québec

O.C. 1403-2001, 21 November 2001

Health Insurance Act
(R.S.Q., c. A-29)

Hearing devices insured — Amendments

Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act

WHEREAS under subparagraph *h.2* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Régie de l'assurance maladie du Québec or upon its recommendation, make regulations to determine the hearing deficiencies and the sets and subsets of hearing aids that must be considered to be insured services for the purposes of the seventh paragraph of section 3, fix the age of the insured persons referred to therein and determine the classes of insured persons, determine the cost that the Board may assume on behalf of an insured person with a hearing deficiency, determine the cases and conditions in and on which the Board assumes the cost of such insured services and in and on which the services are furnished, prescribe the terms and conditions for claims and payments and prescribe the cases and conditions in and on which some of these hearing aids may or must be recovered;

WHEREAS by Order in Council 869-93 dated 16 June 1993, the Government made the Regulation respecting hearing devices insured under the Health Insurance Act;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the Régie de l'assurance maladie du Québec was consulted on these amendments;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* of 30 May 2001 on page 2505 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS following that publication, comments were made and briefs presented; they were studied but no amendment was made to this Regulation;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Health and Social Services and Minister of Health and Social Services and of the Minister for Health, Social Services and Youth Protection;

THAT the Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act*

Health Insurance Act
(R.S.Q., c. A-29, ss. 3, 7th par., and 69, 1st par., subpar. *h.2*)

1. The Regulation respecting hearing devices insured under the Health Insurance Act is amended by substituting “referred to in this Regulation” for both occurrences of “provided for in Chapter V” in the introductory part of the first paragraph of section 6.

2. The words “or repair of an assistive listening device referred to in this Regulation” are substituted for the words “or, subject to section 9, repair of an assistive listening device referred to in Chapter V” in the introductory part of the first paragraph of section.

3. Section 7.1 is revoked.

4. Section 9 is amended

(1) by striking out the words “, only for a person with a hearing handicap referred to in paragraphs 1, 2 and 4 of section 1, and only for a person with a hearing handicap referred to in paragraph 5 of section 1, if that person is 18 years old or under or is pursuing a program of studies;” and

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

“Notwithstanding the foregoing, the Board shall not assume the cost of maintaining or cleaning a hearing device if it is in good working order.”.

* The Regulation respecting hearing devices insured under the Health Insurance Act, made by Order in Council 869-93 dated 16 June 1993 (1993, *G.O.* 2, 3497), was last amended by the Regulation made by RAMQ-001 dated 9 March 2000 (2000, *G.O.* 2, 1339). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.

5. The reference “section 16” is substituted for “sections 9 and 16” in section 15.

6. The following is substituted for the second paragraph of section 19:

“The Board shall assume the cost of options or accessories without including that cost in the amount initially paid and provided for in the first paragraph only if the options or accessories are added to the hearing aid or replaced and are provided for in Division I of Chapter V or were provided for therein at the time of the purchase or replacement of the hearing aid.”

7. The word “Upon” is substituted for the words “Subject to section 9 and upon” at the beginning of the first paragraph of section 21.

8. The following is substituted for the first paragraph of section 24:

“24. The Board shall also assume, after the first year following the date on which a person with a hearing handicap takes possession of a hearing aid, the cost of the time devoted by a hearing aid acoustician to that person with a hearing handicap where he added to the person’s hearing aid or replaced an option or accessory that is provided for in Division I of Chapter V or that was provided for therein at the time of the purchase or replacement of the hearing aid, up to a maximum of one quarter of an hour or fraction thereof, per 3-month period, for each person with a hearing handicap.”

9. Section 26 is amended

(1) by substituting the following for subparagraphs 4 and 5 of the first paragraph:

“(4) 19 years of age or over: one earmold or shell impression.”; and

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

“Notwithstanding the foregoing, the Board shall assume that cost only when the earmold or shell is not in good working order.”

10. The word “Upon” is substituted for the words “Subject to section 9 and, upon” at the beginning of the first paragraph of section 31.

11. The words “, notwithstanding section 7.1,” are struck out in section 38.

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

4692

Gouvernement du Québec

O.C. 1405-2001, 21 November 2001

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

Commission de la construction du Québec — Levy Regulation

CONCERNING the Levy Regulation of the Commission de la construction du Québec

WHEREAS under paragraph *c* of section 82 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), the Commission de la construction du Québec may, by way of a regulation approved by the Government and published in the *Gazette officielle du Québec*, levy upon the employer alone or upon both the employer and the employee or upon the employee alone or, as the case maybe, upon the independent contractor, the amounts required for its administration and fix a minimum amount which an employer is bound to pay per monthly period;

WHEREAS after consulting with the Joint Committee on Construction in accordance with section 123.3 of the Act, the Commission made the Levy Regulation for the year 2002;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved without having been published as provided in section 8 of that Act if the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 13 of the Act, the reason justifying the absence of a prior publication must be published with the regulation;

WHEREAS in the opinion of the Government, the urgency owing to the following circumstances justifies the absence of a prior publication and such coming into force:

— it is expedient to set the levy for the Commission de la construction du Québec for the year 2002 before 1 January 2002;

WHEREAS it is expedient to approve the Levy Regulation;

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

THAT the Levy Regulation of the Commission de la construction du Québec, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Levy regulation of the Commission de la construction du Québec

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20, s. 82)

1. The levy imposed by the Commission de la construction du Québec for the year 2002 is:

- (1) in the case of an employer, 0.75 of 1% of the total remuneration paid to his employees;
- (2) in the case of an independent contractor, 0.75 of 1% of his remuneration as an independent contractor;
- (3) in the case of an employee, 0.75 of 1% of his remuneration.

Notwithstanding the first paragraph, the minimum amount that an employer or an independent contractor is bound to pay the Commission per monthly period is \$10.

2. The employer shall collect, on behalf of the Commission, the amount levied upon his employees by means of a weekly deduction on their wages.

3. The independent contractor shall deduct weekly, out of the remuneration he received as an independent contractor, the amount levied upon him.

4. The employer and the independent contractor shall remit to the Commission the amount levied for a monthly period in pursuance of this Regulation, not later than the 15th of the following month.

5. This Regulation comes into force on 1 January 2002.

4693

Notice

Health Insurance Act
(R.S.Q., c. A-29)

Hearing devices insured — Amendments

Adoption by the Régie de l'assurance maladie du Québec of a Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act dated 10 October 2001

THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC,

CONSIDERING the seventh paragraph of section 3 and section 72.1 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING resolution CA-381-01-12 by its board of directors, dated 10 October 2001, adopting the Regulation respecting hearing devices insured under the Health Insurance Act;

CONSIDERING that it is necessary to amend certain lists of hearing devices insured under the Health Insurance Act;

GIVES NOTICE that it has adopted the Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act, the text of which appears below.

Sillery, 21 November 2001

ANDRÉ-GAÉTAN CORNEAU,
*Secretary General of the
Régie de l'assurance maladie du Québec*

Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act*

Health Insurance Act

(R.S.Q., c. A-29, s. 3, 7th and 10th pars., and s. 72.1)

1. The Regulation respecting hearing devices insured under the Health Insurance Act is amended by deleting “Sub-subdivision I” in the heading of Subdivisions I, II and III of Division II of Chapter V and by deleting the Sub-subdivisions II of each of those Subdivisions.

2. This Regulation comes into force on the date of coming into force of the Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act, made by Order in Council 1403-2001 dated 21 November 2001.

4700

* The Regulation respecting hearing devices insured under the Health Insurance Act, made by Order in Council 869-93 dated 16 June 1993 (1993, *G.O.* 2, 3497), was last amended by the Regulation adopted by the Régie de l'assurance maladie du Québec by its decision RAMQ-001 dated 8 March 2000 (2000, *G.O.* 2, 1339). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

Treasury Board

Gouvernement du Québec

T.B. 197299, 20 November 2001

An Act respecting the Pension Plan of Management Personnel
(2001, c. 31)

Pension Plan of Management Personnel — Amendments to Schedule II to the Act

CONCERNING Amendments to Schedule II to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the plan applies to employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under the first paragraph of section 220 of the Act, amended by section 358 of Chapter 31 of the Statutes of 2001, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel, the Pension Plan of Management Personnel applies to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the second paragraph of section 1 of the Act, the plan also applies to the extent provided for in this chapter, from 1 January 2001, to employees and persons referred to in Schedule II, appointed or engaged before that date to hold, with the corresponding classification, non-unionizable employment designated in Schedule I, to the extent that, on 31 December 2000, they were members of the Government and Public Employees Retirement Plan as employees governed by the special provisions enacted under Title IV.0.1 of the Act respecting the Government and Public Employees Re-

tirement Plan, and to the extent that, on 1 January 2001, they would have maintained their membership in the plan under the said special provisions if those provisions had not been replaced by the Act respecting the Pension Plan of Management Personnel;

WHEREAS, under the first paragraph of section 207 of the Act respecting the Pension Plan of Management Personnel, the Government may, by order, amend Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan and any such order may have effect 12 months or less before it is made;

WHEREAS since the enactment of the Act respecting the Pension Plan of Management Personnel on 21 June 2001 the bodies referred to in the Schedule have already been covered by the Act respecting the Government and Public Employees Retirement Plan and it is expedient to cover them under the Act respecting the Pension Plan of Management Personnel;

WHEREAS, under section 430 of the Act respecting the Pension Plan of Management Personnel, the Act came into force on 1 January 2001 and the bodies referred to in the Schedule may be covered from that date at the earliest;

WHEREAS, in accordance with section 40 of the Public Administration Act (2000, c. 8) the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers referred to in that provision;

WHEREAS the Minister of Finance has been consulted;

WHEREAS the Comité patronal de négociation pour les commissions scolaires anglophones, le Comité patronal de négociation pour les commissions scolaires francophones, le Syndicat de l'Enseignement De La Jonquière, le Syndicat de l'enseignement de l'Estrie, le Syndicat de l'enseignement du Lanaudière, le Syndicat de l'enseignement de Louis-Hémon, le Syndicat de l'enseignement de la Pointe-de-l'Île, le Syndicat de l'enseignement de la région de Laval, le Syndicat de l'enseignement de la région de Vaudreuil et l le Syndicat de l'enseignement des Seigneureries meet those conditions;

THEREFORE, THE CONSEIL DU TRÉSOR DÉCIDES :

THAT the amendments to Schedule II to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Amendments to Schedule II to the Act respecting the Pension Plan of Management Personnel*

An Act respecting the Pension Plan of Management Personnel
(2001, c. 31, s. 207, 1st par.)

1. Schedule II of the Act respecting the Pension Plan of Management Personnel (2001, c. 31) is amended by inserting the following bodies in paragraph 1 and in alphabetical order:

- (1) the Comité patronal de négociation pour les commissions scolaires anglophones;
- (2) the Comité patronal de négociation pour les commissions scolaires francophones;
- (3) the Syndicat de l'Enseignement De La Jonquière;
- (4) the Syndicat de l'enseignement de l'Estrie;
- (5) the Syndicat de l'enseignement de Louis-Hémon;
- (6) the Syndicat de l'enseignement de la Pointe-de-l'Île;
- (7) the Syndicat de l'enseignement de la région de Laval;
- (8) the Syndicat de l'enseignement de la région de Vaudreuil;
- (9) the Syndicat de l'enseignement des Seigneureries;
- (10) the Syndicat de l'enseignement du Lanaudière.

2. This decision comes into force on the date it is made by the Conseil du trésor but has had effect since 1 January 2001.

4698

Gouvernement du Québec

T.B. 197300, 20 November 2001

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

An Act respecting the Pension Plan of Management Personnel
(2001, c. 31)

Gouvernement and Public Employees Retirement Plan — Amendment to Schedule I to the Act

Pension Plan of Management Personnel — Amendment to Schedule II to the Act

CONCERNING amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under paragraph 6 of section 2 and section 16.1 of the Act, the plan applies to an employee who is released with or without pay by his employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS, under the first paragraph of section 220 of the Act, amended by section 358 of chapter 31 of the Statutes of 2001, the Government may, by Order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and where it

* Schedule II to the Act respecting the Pension Plan of Management Personnel (2000, c. 31) has not been amended since its coming into force on 1 January 2001.

amends Schedule I or II, it must also amend to the same effect Schedule II of the Act respecting the Pension Plan of Management Personnel (2001, c. 31) and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel, the Pension Plan of Management Personnel applies to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the second paragraph of section 1 of the Act, the plan also applies, to the extent provided for in Chapter I of the Act and from 1 January 2001, to employees and persons referred to in Schedule II, appointed or engaged before that date to hold, with the corresponding classification, non-unionizable employment designated in Schedule I, to the extent that, on 31 December 2000, they were members of the Government and Public Employees Retirement Plan as employees governed by the special provisions enacted under Title IV.0.1 of the Act respecting Government and Public Employees Retirement Plan, and to the extent that, on 1 January 2001, they would have maintained their membership in the plan under the said special provisions if those provisions had not been replaced by the Act respecting the Pension Plan of Management Personnel;

WHEREAS, under the first paragraph of section 207 of the Act respecting the Pension Plan of Management Personnel, the Government may, by order, amend Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan and that any such order may have effect 12 months or less before it is made;

WHEREAS, in accordance with section 40 of the Public Administration Act (2000, c. 8), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors except the powers referred to in that provision;

WHEREAS the Minister of Finance has been consulted;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan made by Order in Council 1845-88 dated 14 December 1988 and its subsequent amendments determines, in accordance with subparagraph 25 of the first paragraph of section 134 of the Act, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1;

WHEREAS, under the first paragraph of section 416 of the Act respecting the Pension Plan of Management Personnel, the regulations and orders made under the provisions of the Act respecting the Government and Public Employees Retirement Plan that are in force on 20 June 2001 shall be considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as the regulations and orders made under the corresponding provisions of the Act respecting the Pension Plan of Management Personnel and they shall apply, with the necessary modifications, until they are replaced by regulations and orders made under such corresponding provisions;

WHEREAS, the Regulation respecting the application of the Act respecting the Government and Public Employees Retirement Plan has not been replaced and it shall be considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as a regulation made under subparagraph 25 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel;

WHEREAS the Clinique communautaire de Pointe-Saint-Charles meets those conditions;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES :

THAT the Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan and the amendment to Schedule II to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan* and to Schedule II to the Act respecting the Pension Plan of Management Personnel**

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, 1st par.)

An Act respecting the Pension Plan of Management Personnel
(2001, c. 31, s. 207, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the words “the Clinique communautaire de Pointe-Saint-Charles” in alphabetical order in paragraph 1.

2. Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) is amended by inserting the words “the Clinique communautaire de Pointe-Saint-Charles” in alphabetical order in paragraph 1.

3. This Decision comes into force on the date it is made by the Conseil du trésor but takes effect 12 months before that date.

4695

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last updating of the Revised Statutes of Québec, to 1 April 2000, by Orders in Council 561-2000 dated 9 May 2000 (2000, *G.O.* 2, 2260), 824-2000 dated 28 June 2000 (2000, *G.O.* 2, 3555), 965-2000 dated 16 August 2000 (2000, *G.O.* 2, 4406), 1109-2000 dated 20 September 2000 (2000, *G.O.* 2, 5031) and 1168-2000 dated 4 October 2000 (2000, *G.O.* 2, 5151), by T.B. 195744 dated 21 December 2000 (2001, *G.O.* 2, 460), 196698 dated 26 June 2001 (2001, *G.O.* 2, 4033), 196963 dated 21 August 2001 (2001, *G.O.* 2, 4911), 197036 dated 11 September 2001 (2001, *G.O.* 2, 5107), 197037 dated 11 September 2001 (2001, *G.O.* 2, 5108) and by sections 48 of chapter 32 of the Statutes of 2000 and 361 of Chapter 31 of the Statutes of 2001.

** Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) has not been amended since it was assented to on 21 June 2001.

Gouvernement du Québec

T.B. 197301, 20 November 2001

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

An Act respecting the Pension Plan of Management Personnel
(2001, c. 31)

Government and Public Employees Retirement Plan — Amendment to Schedule I to the Act

Pension Plan of Management Personnel — Amendment to Schedule II to the Act

Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under paragraph 6 of section 2 and section 16.1 of the Act, the plan applies to an employee who is released with or without pay by his employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS, under the first paragraph of section 220 of the Act, amended by section 358 of chapter 31 of the Statutes of 2001, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and where it amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel, the Pension Plan of Management Personnel applies to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the second paragraph of section 1 of that Act, the plan also applies to the extent provided for in chapter I of that Act, from 1 January 2001, to employees and persons referred to in Schedule II, appointed or engaged before that date to hold, with the corresponding classification, non-unionizable employment designated in Schedule I, to the extent that, on 31 December 2000, they were members of the Government and Public Employees Retirement Plan as employees governed by the special provisions enacted under Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan, and to the extent that, on 1 January 2001, they would have maintained their membership in the plan under the said special provisions if those provisions had not been replaced by the Act respecting the Pension Plan of Management Personnel;

WHEREAS, under the first paragraph of section 207 of the Act respecting the Pension Plan of Management Personnel, the Government may, by order, amend Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan and any such order may have effect 12 months or less before it is made;

WHEREAS, in accordance with section 40 of the Public Administration Act (2000, c. 8), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors except the powers referred to in that provision;

WHEREAS the Minister of Finance has been consulted

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan made by Order in Council 1845-88 dated 14 December 1988 and its subsequent amendments determines, in accordance with subparagraph 25 of the first paragraph of section 134 of the Act, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1;

WHEREAS, under the first paragraph of section 416 of the Act respecting the Pension Plan of Management Personnel, the regulations and orders made under the provisions of the Act respecting the Government and Public Employees Retirement Plan that are in force on 20 June 2001 shall be considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as the regulations and orders made under the corresponding provisions of that Act, and they shall apply, with the necessary modifications, until they are replaced by regulations and orders made under such corresponding provisions;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan has not been replaced and it shall be considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as a regulation enacted under subparagraph 25 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel;

WHEREAS the CHSLD Chanoine-Audet Inc. meets the conditions covered by the Regulation;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES :

THAT the Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan* and to Schedule II to the Act respecting the Pension Plan of Management Personnel**

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, 1st par.)

An Act respecting the Pension Plan of Management Personnel
(2001, c. 31, s. 207, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the words “the CHSLD Chanoine-Audet Inc.” in alphabetical order in paragraph 1.

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) has been amended, since the last updating of the Revised Statutes of Québec, to 1 April 2000, by Orders in Council 561-2000 dated 9 May 2000 (2000, G.O. 2, 2260), 824-2000 dated 28 June 2000 (2000, G.O. 2, 3555), 965-2000 dated 16 August 2000 (2000, G.O. 2, 4406), 1109-2000 dated 20 September 2000 (2000, G.O. 2, 5031) and 1168-2000 dated 4 October 2000 (2000, G.O. 2, 5151), by T.B. 195744 dated 21 December 2000 (2001, G.O. 2, 460) and by section 48 of chapter 32 of the Statutes of 2000.

** Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) has not been amended since it was assented to on 21 June 2001.

2. Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) is amended by inserting the words “the CHSLD Chanoine-Audet Inc.” in alphabetical order in paragraph 1.

3. This Decision comes into force on the date it is made by the Conseil du trésor but has effect from 28 March 2001.

4694

Gouvernement du Québec

T.B. 197302, 20 November 2001

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

An Act respecting the Pension Plan of Management Personnel (2001, c. 31)

Government and Public Employees Retirement Plan — Amendments to Schedules I and II.1 to the Act

Pension Plan of Management Personnel — Amendments to Schedule II to the Act

CONCERNING Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under paragraph 6 of section 2 and section 16.1 of the Act, the plan applies to an employee who is released without pay by his employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS, under the first paragraph of section 220 of the Act, amended by section 358 of Chapter 31 of the Statutes of 2001, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel, the Pension Plan of Management Personnel applies to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the second paragraph of section 1 of the Act, the plan also applies to the extent provided for in this chapter, from 1 January 2001, to employees and persons referred to in Schedule II, appointed or engaged before that date to hold, with the corresponding classification, non-unionizable employment designated in Schedule I, to the extent that, on 31 December 2000, they were members of the Government and Public Employees Retirement Plan as employees governed by the special provisions enacted under Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan, and to the extent that, on 1 January 2001, they would have maintained their membership in the plan under the said special provisions if those provisions had not been replaced by the Act respecting the Pension Plan of Management Personnel;

WHEREAS, under the first paragraph of section 207 of the Act respecting the Pension Plan of Management Personnel, the Government may, by order, amend Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan and any such order may have effect 12 months or less before it is made;

WHEREAS, in accordance with section 40 of the Public Administration Act (2000, c. 8) the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers referred to in that provision;

WHEREAS the Minister of Finance was consulted;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan made by Order in Council 1845-88 dated 14 December 1988 and subsequently amended, determines, in accordance with paragraph 25 of section 134 of the Act, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1;

WHEREAS, under the first paragraph of section 416 of the Act respecting the Pension Plan of Management Personnel, the regulations and orders made under the provisions of the Act respecting the Government and Public Employees Retirement Plan that are in force on 20 June 2001 shall be considered, for the purposes of the Act, as the regulations and orders made under the corresponding provisions of the Act, and they shall apply, with the necessary modifications, until they are replaced by regulations and orders made under such corresponding provisions;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan has not been replaced and it shall be considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as a regulation made under subparagraph 25 of the first paragraph of section 196 of the Act;

WHEREAS the Association de l'enseignement du Nouveau-Québec, the Fédération du personnel de l'enseignement privé (CSQ), the Syndicat de l'enseignement de Champlain, the Syndicat de l'enseignement secondaire des basses Laurentides (CEQ) and the Syndicat des professionnelles et des professionnels du milieu de l'éducation de Montréal (CSQ) meet those conditions;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the amendments to Schedule I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, be made.

ALAIN PARENTEAU
Clerk of the Conseil du trésor,

Amendments to Schedule I and II.1 to the Act respecting the Government and Public Employees Retirement Plan* and to Schedule II to the Act respecting the Pension Plan of Management Personnel**

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 220, 1st par.)

An Act respecting the Pension Plan of Management Personnel (2001, c. 31, s. 207, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the following bodies in the first paragraph and in alphabetical order:

(1) the Association de l'enseignement du Nouveau-Québec; and

(2) the Syndicat des professionnelles et des professionnels du milieu de l'éducation de Montréal (CSQ).

2. Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan is amended by inserting the following bodies in the first paragraph and in alphabetical order:

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the Revised Statutes of Québec have been updated to 1 April 2000, by Orders in Council 561-2000 dated 9 May 2000 (2000, *G.O.* 2, 2260), 824-2000 dated 28 June 2000 (2000, *G.O.* 2, 3555), 965-2000 dated 16 August 2000 (2000, *G.O.* 2, 4406), 1168-2000 dated 4 October 2001 (2000, *G.O.* 2, 5151) and décret 1109-2000 dated 20 September 2000 (2000, *G.O.* 2, 6421) and by T.B. 196698 dated 26 June 2001 (2001, *G.O.* 2, 4033), 196693 dated 21 August 2001 (2001, *G.O.* 2, 4911), 197036 dated 11 September 2001 (2001, *G.O.* 2, 5107) and C.T. 195744 dated 21 December 2000 (2000, *G.O.* 2, 550) as well as by sections 48 of Chapter 32 of the Statutes of 2000 and 361 of Chapter 31 of the Statutes of 2001.

Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan was amended, since the Revised Statutes of Québec have been updated to 1 April 2000, by Orders in Council 824-2000 dated 28 June 2000 (2000, *G.O.* 2, 3555) and 965-2000 dated 16 August 2000 (2000, *G.O.* 2, 4406), by C.T. 195744 dated 21 December 2000 (2000, *G.O.* 2, 550) and 197037 dated 11 September 2001 (2001, *G.O.* 2, 6490) as well as by sections 49 of Chapter 32 of the Statutes of 2000 and 363 of Chapter 31 of the Statutes of 2001.

** Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) has not been amended since its coming into force on 1 January 2001.

(1) the Fédération du personnel de l'enseignement privé (CSQ);

(2) the Syndicat de l'enseignement de Champlain; and

(3) the Syndicat de l'enseignement secondaire des basses Laurentides (CEQ).

3. Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) is amended by inserting the following bodies in the first paragraph and in alphabetical order:

(1) the Association de l'enseignement du Nouveau-Québec; and

(2) the Syndicat des professionnelles et des professionnels du milieu de l'éducation de Montréal (CSQ).

4. This Decision comes into force on the day it is made by the Conseil du trésor but has had effect since 1 January 2001.

4697

Gouvernement du Québec

T.B. 197303, 20 November 2001

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

An Act respecting the Pension Plan of Management Personnel (2001, c. 31)

Government and Public Employees Retirement Plan — Amendments to Schedules I and II.1 to the Act

Pension Plan of Management Personnel — Amendments to Schedule II to the Act

CONCERNING Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under paragraph 6 of section 2 and section 16.1 of the Act, the plan applies to an employee who is released without pay by his employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS, under the first paragraph of section 220 of the Act, amended by section 358 of Chapter 31 of the Statutes of 2001, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel, the Pension Plan of Management Personnel applies to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the second paragraph of section 1 of the Act, the plan also applies to the extent provided for in this chapter, from 1 January 2001, to employees and persons referred to in Schedule II, appointed or engaged before that date to hold, with the corresponding classification, non-unionizable employment designated in Schedule I, to the extent that, on 31 December 2000, they were members of the Government and Public Employees Retirement Plan as employees governed by the special provisions enacted under Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan, and to the extent that, on 1 January 2001, they would have maintained their membership in the plan under the said special provisions if those provisions had not been replaced by the Act respecting the Pension Plan of Management Personnel;

WHEREAS, under the first paragraph of section 207 of the Act respecting the Pension Plan of Management Personnel, the Government may, by order, amend Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan and any such order may have effect 12 months or less before it is made;

WHEREAS, in accordance with section 40 of the Public Administration Act (2000, c. 8) the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers referred to in that provision;

WHEREAS the Minister of Finance was consulted;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan made by Order in Council 1845-88 dated 14 December 1988 and subsequently amended, determines, in accordance with paragraph 25 of section 134 of the Act, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1;

WHEREAS, under the first paragraph of section 416 of the Act respecting the Pension Plan of Management Personnel, the regulations and orders made under the provisions of the Act respecting the Government and Public Employees Retirement Plan that are in force on 20 June 2001 shall be considered, for the purposes of the Act, as the regulations and orders made under the corresponding provisions of the Act, and they shall apply, with the necessary modifications, until they are replaced by regulations and orders made under such corresponding provisions;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan has not been replaced and it shall be considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as a regulation made under subparagraph 25 of the first paragraph of the Act;

WHEREAS the Association professionnelle des technologistes médicaux du Québec, the Fédération des enseignantes et enseignants de CÉGEP, the Syndicat des enseignantes et enseignants de la Riveraine and the Syndicat des enseignantes et enseignants des Laurentides meet those conditions;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the amendments to Schedule I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Amendments to Schedule I and II.1 to the Act respecting the Government and Public Employees Retirement Plan* and to Schedule II to the Act respecting the Pension Plan of Management Personnel**

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 220, 1st par.)

An Act respecting the Pension Plan of Management Personnel (2001, c. 31, s. 207, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the following bodies in the first paragraph and in alphabetical order:

(1) the Association professionnelle des technologistes médicaux du Québec;

(2) the Fédération des enseignantes et enseignants de CÉGEP; and

(3) the Syndicat des enseignantes et enseignants de la Riveraine.

2. Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan is amended by inserting the following bodies in the first paragraph and in alphabetical order:

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the Revised Statutes of Québec were updated to 1 April 2000, by Orders in Council 561-2000 dated 9 May 2000 (2000, *G.O.* 2, 2260), 824-2000 dated 28 June 2000 (2000, *G.O.* 2, 3555), 965-2000 dated 16 August 2000 (2000, *G.O.* 2, 4406), 1168-2000 dated 4 October 2000 (2000, *G.O.* 2, 5151) and décret 1109-2000 dated 20 September 2000 (2000, *G.O.* 2, 6421) and by T.B. 196698 dated 26 June 2001 (2001, *G.O.* 2, 4033), 196693 dated 21 August 2001 (2001, *G.O.* 2, 4911), 197036 dated 11 September 2001 (2001, *G.O.* 2, 5107) and C.T. 195744 dated 21 December 2000 (2000, *G.O.* 2, 550) as well as by sections 48 of Chapter 32 of the Statutes of 2000 and 361 of Chapter 31 of the Statutes of 2001.

Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan was amended, since the Revised Statutes of Québec were updated to 1 April 2000, by Orders in Council 824-2000 dated 28 June 2000 (2000, *G.O.* 2, 3555), 965-2000 dated 16 August 2000 (2000, *G.O.* 2, 4406), by C.T. 195744 dated 21 December 2000 (2000, *G.O.* 2, 550) and 197037 dated 11 September 2001 (2001, *G.O.* 2, 6490) as well as by sections 49 of Chapter 32 of the Statutes of 2000 and 363 of Chapter 31 of the Statutes of 2001.

** Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) has not been amended since it was assented to on 21 June 2001.

(1) the Fédération des enseignantes et enseignants de CÉGEP;

(2) the Syndicat des enseignantes et enseignants de la Riveraine; and

(3) the Syndicat des enseignantes et enseignants des Laurentides.

3. Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) is amended by inserting the following bodies in the first paragraph and in alphabetical order:

(1) the Association professionnelle des technologistes médicaux du Québec;

(2) the Fédération des enseignantes et enseignants de CÉGEP; and

(3) the Syndicat des enseignantes et enseignants de la Riveraine.

4. This Decision comes into force on the day it is made by the Conseil du trésor but has effect twelve months before that date.

Index Statutory Instruments

Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

Regulations — Statutes	Page	Comments
Agreement on Social Security between the Gouvernement du Québec and the Government of the Eastern Republic of Uruguay — Approval and implementation (An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail, R.S.Q., c. M-15.001)	6150	N
Agreement on Social Security between the Gouvernement du Québec and the Government of the Eastern Republic of Uruguay — Approval and implementation (An Act respecting the Ministère du Revenu, R.S.Q., c. M-31)	6150	N
Agreement on Social Security between the Gouvernement du Québec and the Government of the Eastern Republic of Uruguay — Approval and implementation (An Act respecting the Québec Pension Plan, R.S.Q., c. R-9)	6150	N
Arpenteurs-géomètres — Standards of equivalence for diplomas and training for the issue of a permit (Professional Code, R.S.Q., c. C-26)	6146	N
Civil Code as regards civil status documents, An Act to amend the... (2001, Bill 47)	6141	
Commission de la construction du Québec — Levy Regulation (An Act respecting labour relations, vocational training and manpower management in the construction industry, R.S.Q., c. R-20)	6161	N
Environment Quality Act — Reduction of pollution from agricultural sources (R.S.Q., c. Q-2)	6145	M
Government and Public Employees Retirement Plan, An Act respecting the... — Amendments to Schedule I and II.1 to the Act (R.S.Q., c. R-10)	6172	M
Government and Public Employees Retirement Plan, An Act respecting the... — Amendments to Schedule I to the Act (R.S.Q., c. R-10)	6166	M
Government and Public Employees Retirement Plan, An Act respecting the... — Amendments to Schedule I to the Act (R.S.Q., c. R-10)	6168	M
Government and Public Employees Retirement Plan, An Act respecting the... — Amendments to Schedules I and II.1 to the Act	6170	M
Health Insurance Act — Hearing devices insured (R.S.Q., c. A-29)	6160	M
Health Insurance Act — Hearing devices insured (R.S.Q., c. A-29)	6162	M
Hearing devices insured (Health Insurance Act, R.S.Q., c. A-29)	6162	M
Hearing devices insured (Health Insurance Act, R.S.Q., c. A-29)	6160	M

Labour relations, vocational training and manpower management in the construction industry, An Act respecting... — Commission de la construction du Québec — Levy Regulation	6161	N
(R.S.Q., c. R-20)		
Land surveyors — Code of ethics	6148	M
(Professional Code, R.S.Q., c. C-26)		
List of Bills sanctioned (22 November 2001)	6135	
List of Bills sanctioned (9 November 2001)	6133	
Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail, An Act respecting the... — Agreement on Social Security between the Gouvernement du Québec and the Government of the Eastern Republic of Uruguay — Approval and implementation	6150	N
(R.S.Q., c. M-15.001)		
Ministère du Revenu, An Act respecting the... — Agreement on Social Security between the Gouvernement du Québec and the Government of the Eastern Republic of Uruguay — Approval and implementation	6150	N
(R.S.Q., c. M-31)		
Pension Plan of Management Personnel, An Act respecting the... — Amendments to Schedule II to the Act	6165	M
(2001, c. 31)		
Pension Plan of Management Personnel, An Act respecting the... — Amendments to Schedule II to the Act	6170	M
(2001, c. 31)		
Pension Plan of Management Personnel, An Act respecting the... — Amendments to Schedule II to the Act	6172	M
(2001, c. 31)		
Pension Plan of Management Personnel, An Act respecting the... — Amendments to Schedule II to the Act	6166	M
(2001, c. 31)		
Pension Plan of Management Personnel, An Act respecting the... — Amendments to Schedule II to the Act	6168	M
(2001, c. 31)		
Professional Code — Arpenteurs-géomètres — Standards of equivalence for diplomas and training for the issue of a permit	6146	N
(R.S.Q., c. C-26)		
Professional Code — Land surveyors — Code of ethics	6148	M
(R.S.Q., c. C-26)		
Québec Pension Plan, An Act respecting the... — Agreement on Social Security between the Gouvernement du Québec and the Government of the Eastern Republic of Uruguay — Approval and implementation	6150	N
(R.S.Q., c. R-9)		
Reduction of pollution from agricultural sources	6145	M
(Environment Quality Act, R.S.Q., c. Q-2)		
Tobacco Act, An Act to amend the...	6137	
(2001, Bill 45)		