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SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 27
(2001, chapter 43)

An Act respecting the Health and Social Services Ombudsman and amending various legislative provisions

Introduced 15 May 2001
Passage in principle 30 October 2001
Passage 5 December 2001
Assented to 11 December 2001

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EXPLANATORY NOTES

This bill creates the office of Health and Social Services Ombudsman to replace the office of complaints commissioner. The Health Services Ombudsman must see to it that users are respected and that their rights as defined by law are enforced. The main function of the Health Services Ombudsman is to examine user complaints. In addition, the Health Services Ombudsman must ensure that the complaint handling process in institutions and regional boards is in conformity with the law and may, by way of exception, intervene on behalf of certain individuals or groups, especially where they are particularly vulnerable or abandoned.

Amendments are made to the Act respecting health services and social services in order to speed up the handling of user complaints by establishing an examination process comprising two levels instead of three, the institutions generally being the first level and the Health Services Ombudsman being the second and final level. As for regional boards, they are to continue to exercise the first level of jurisdiction over complaints regarding services or activities coming under their authority.

To consolidate the first level of the complaint examination process, the bill introduces new provisions regarding the handling of complaints both as regards health and social services institutions, which are required to appoint a local service quality commissioner, and as regards regional boards, which are required to appoint a regional service quality commissioner. The functions of these service quality commissioners are defined, as is the minimum content of the complaint examination procedure that must be established by every institution and regional board.

Moreover, a special process is provided for the examination of any complaint concerning a physician, dentist or pharmacist, or a resident : the complaint is to be handled by a medical examiner and later possibly referred, on certain conditions, to a review committee.

Finally, the bill contains provisions to facilitate the transition between the former system and the new system as well as amendments for concordance to the Act respecting health services and social services and the Act respecting health services and social services for Cree Native persons.

LEGISLATION AMENDED BY THIS BILL:

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

– Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5).

Bill 27

AN ACT RESPECTING THE HEALTH AND SOCIAL SERVICES OMBUDSMAN AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT

1. The Government shall appoint a Health and Social Services Ombudsman.

The abbreviated title "Health Services Ombudsman" may be used to designate the Health and Social Services Ombudsman.

2. The Health Services Ombudsman shall be appointed for a maximum term of five years and, on expiry of this term, shall remain in office until reappointed or replaced. The salary or fees and the other conditions of appointment of the Health Services Ombudsman shall be determined by the Government.

3. If absent or temporarily unable to act, the Health Services Ombudsman may be replaced by a person appointed by the Government to exercise the Ombudsman's functions and powers for the duration of the absence or inability to act. The Government shall determine the person's salary or fees and other conditions of appointment.

CHAPTER II

ORGANIZATION

4. The personnel needed by the Health Services Ombudsman shall be appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

The Health Services Ombudsman shall define the duties of the personnel and direct their work. The exercise of any of the powers of the Health Services Ombudsman may be delegated in writing.

5. The Health Services Ombudsman may give a person who is not a member of the Ombudsman's personnel a written mandate to examine a complaint and, where applicable, conduct an inquiry, or any other specific written mandate related to any of the Ombudsman's functions. The Health

Services Ombudsman may delegate the exercise of any of the Ombudsman's powers to such a person.

The second paragraph of section 9, with the necessary modifications, applies to such a person conducting an inquiry.

6. Before beginning to exercise their functions, the Health Services Ombudsman, any mandatary of the Ombudsman and any personnel member to whom the exercise of powers of the Ombudsman are delegated shall take the oath provided in Schedule I.

The oath shall be received by the Minister in the case of the Health Services Ombudsman and by the Ombudsman in the other cases.

CHAPTER III

FUNCTIONS

7. The Health Services Ombudsman shall, by any appropriate means, see to it that users are respected and that their rights, as defined in Title II of Part I of the Act respecting health services and social services (R.S.Q., chapter S-4.2) and in any other Act, are enforced.

The main function of the Health Services Ombudsman is the examination of complaints made by users.

It is also the function of the Health Services Ombudsman to ensure that institutions and regional boards handle the complaints addressed to them in conformity with the procedures set out in Chapter III of Title II of Part I of the Act respecting health services and social services.

In addition, the Health Services Ombudsman may intervene specifically with the authorities concerned in cases described in section 20.

DIVISION I

EXAMINATION OF COMPLAINTS

8. It is the function of the Health Services Ombudsman to examine any complaint

(1) from a user who disagrees with the conclusions transmitted to the user by the local service quality commissioner pursuant to subparagraph 6 of the second paragraph of section 33 of the Act respecting health services and social services, or deemed to have been transmitted to the user under section 40 of that Act, or is dissatisfied with the actions taken as a result of the related recommendations;

(2) from any person who disagrees with the conclusions transmitted to the person by the regional service quality commissioner pursuant to subparagraph 6 of the second paragraph of section 66 of that Act, or deemed to have been transmitted to the person under section 72 of that Act, or is dissatisfied with the actions taken as a result of the related recommendations; and

(3) from any person who disagrees with the conclusions transmitted to the person by Corporation d'urgences-santé de Montréal Métropolitain in accordance with section 61 of that Act, or deemed to have been transmitted to the person under section 72 of that Act, or is dissatisfied with the actions taken as a result of the related recommendations.

It is also the function of the Health Services Ombudsman to examine any complaint from the heirs or the legal representatives of a deceased user regarding the services the user received or ought to have received, provided that the complaint was first submitted to the examination process provided for in Division I or Division III of Chapter III of Title II of Part I of that Act.

9. If deemed expedient by the Health Services Ombudsman, an inquiry may be held as part of the examination of a complaint. In that case, the Health Services Ombudsman shall determine the rules of procedure applicable to the inquiry and transmit them to any person who will be required to give evidence before the Ombudsman.

For the purposes of an inquiry, the Health Services Ombudsman is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

10. The Health Services Ombudsman shall establish a complaint examination procedure.

The procedure must in particular

(1) include the necessary details allowing rapid access to the services of the Health Services Ombudsman;

(2) provide that the Health Services Ombudsman must give the necessary assistance or see to it that the necessary assistance is given to users or persons who so require for the formulation of a complaint or for any further step related to the complaint, in particular by the community organization in the region to which a user assistance and support mandate has been given pursuant to section 76.6 of the Act respecting health services and social services;

(3) provide that complaints must be made in writing and filed together with the conclusions transmitted by the local commissioner or the regional commissioner, if any;

(4) provide that the Health Services Ombudsman is to inform the institution or the regional board in writing of the receipt of a complaint in its regard or, if the Ombudsman is of the opinion that no prejudice will be caused to the user, send a copy of the complaint to the institution or regional board; provide that such information is also to be sent in writing to the highest authority of any other organization, resource or partnership or to any other person holding the position of highest authority, if the complaint pertains to services they are responsible for;

(5) allow the complainant and the institution or regional board and, where applicable, the highest authority of the organization, resource or partnership or any other person holding the position of highest authority responsible for the services that are the subject of the complaint, to present observations; and

(6) provide that the Health Services Ombudsman, after examining the complaint, is to communicate his or her conclusions, including reasons, without delay to the complainant together with any recommendations made to the institution or the regional board and, where applicable, to the highest authority of the organization, resource or partnership or to any other person holding the position of highest authority responsible for the services that are the subject of the complaint ; provide that the Ombudsman is also to forward a copy of his or her conclusions, including reasons, to the institution or regional board and to any other authority concerned.

Where the examination of a complaint referred to the Health Services Ombudsman pursuant to subparagraph 1 or 3 of the first paragraph of section 8 raises a matter that comes under a responsibility of regional boards listed in section 340 of the Act respecting health services and social services, including access to services or the organization or financing of services, the regional board may also be allowed to present observations under the procedure, in which case the Health Services Ombudsman shall inform the regional service quality commissioner of the elements of the complaint the Ombudsman considers relevant to the objects of the regional board and identify the authority concerned. The Ombudsman shall allow the board to present observations in all cases where the Ombudsman intends to make a recommendation to the board following the examination of the complaint.

11. The Health Services Ombudsman may make a memorandum of agreement with any regional board for the purposes of

(1) the application of the complaint examination procedure, within the scope of the functions of the board;

(2) the communication of his or her conclusions, including reasons, subject to the protection of any nominative information they contain; or

(3) any other activity of a regional board with a view to the improvement of the services provided to the population in the region, the satisfaction of the clientele and the enforcement of their rights.

12. Within five days after receiving a written communication under subparagraph 4 of the second paragraph of section 10, the institution or the regional board must forward a copy of the entire complaint record to the Health Services Ombudsman.

13. The Health Services Ombudsman may, upon summary examination, dismiss a complaint if, in the Ombudsman's opinion, it is frivolous, vexatious or made in bad faith.

The Health Services Ombudsman may also refuse or cease to examine a complaint

(1) if, in the Ombudsman's opinion, the Ombudsman's intervention would clearly serve no purpose;

(2) if the length of time having elapsed between the events that gave rise to the dissatisfaction of the user and the filing of the complaint makes it impossible to examine the complaint; or

(3) if more than two years have elapsed since the user received the conclusions and reasons of the local service quality commissioner or the regional service quality commissioner, or since the date on which negative conclusions are deemed to have been transmitted to the complainant under section 40 or 72 of the Act respecting social services and health services, unless the complainant proves to the Health Services Ombudsman that it was impossible for him or her to act sooner.

In such a case, the Health Services Ombudsman shall inform the complainant in writing.

14. The complainant, any other person and the institution or regional board, including any person working or practising on behalf of any organization, resource or partnership or person other than the institution or the regional board must supply all information and, subject to the second paragraph of section 190 and section 218 of the Act respecting health services and social services, all documents required by the Health Services Ombudsman for the examination of a complaint, including, notwithstanding section 19 of that Act, access to and the communication of the information or documents contained in the user's record; all such persons must also, unless they have a valid excuse, attend any meeting called by the Health Services Ombudsman.

15. Within 30 days of the receipt of a recommendation from the Health Services Ombudsman, the institution or the regional board or the highest authority of the organization, resource or partnership or any other person to which or whom the recommendation is addressed must inform the Ombudsman and the complainant in writing of the actions to be taken as a result of the recommendation or, if it has decided not to act upon the recommendation, of the reasons for such a decision.

16. If, after having made a recommendation as referred to in section 15, the Health Services Ombudsman considers that no satisfactory action has been taken or that the reasons given for not acting upon the recommendation are unsatisfactory, the Ombudsman may advise the Minister in writing. The Health Services Ombudsman may also, if he or she sees fit, report the case in the Ombudsman's annual report or make it the subject of a special report to the Minister.

DIVISION II

CONFORMITY OF COMPLAINT HANDLING PROCESS

17. An institution or a regional board must transmit the complaint examination procedure established by the board of directors to the Health Services Ombudsman on request.

18. The Health Services Ombudsman shall ensure that the institutions and regional boards establish and apply a complaint examination procedure in accordance with the provisions of sections 29 to 72 of the Act respecting health services and social services.

The Health Services Ombudsman may recommend to the board of directors of an institution or a regional board any corrective action to ensure such conformity.

Within 30 days of the receipt of a recommendation for corrective action from the Health Services Ombudsman, the institution or the regional board must inform the Ombudsman in writing of the actions to be taken as a result of the recommendation or, if it has decided not to act upon the recommendation, of the reasons for such a decision.

19. The Health Services Ombudsman shall report to the Minister, as part of the report submitted at least once a year pursuant to section 38, on the nature of the corrective action the Ombudsman has recommended to institutions and regional boards during the year in order to ensure that their complaint handling process is in conformity with the law.

The report shall also identify any institution or regional board that has decided not to act upon a recommendation for corrective action made by the Health Services Ombudsman.

CHAPTER IV

INTERVENTION

20. The Health Services Ombudsman may, on his or her own initiative, intervene if the Ombudsman has reasonable grounds to believe that the rights of a natural person or a group of natural persons have been or may likely be adversely affected by an act or omission

(1) of any institution or any organization, resource, partnership or person to whom or which an institution has recourse for the provision of certain services;

(2) of any regional board or any organization, resource, partnership or person whose services may be the subject of a complaint under section 60 of the Act respecting health services and social services;

(3) of Corporation d'urgences-santé de Montréal Métropolitain in the provision of pre-hospitalization emergency services; or

(4) of any person working or practising on behalf of a body referred to in subparagraph 1, 2 or 3.

The Health Services Ombudsman shall only intervene with respect to an act or omission of a body referred to in the first paragraph if, in the Ombudsman's opinion, recourse to the process provided for in Division I or Division III of Chapter III of Title II of Part I of the Act respecting health services and social services would likely be compromised, serve no purpose or be illusory, either owing to possible reprisals against the person or group of persons concerned, the special vulnerability or abandonment of the targeted clientele, or in any other case which, in the opinion of the Ombudsman, warrants an immediate intervention of the Ombudsman, especially where problems may interfere with the well-being of users and the recognition and enforcement of their rights.

Nothing in this section shall be construed as conferring jurisdiction on the Health Services Ombudsman over the supervision or assessment of medical, dental or pharmaceutical acts performed in a centre operated by an institution.

21. Where the Health Services Ombudsman sees fit to intervene, the Ombudsman shall inform the highest authority of the body concerned, specifying the act or omission that is the subject of the intervention and the facts or reasons warranting the intervention.

The body concerned must collaborate with the Health Services Ombudsman and be invited to present its observations.

22. The intervention of the Health Services Ombudsman shall be conducted equitably and in accordance with the intervention procedure established by the Ombudsman.

Sections 9, 14 and 29 to 36 apply to the intervention, with the necessary modifications.

23. The Health Services Ombudsman must advise the Public Curator immediately upon being apprised of the presence of a person represented by the Public Curator appointed under the Public Curator Act (R.S.Q., chapter C-81) in a facility maintained by a body that is the subject of an intervention under this chapter.

24. The Health Services Ombudsman must without delay communicate an intervention report, together with any recommendations, to the body concerned. The Ombudsman must also communicate the result of the intervention with diligence to the person or each of the persons on whose behalf the Ombudsman intervened, and to the Public Curator where one of those persons is represented by the latter. Lastly, the Ombudsman may communicate the result of the intervention to any other interested person.

25. Within 30 days of the receipt of a recommendation from the Health Services Ombudsman, the body concerned must inform the Ombudsman in writing of the actions to be taken as a result of the recommendation or, if it has decided not to act upon the recommendation, of the reasons for such a decision.

26. If, after having made a recommendation referred to in section 25, the Health Services Ombudsman considers that no satisfactory action has been taken or that the reasons given for not acting upon the recommendation are unsatisfactory, the Ombudsman may advise the Minister in writing. The Health Services Ombudsman may also, if he or she sees fit, report the case in the Ombudsman's annual report or make it the subject of a special report to the Minister.

CHAPTER V

ADVICE, RECOMMENDATIONS AND REPORTS

27. The Health Services Ombudsman may, whenever necessary, advise the Minister or any body referred to in section 20 on any matter relating to the respect shown to users and the enforcement of their legal rights and remedies or to the improvement of the quality of the services provided to the public and, if necessary, make recommendations for the appropriate corrective action.

If he or she sees fit, the Health Services Ombudsman may report the situation in the Ombudsman's annual report or make it the subject of a special report to the Minister.

The Health Services Ombudsman may, in any advice or report, identify any institution or regional board that has decided not to act upon a recommendation for corrective action made by the Ombudsman.

28. Thirty days after transmitting any advice, recommendation or report under section 16, 26 or 27 to the Minister, the Health Services Ombudsman shall release the document if the Ombudsman considers that the interest of the users involved so requires.

CHAPTER VI

VARIOUS PROVISIONS

29. No person shall take reprisals or attempt to take reprisals in any manner whatever against any natural person who files or intends to file a complaint under section 8 or otherwise applies to the Health Services Ombudsman under this Act.

The Health Services Ombudsman must act immediately upon being apprised of reprisals or of an attempt to take reprisals.

30. No civil action may be instituted by reason or in consequence of a complaint made in good faith under this Act, whatever the conclusions of the Health Services Ombudsman, or by reason or in consequence of the publication, in good faith, of any advice or report of the Ombudsman under this Act or of an extract from or summary of any such advice or report.

Nothing in this Act shall operate to restrict the right of any person or the person's successors to exercise a remedy based on the same facts as those on which a complaint is based.

31. No legal proceedings may be brought against the Health Services Ombudsman, a mandatary of the Ombudsman within the meaning of section 5 or a member of the Ombudsman's personnel exercising the powers of the Ombudsman for an act or omission made in good faith in the exercise of their functions.

32. Except on a question of jurisdiction, no extraordinary recourse under articles 834 to 846 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised and no injunction may be granted against any of the persons referred to in section 31 acting in their official capacity.

33. A judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to section 31 or 32.

34. The answers given or statements made by a person during the examination of a complaint, including any information or document supplied in good faith by the person in response to a request of the Health Services Ombudsman, a mandatary of the Ombudsman within the meaning of section 5 or a member of the Ombudsman's personnel exercising the powers of the Ombudsman, may not be used or be admitted as evidence against the person in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions.

35. Notwithstanding any inconsistent legal provision, the Health Services Ombudsman, a mandatary of the Ombudsman within the meaning of section 5 or a member of the Ombudsman's personnel exercising the powers of the Ombudsman may not be compelled to make a deposition in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions

concerning any confidential information obtained in the exercise of their functions, or to produce a document containing such information, except to confirm its confidential nature.

36. Nothing contained in a user's complaint record, including the conclusions with reasons and any related recommendations, may be construed as a declaration, recognition or extrajudicial admission of professional, administrative or other misconduct capable of establishing the civil liability of a party in a judicial proceeding.

37. The provisions of sections 17 to 28 of the Act respecting health services and social services apply to all user's complaint records kept by the Health Services Ombudsman for the purposes of the functions of the Ombudsman under this Act.

CHAPTER VII

ANNUAL REPORT

38. The Health Services Ombudsman must submit an activities report to the Minister once a year and whenever so required by the Minister.

The report shall describe the reasons for the complaints received by the Health Services Ombudsman under section 8 and shall indicate in respect of each type of complaint

(1) the number of complaints received, dismissed upon summary examination, examined, refused or abandoned since the last report; and

(2) the actions taken following the examination of the complaints.

The report shall specify the nature of the corrective action recommended and any institution or regional board identified pursuant to section 19.

Moreover, the report shall list the interventions of the Health Services Ombudsman pursuant to section 20 as well as the principal conclusions of the Ombudsman and any related recommendations.

Furthermore, the report must contain advice formulated by the Health Services Ombudsman and any appropriate recommendations for corrective action regarding any matter within the Ombudsman's purview, including the following:

(1) the action to be taken to improve the degree of satisfaction of the users or clientele of any body referred to in subparagraph 1, 2 or 3 of the first paragraph of section 20 and the enforcement of their rights;

(2) the application of the complaint examination procedure established by institutions and regional boards;

(3) the improvement of the quality of services; and

(4) the standardization of the form and content of the annual reports issued by the boards of directors of institutions and regional boards.

39. The Minister shall table the annual report of the Health Services Ombudsman in the National Assembly within 30 days of receiving it or, if the Assembly is not in session, within 30 days of resumption.

CHAPTER VIII

FINAL PROVISION

40. The Minister of Health and Social Services is responsible for the administration of this Act.

SCHEDULE I

Oath

"I declare under oath that I will fulfil the duties of my office with honesty, impartiality and justice. I further declare under oath that I will not reveal or disclose, unless authorized by law, any confidential information that may come to my knowledge in the exercise of my functions."

AMENDING PROVISIONS

41. The Act respecting health services and social services (R.S.Q., chapter S-4.2), amended by section 242 of chapter 8 of the statutes of 2000 and sections 1 and 2 of chapter 24 of the statutes of 2001, is again amended by replacing Chapters III and IV of Title II of Part I, comprising sections 29 to 76, by the following chapter:

"CHAPTER III

"USER COMPLAINTS

"DIVISION I

"EXAMINATION OF COMPLAINTS BY INSTITUTION

"29. The board of directors of every institution must make a by-law establishing a complaint examination procedure for the purposes of Division I and, after consulting with the council of physicians, dentists and pharmacists or the medical service concerned, for the purposes of Division II of this chapter.

"30. A local service quality commissioner must be appointed by the board of directors of every institution, on the recommendation of the executive director. If a board of directors administers two or more institutions, the local commissioner shall handle the complaints from the users of all the institutions administered by the board.

The local service quality commissioner reports to the executive director or directly to the board of directors, according to the organization plan of the institution.

On the recommendation of the executive director and after having obtained the opinion of the local service quality commissioner, the board of directors may, whenever necessary, appoint one or more assistant local service quality commissioners.

An assistant local service quality commissioner shall exercise the functions delegated by and act under the authority of the local service quality commissioner. In the exercise of his or her functions, an assistant local commissioner is vested with the same powers and immunity as a local service quality commissioner.

"31. The board of directors must take steps to preserve at all times the independence of the local service quality commissioner and the assistant local service quality commissioner in the exercise of their functions.

To that end, the board of directors must ensure that the local commissioner and the assistant local commissioner, having regard to the other functions they may exercise for the institution, are not in a conflict of interest situation in the exercise of their functions.

The local commissioner or assistant local commissioner may also exercise the same functions on behalf of any other institution, subject to the terms and conditions determined by agreement between the institutions concerned and approved by their boards of directors.

"32. In the exercise of his or her functions, the local service quality commissioner may consult any person whose expertise the commissioner requires, including, with the authorization of the board of directors, calling on an expert from outside the institution. Subject to the fourth paragraph of section 30, the functions of the local service quality commissioner may not be otherwise delegated.

"33. The local service quality commissioner is answerable to the board of directors for the enforcement of user rights and for the diligent handling of user complaints.

To that end, the functions of the local service quality commissioner shall include

(1) applying the complaint examination procedure in keeping with the rights of users ; if necessary, making recommendations to the board of directors for any appropriate action to improve the handling of complaints in the institution, including a revision of the complaint examination procedure ;

(2) promoting the independent nature of the role of the local service quality commissioner within the institution, the rights and obligations of users and the code of ethics referred to in section 233, and publishing the complaint examination procedure ;

(3) giving assistance or seeing to it that assistance is given to users who require assistance for the formulation of a complaint or for any further step related to the complaint, including an application to the review committee established under section 51 ; informing users of the possibility of being assisted and supported by the community organization in the region to which a user assistance and support mandate has been given pursuant to the provisions of section 76.6 ; and lastly, providing on request any information on the application of the complaint examination procedure, and informing users of the legal protection afforded pursuant to section 76.2 to any person who cooperates in the examination of a complaint ;

(4) on receiving a complaint from a user, examining it with diligence ;

(5) if questions of a disciplinary nature in relation to a practice or the conduct of a personnel member are raised during the examination of a complaint, bringing these questions to the attention of the department concerned or the human resources manager within the institution or the highest authority of the organization, resource or partnership or the person holding the position of highest authority responsible for the services that are the subject of the complaint, for a more thorough investigation of the complaint, follow-up action or any other appropriate action ; making any appropriate recommendation to that effect in his or her conclusions ;

(6) not later than 45 days after receiving a complaint, communicating his or her conclusions, including reasons, in writing in the case of a written complaint, to the user, together with any recommendations made to the department or service manager concerned within the institution and, where applicable, to the highest authority of the organization, resource or partnership or the person holding the position of highest authority responsible for the services that are the subject of the complaint, and informing the user of the procedure for applying to the Health and Social Services Ombudsman appointed under the Act respecting the Health and Social Services Ombudsman and amending various legislative provisions ; communicating the same conclusions, including reasons, in writing in the case of a written complaint, to the department or service manager concerned within the institution and to the highest authority concerned ;

(7) supporting, on his or her own initiative, any action to improve the quality of the services provided to users, user satisfaction and the enforcement of user rights, and recommending such action to any department or any

service manager within the institution or, as the case may be, to the highest authority of any organization, resource or partnership or to the person holding the position of highest authority responsible for the services that may be the subject of a complaint under the first paragraph of section 34;

(8) giving advice on any matter within the purview of the local service quality commissioner submitted by the board of directors, any council or committee created by the board under section 181 or any other council or committee of the institution, including the users' committee;

(9) at least once a year and as needed, drawing up a summary of the activities of the local service quality commissioner together with a statement of any action recommended by the local commissioner to improve the quality of services, user satisfaction and the enforcement of user rights;

(10) preparing the report referred to in section 76.10, incorporating into the report the annual summary of the activities of the local service quality commissioner, the report of the medical examiner under section 50 and the report of the review committee under section 57, and presenting it to the board of directors for approval; and

(11) subject to section 31, carrying out any other function provided for in the organizational plan of the institution, provided that it is related to the enforcement of user rights or the improvement of the quality of services and the satisfaction of the clientele.

"34. The complaint examination procedure must enable a user to address a verbal or written complaint to the local service quality commissioner regarding the health services or social services the user received, ought to have received, is receiving or requires from the institution, an intermediary or family-type resource or any other organization, partnership or person to which or whom the institution has recourse, in particular by an agreement under section 108, for the provision of those services.

The procedure must also allow the heirs or the legal representatives of a deceased user to make a complaint regarding the services the user received or ought to have received.

The complaint examination procedure must in particular

(1) include the details allowing rapid access to the services of the local commissioner;

(2) provide that the local commissioner must give the necessary assistance or see to it that the necessary assistance is given to users who require assistance for the formulation of a complaint or for any further step related to the complaint, in particular by the community organization in the region to which a user assistance and support mandate has been given pursuant to section 76.6;

(3) ensure that the user receives a written notice of the date on which the verbal or written complaint is received by the local commissioner;

(4) establish a procedure for the examination of complaints regarding a physician, dentist or pharmacist, or a resident, in accordance with Division II, except the procedure to be followed by the board of directors in taking disciplinary measures in accordance with a regulation under paragraph 2 of section 506;

(5) provide for the prompt referral of any complaint concerning or involving a physician, dentist or pharmacist, or a resident, to the medical examiner designated under section 42;

(6) provide that, where a complaint is received regarding the services provided by a resource, organization, partnership or person referred to in the first paragraph, the local commissioner is to inform the authority concerned in writing of the receipt of the complaint or, if the local commissioner is of the opinion that no prejudice will be caused to the user, forward a copy of the complaint to the authority; provide that, if the complaint is verbal, the authority concerned is to be informed verbally;

(7) specify what communications must be made in writing in the case of a written complaint;

(8) allow the user and the highest authority of the organization, resource or partnership or the person holding the position of highest authority responsible for the services that are the subject of a complaint referred to in the first paragraph to present their observations; and

(9) provide that the local commissioner, after examining the complaint, is to communicate his or her conclusions, including reasons, to the user within the time prescribed in subparagraph 6 of the second paragraph of section 33, together with the procedure for applying to the Health Services Ombudsman.

"35. The local service quality commissioner may, upon summary examination, dismiss a complaint if, in the commissioner's opinion, it is frivolous, vexatious or made in bad faith.

The local service quality commissioner shall so inform the user, in writing in the case of a written complaint.

"36. The user and any other person, including any member of the personnel of the institution, any midwife having entered into a service contract with the institution under section 259.2 and any member of the council of physicians, dentists and pharmacists, must supply all information and, subject to the second paragraph of section 190 and section 218, all documents required by the local service quality commissioner for the examination of a complaint, including, notwithstanding section 19, access to and the communication of the information or documents contained in the user's record; all such persons

must also, unless they have a valid excuse, attend any meeting called by the local commissioner.

"37. If, pursuant to subparagraph 5 of the second paragraph of section 33, the local service quality commissioner brings a practice or the conduct of a personnel member that raises questions of a disciplinary nature to the attention of the department concerned or the human resources manager within the institution or the highest authority of the organization, resource or partnership or the person holding the position of highest authority responsible for the services that are the subject of a complaint under the first paragraph of section 34, the department, manager, authority or person must investigate and follow up the case diligently and report periodically to the local commissioner on the progress of the investigation.

The local service quality commissioner must be informed of the outcome of the case and of any disciplinary measure taken against the personnel member concerned. The local commissioner must in turn inform the user.

"38. The local service quality commissioner may bring any report or recommendation regarding the improvement of the quality of services, user satisfaction and the enforcement of user rights to the attention of the board of directors, in particular where the department or service manager concerned within the institution or the highest authority of the organization, resource or partnership or the person holding the position of highest authority responsible for the services that are the subject of a complaint under the first paragraph of section 34 has decided not to act upon a recommendation accompanying the conclusions and reasons communicated by the local commissioner.

The local commissioner must bring such a report or recommendation to the attention of the board of directors if warranted by the gravity of the complaint, in particular where the commissioner has been informed by the department concerned of a disciplinary measure taken against a personnel member of the institution.

The executive director of the institution must transmit to the board of directors any report or recommendation transmitted for that purpose by the local commissioner.

"39. If warranted, in the opinion of the board of directors, by the gravity of a complaint against an employee of the institution who belongs to a professional order or against a midwife, the board shall transmit the complaint to the professional order concerned.

If any disciplinary measure is taken against the professional, the executive director must inform the professional order in writing. The local commissioner must also be informed and in turn must inform the user in writing.

"40. If the local service quality commissioner fails to communicate his or her conclusions to the user within 45 days after receiving a complaint from

the user, the commissioner is deemed to have communicated negative conclusions to the user on the date of expiry of the time limit.

Such failure gives rise to the right to apply to the Health Services Ombudsman.

"DIVISION II

"EXAMINATION OF COMPLAINTS CONCERNING A PHYSICIAN, DENTIST OR PHARMACIST

"41. In this division, unless the context indicates otherwise, the word "professional" includes a resident.

"42. For the purposes of the examination procedure applicable to complaints concerning a physician, dentist or pharmacist, or a resident, the board of directors of every institution shall designate a medical examiner, possibly the director of professional services, on the recommendation of the council of physicians, dentists and pharmacists.

Where an institution operates two or more centres or maintains two or more facilities, the board of directors may, where necessary and on the recommendation of the council of physicians, dentists and pharmacists, designate one medical examiner for each centre or facility.

Where a board of directors administers two or more institutions, it may, on the recommendation of the council of physicians, dentists and pharmacists, designate a single medical examiner for the group of institutions it administers.

If no council of physicians, dentists and pharmacists has been established for an institution, the board of directors shall designate a medical examiner after consulting with the physicians, dentists and pharmacists practising in the centre or centres operated by the institution.

In the cases described in the preceding paragraphs, if there are fifteen or fewer physicians, dentists and pharmacists practising in the centre or centres operated by the institution or group of institutions administered by the board of directors, a physician who does not practise in any of those centres or exercise other functions for any of those institutions may, by way of exception, be designated as medical examiner.

"43. The board of directors must take steps to preserve at all times the independence of the medical examiner in the exercise of his or her functions.

To that end, the board of directors must ensure that the medical examiner, having regard to the other functions he or she may exercise for the institution, is not in a conflict of interest situation in the exercise of his or her functions.

"44. In addition to his or her functions relating to the complaint examination procedure provided for in this division, the medical examiner

shall examine in the same manner any complaint concerning a physician, dentist or pharmacist, or a resident, made by any person other than a user or the representative of a user.

This division applies to every such complaint and the word "user" includes any person referred to in the first paragraph, with the necessary modifications.

"45. Where a user makes a complaint concerning a physician, dentist or pharmacist, or a resident, the local service quality commissioner shall without delay refer the complaint for investigation to the medical examiner designated pursuant to section 42 and shall inform the user in writing, indicating the date of the referral.

However, where a user makes a complaint regarding administrative or organizational problems involving medical, dental or pharmaceutical services, the complaint shall be examined by the local service quality commissioner in accordance with the provisions of Division I unless the local service quality commissioner, after consulting with the medical examiner, is of the opinion that one or more physicians, dentists or pharmacists, or residents, are the subject of the complaint, in which case the commissioner shall proceed in accordance with the first paragraph.

Any complaint that involves the supervision or assessment of medical, dental or pharmaceutical acts remains within the jurisdiction of the medical examiner.

Where a complaint is examined by the local commissioner, the medical examiner must collaborate to find solutions to the administrative or organizational problems underscored by the complaint.

"46. According to the nature of the facts and their significance in terms of the quality of medical, dental or pharmaceutical care or services, the medical examiner, on receiving a complaint, must decide whether to

(1) examine the complaint in accordance with this division;

(2) where the complaint concerns a physician, dentist or pharmacist who is a member of the council of physicians, dentists and pharmacists, refer the complaint to that council for a disciplinary investigation by a committee established for that purpose, and transmit a copy of the complaint to the professional concerned; if there is no such council, the complaint shall be handled according to the procedure determined by a regulation under paragraph 2 of section 506;

(3) where the complaint concerns a resident and raises questions of a disciplinary nature, refer the complaint, with a copy to the resident, to the authority determined by a regulation made under paragraph 2 of section 506; or

(4) dismiss the complaint if, in the medical examiner's opinion, it is frivolous, vexatious or made in bad faith.

Where the medical examiner chooses to proceed pursuant to subparagraph 2, 3 or 4, the medical examiner must inform the user and the local service quality commissioner.

"47. Where the medical examiner chooses to proceed pursuant to subparagraph 1 of the first paragraph of section 46, the medical examiner shall send a copy of the complaint to the professional concerned.

The user and the professional must be allowed to present observations during the examination of the complaint. The professional shall have access to the user's complaint record.

The obligations set out in section 36 apply, with the necessary modifications, to any information required or meeting called by the medical examiner.

The medical examiner must examine the complaint within 45 days of its referral and attempt to conciliate the interests involved. The medical examiner may consult any person whose expertise the medical examiner requires, including, with the authorization of the board of directors, an expert from outside the institution. Before the expiry of the time limit, the medical examiner must transmit his or her conclusions, including reasons, in writing to the user and the professional concerned, together with any appropriate recommendations, and inform the user of the conditions and procedure for applying to the review committee established under section 51. The conclusions, reasons and recommendations must also be communicated to the local service quality commissioner.

"48. If, during the examination of a complaint concerning a physician, dentist or pharmacist who is a member of the council of physicians, dentists and pharmacists, the medical examiner is of the opinion that, owing to the nature of the facts under examination and their significance in terms of the quality of medical, dental or pharmaceutical care or services, the complaint ought to be referred for a disciplinary investigation by a committee established for that purpose by the council of physicians, dentists and pharmacists, the medical examiner must send a copy of the complaint and of the record to the council. If there is no such council, the complaint shall be handled according to the procedure determined by a regulation under paragraph 2 of section 506.

However, where the complaint concerns a resident and raises questions of a disciplinary nature, the medical examiner must refer a copy of the complaint and of the record to the authority determined by a regulation made under paragraph 2 of section 506.

The medical examiner must inform the user, the professional concerned and the local service quality commissioner of the decision to so refer the complaint.

"49. If the medical examiner fails to communicate his or her conclusions to the user within 45 days after being referred a complaint, the medical examiner is deemed to have communicated negative conclusions to the user on the date of expiry of the time limit. Such failure gives rise to the right to apply to the review committee established under section 51.

"50. At least once a year and whenever warranted in his or her opinion, the medical examiner must submit a report to the board of directors and to the council of physicians, dentists and pharmacists, describing the reasons for the complaints examined since the last report, and the medical examiner's recommendations, in particular for the improvement of the quality of medical, dental and pharmaceutical care or services provided in a centre operated by the institution.

A copy of the report shall also be sent to the local service quality commissioner so that its contents may be incorporated into the report submitted under section 76.10.

"51. A review committee shall be established for each institution operating one or more centres where physicians, dentists or pharmacists practise.

If a board of directors administers two or more institutions, the board may establish a single review committee for the group of institutions it administers, after consulting with the council of physicians, dentists and pharmacists or, where there is no such council, with the physicians, dentists and pharmacists concerned.

The review committee shall be composed of three members appointed by the board of directors. The chair of the review committee shall be appointed from among the elected or co-opted members of the board of directors. The other two members shall be appointed from among the physicians, dentists and pharmacists who practise in a centre operated by an institution administered by the board of directors, on the recommendation of the council of physicians, dentists and pharmacists or, where no such council has been established for an institution, after consulting with the physicians, dentists and pharmacists concerned.

However, if there are fifteen or fewer physicians, dentists and pharmacists practising in the centre or centres operated by the institution or group of institutions administered by the board of directors, the other two members of the review committee may be recruited among physicians, dentists and pharmacists who do not practise in any of those centres or exercise other functions for any of those institutions.

The board of directors shall fix the term of appointment of the members of the review committee and determine its operating rules.

"52. Except where a complaint is referred for a disciplinary investigation, the function of the review committee is to review the handling of a user

complaint by the medical examiner. To that end, the review committee must acquaint itself with the entire complaint record and examine whether the complaint was examined properly, diligently and equitably and whether the reasons for the medical examiner's conclusions, if any, are based on the enforcement of user rights and compliance with standards of professional practice. At the conclusion of its review and within 60 days after receiving a review application, the review committee must communicate a written opinion, including reasons, to the user, to the professional concerned and to the medical examiner. The local service quality commissioner must also be given a copy.

In its opinion, and the reasons therefor, the review committee must either

(1) confirm the conclusions of the medical examiner;

(2) require that the medical examiner carry out a supplementary examination within the time specified and transmit his or her new conclusions to the user and a copy to the review committee and to the professional concerned as well as to the local service quality commissioner;

(3) where the complaint concerns a physician, dentist or pharmacist who is a member of the council of physicians, dentists and pharmacists, forward a copy of the complaint and of the record to that council for a disciplinary investigation by a committee established for that purpose; if there is no such council, the complaint shall be handled according to the procedure determined by a regulation under paragraph 2 of section 506;

(4) where the complaint concerns a resident and raises questions of a disciplinary nature, forward a copy of the complaint and of the record to the authority determined by a regulation made under paragraph 2 of section 506;

(5) recommend any action that is likely to resolve the matter to the medical examiner or, if appropriate, to the parties themselves.

"53. A user who disagrees with the conclusions transmitted by the medical examiner, or deemed to have been transmitted by the medical examiner under section 49, may apply in writing for a review of the complaint by the review committee.

The review application must be filed within 60 days after receipt of the medical examiner's conclusions or after the date on which the conclusions are deemed to have been transmitted to the user under section 49. The time limit is definitive, unless the user proves to the review committee that it was impossible for him or her to act sooner.

The local service quality commissioner must give assistance or see to it that assistance is given to users who require assistance for the formulation of their application for review or for any further step related thereto, in particular by the community organization in the region to which a user assistance and support mandate has been given pursuant to section 76.6.

The user shall address the application to the chair of the review committee and include the conclusions and reasons transmitted by the medical examiner, if any.

The chair must give the user a written notice of the date of receipt of the application for review and send a copy to the medical examiner, the professional concerned and the local commissioner.

"54. Within five days after receiving a copy of a review application, the medical examiner shall forward a copy of the entire complaint record to the chair of the review committee.

"55. The review committee must allow the user, the professional concerned and the medical examiner to present observations.

The obligations set out in section 36 apply, with the necessary modifications, to any information required or meeting called by the review committee or a member of the review committee.

"56. Subject to the information that must be transmitted to the user where the complaint is referred to the council of physicians, dentists and pharmacists, the opinion of the review committee is final.

"57. At least once a year and whenever warranted in the opinion of the review committee, the review committee must submit a report to the board of directors, sending a copy to the council of physicians, dentists and pharmacists, in which it describes the reasons for the complaints having given rise to an application for review since the last report, sets out its conclusions and reports on the speed of its review process; the committee may also make recommendations, in particular for the improvement of the quality of medical, dental and pharmaceutical care or services provided in a centre operated by the institution.

A copy of the report shall also be sent to the local service quality commissioner so that its contents may be incorporated into the report submitted under section 76.10, and to the Health Services Ombudsman.

"58. Subject to the provisions of the second and third paragraphs, where pursuant to subparagraph 2 of the first paragraph of section 46, section 48 or subparagraph 3 of the second paragraph of section 52, a complaint is referred to the council of physicians, dentists and pharmacists for a disciplinary investigation by a committee formed by the council, the procedure determined by a regulation under paragraph 2 of section 506 shall be followed.

During the investigation of the complaint, the user must be allowed to present observations. The medical examiner shall be kept informed of the progress of the investigation on a regular basis or at the very least on completion of each of the key stages of the investigation. The medical examiner must inform the user periodically. Every 60 days from the date on which the user

was informed of the referral of the complaint until the completion of the investigation, the medical examiner must inform the user in writing on the progress of the investigation.

If, following the investigation of the complaint, the council of physicians, dentists and pharmacists is of the opinion that no disciplinary measures are called for, it shall communicate its conclusions, including reasons, to the professional concerned and the medical examiner. If the complaint was referred to the council by the review committee, the council shall also communicate its conclusions to the review committee. If the council of physicians, dentists and pharmacists is of the opinion that the board of directors should impose disciplinary measures, the executive director of the institution shall notify the professional concerned and the medical examiner of the decision of the board of directors and the reasons therefor. If the complaint was referred to the council by the review committee, the executive director shall also notify the review committee. In all cases, the medical examiner must inform the user, in writing in the case of a written complaint. The medical examiner must also inform the local service quality commissioner.

"59. If warranted, in the opinion of the board of directors, by the gravity of the complaint, the board shall transmit the complaint to the professional order concerned.

If the board of directors takes disciplinary measures against a physician, a dentist or a pharmacist, the executive director must notify the professional order in writing. In such cases, the medical examiner shall inform the user and the local service quality commissioner in writing.

"DIVISION III

"EXAMINATION OF COMPLAINTS BY REGIONAL BOARD

"60. A complaint may be addressed directly to the regional board

(1) by any person who uses the services of a community organization within the meaning of section 334 or resides in a nursing home operated by a person accredited for the purposes of subsidies within the meaning of section 454, regarding the services the person received or ought to have received from the organization or nursing home;

(2) subject to section 61, by any person who requires or uses the pre-hospitalization emergency services required or provided in the person's region as part of the system provided for in Division VI.1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5), regarding the services that the person received or ought to have received;

(3) by any natural person regarding a function or an activity of the regional board by which the person is personally affected owing to the fact that the person receives or ought to receive services provided by institutions, intermediary resources, family-type resources, community organizations or residences accredited for the purposes of subsidies within the meaning of section 454;

(4) by any natural person regarding any clientele assistance provided by the regional board itself as part of its functions as regards services to the public and user rights;

(5) by any natural person requires or uses services provided by an organization, partnership or person whose services or activities relate to the field of health and social services and with which or whom a service agreement has been made by the regional board for the provision of services, and who cannot otherwise apply to an institution under Division I. Such an agreement must provide for the carrying out of the provisions of Divisions III to VII of this chapter and of the Act respecting the Health and Social Services Ombudsman and amending various legislative provisions (2001, chapter 43) concerning such services.

"61. Any person who requires or uses the services provided under the pre-hospitalization emergency system of Corporation d'urgences-santé de la région de Montréal Métropolitain established under subdivision 1 of Division VI.1 of the Act respecting health services and social services for Cree Native persons shall address a complaint regarding any service the person received or ought to have received from the Corporation to the Corporation.

The board of directors of Corporation d'urgences-santé de la région de Montréal Métropolitain must appoint a member of its personnel to exercise the functions of regional service quality commissioner and make a by-law establishing a complaint examination procedure; Divisions III to VII of this chapter apply, with the necessary modifications, to complaints referred to in the first paragraph.

"62. The board of directors of every regional board must make a by-law establishing a complaint examination procedure for the purposes of this division.

"63. A regional service quality commissioner shall be appointed by the board of directors, on the recommendation of the president and executive director.

The regional service quality commissioner comes under the authority of the president and executive director. The regional service quality commissioner alone is answerable to the board of directors for the application of the complaint examination procedure. A member of the personnel of the regional board may act under the authority of the regional service quality commissioner provided that it is permitted by the organization plan of the regional board.

"64. The board of directors must take steps to preserve at all times the independence of the regional service quality commissioner in the exercise of his or her functions.

To that end, the board of directors must ensure that the regional commissioner, having regard to the other functions he or she may exercise for the regional board, is not in a conflict of interest situation in the exercise of his or her functions.

"65. In the exercise of his or her functions, the regional service quality commissioner may consult any person whose expertise the commissioner requires, including, with the authorization of the board of directors, an expert from outside the institution.

"66. The regional service quality commissioner is answerable to the board of directors for the enforcement of the rights of persons who apply to the regional commissioner pursuant to this division and for the diligent handling of their complaints.

To that end, the functions of the regional service quality commissioner shall include

(1) applying the complaint examination procedure established by by-law of the board of directors in keeping with personal rights; if necessary, making recommendations to the board of directors for any appropriate action to improve the handling of complaints, including a revision of the complaint examination procedure;

(2) promoting the independent nature of the role of the regional service quality commissioner within the regional board, and publishing the complaint examination procedure for the public in the region;

(3) giving assistance or seeing to it that assistance is given to persons who require assistance for the formulation of a complaint or for any further step related to the complaint; informing users of the possibility of being assisted and supported by the community organization in the region to which a user assistance and support mandate has been given pursuant to the provisions of section 76.6; and lastly, providing on request any information on the application of the complaint examination procedure of the regional board and on the other remedies provided for in this chapter, and informing users of the legal protection afforded pursuant to section 76.2 to any person who cooperates in the examination of a complaint;

(4) on receiving a complaint, examining it with diligence;

(5) if questions of a disciplinary nature in relation to a practice or the conduct of a personnel member are raised during the examination of a complaint, bringing these questions to the attention of the department concerned or the human resources manager within the regional board or the highest authority of the organization, resource or partnership or the person holding the

position of highest authority responsible for the services that are the subject of the complaint, for a more thorough investigation of the complaint, follow-up action or any other appropriate action; making any appropriate recommendation to that effect in his or her conclusions;

(6) not later than 45 days after receiving a complaint, communicating his or her conclusions, including reasons, in writing in the case of a written complaint, to the complainant, together with any recommendations made to the department or service manager concerned within the regional board and to the highest authority of the organization, resource or partnership or to the person holding the position of highest authority responsible for the services that are the subject of the complaint, and informing the complainant of the procedure for applying to the Health Services Ombudsman; communicating the same conclusions, including reasons, in writing in the case of a written complaint, to the department or manager concerned within the regional board and to the highest authority concerned;

(7) supporting, on his or her own initiative, any action to improve the quality of the services provided to the clientele, clientele satisfaction and the enforcement of the rights of the clientele, and recommending such action to any department or any service manager within the board or, as the case may be, to the highest authority of any organization, resource or partnership or to the person holding the position of highest authority responsible for the services that may be the subject of a complaint under section 60;

(8) giving advice on any matter within the purview of the regional service quality commissioner submitted by the board of directors, any council or committee created under section 407 or any department or service or other council or committee of the regional board;

(9) at least once a year and whenever necessary, drawing up a summary of the activities of the regional service quality commissioner, together with a statement of any action recommended by the regional commissioner to improve the quality of services, clientele satisfaction and the enforcement of the rights of the clientele;

(10) seeing to it that the board of directors of every institution in the region prepares a report under section 76.10 and submits it to the regional board;

(11) preparing the report referred to in section 76.12, incorporating into the report the annual summary of the activities of the regional service quality commissioner and all other reports referred to in section 76.10, and presenting the report to the board of directors for approval; and

(12) subject to section 64, carrying out any other function provided for in the organization plan of the regional board.

"67. The complaint examination procedure must enable any person referred to in section 60 to address a verbal or written complaint to the regional service quality commissioner.

The procedure must also allow the heirs or the legal representatives of a deceased person to make a complaint regarding the services the person received or ought to have received.

The complaint examination procedure must in particular

(1) include the details allowing rapid access to the services of the regional commissioner;

(2) provide that the regional commissioner must give assistance or see to it that assistance is given to users or persons who require assistance for the formulation of a complaint or for any further step related to the complaint, in particular by the community organization in the region to which a user assistance and support mandate has been given pursuant to section 76.6;

(3) ensure that the complainant receives a written notice of the date on which the verbal or written complaint is received by the regional commissioner;

(4) provide that, where a complaint is received regarding the services provided by a resource, organization, partnership or person other than the regional board, the regional commissioner is to inform the authority concerned in writing of the receipt of the complaint or, if the regional commissioner is of the opinion that no prejudice will be caused to the user, forward a copy of the complaint to the authority; provide that, if the complaint is verbal, the authority concerned is to be informed verbally;

(5) specify what communications must be made in writing in the case of a written complaint;

(6) allow the complainant and the highest authority of the organization, resource or partnership or the person holding the position of highest authority who is responsible for the services that may be the subject of a complaint under section 60 to present observations; and

(7) provide that the regional commissioner, after examining the complaint, is to communicate his or her conclusions, including reasons, to the complainant within the time prescribed in subparagraph 6 of the second paragraph of section 66, together with the procedure for applying to the Health Services Ombudsman.

"68. The regional service quality commissioner may, upon summary examination, dismiss a complaint if, in the commissioner's opinion, it is frivolous, vexatious or made in bad faith.

The regional service quality commissioner shall so inform the complainant, in writing in the case of a written complaint.

"69. The complainant and any other person, including any person working or practising on behalf of any institution, resource, organization, partnership or person other than the regional board, must supply all information and,

subject to the second paragraph of section 190 and section 218, all documents required by the regional service quality commissioner for the examination of a complaint, including, notwithstanding section 19, access to and the communication of the information or documents contained in the user's record; all such persons must also, unless they have a valid excuse, attend any meeting called by the regional service quality commissioner.

"70. If, pursuant to subparagraph 5 of the second paragraph of section 66, the regional service quality commissioner brings a practice or the conduct of a personnel member that raises questions of a disciplinary nature to the attention of the department concerned or the human resources manager within the regional board or the highest authority of the resource, organization or partnership or the person holding the position of highest authority responsible for the services that are the subject of a complaint under section 60, the department, manager, authority or person must investigate and follow up the case diligently and report periodically to the regional commissioner on the progress of the investigation.

The regional service quality commissioner must be informed of the outcome of the case and of any disciplinary measure taken against the personnel member concerned. The regional commissioner must in turn inform the complainant.

"71. The regional service quality commissioner may bring any report or recommendation regarding the improvement of the quality of services provided to the public, clientele satisfaction and the enforcement of the rights of the clientele to the attention of the board of directors of the regional board, in particular where the department or service manager concerned within the regional board or the highest authority of the resource, organization or partnership or the person holding the position of highest authority responsible for the services that are the subject of a complaint under section 60 has decided not to act upon a recommendation accompanying the conclusions and reasons communicated by the regional commissioner.

The regional commissioner must bring such a report or recommendation to the attention of the board of directors if warranted by the gravity of the complaint, in particular where the commissioner has been informed of a disciplinary measure taken against a personnel member of the department or authority concerned.

The president and executive director of the regional board must transmit to the board of directors any report or recommendation transmitted for that purpose by the regional commissioner.

"72. If the regional service quality commissioner fails to communicate his or her conclusions to the complainant within 45 days after receiving a complaint, the commissioner is deemed to have communicated negative conclusions to the complainant on the date of expiry of the time limit.

Such failure gives rise to the right to apply to the Health Services Ombudsman.

"DIVISION IV

"OTHER PROVISIONS

"73. No person shall take reprisals or attempt to take reprisals in any manner whatever against any person who makes or intends to make a complaint under section 34, 44, 45, 53 or 60.

The person responsible for examining the complaint must intervene without delay upon being apprised of reprisals or of an attempt to take reprisals.

"74. No civil action may be instituted by reason or in consequence of a complaint made in good faith under this chapter, whatever the conclusions issued following its examination.

Nothing in this provision shall operate to restrict the right of any person or the person's successors to exercise a remedy based on the same facts as those on which a complaint is based.

"75. No legal proceedings may be brought against the following persons or entities for an act or omission made in good faith in the exercise of their functions:

(1) a local service quality commissioner, an assistant local commissioner, a consultant or an outside expert referred to in section 32, a medical examiner, a consultant or an outside expert referred to in section 47, a review committee established under section 51 or a member of such a committee, a council of physicians, dentists and pharmacists or a member of such a council, an outside expert referred to in section 214 or the board of directors of an institution or a member of such a board;

(2) a regional service quality commissioner, a person acting under the authority of a regional service quality commissioner or a consultant or outside expert referred to in section 65.

"76. Except on a question of jurisdiction, no extraordinary recourse under articles 834 to 846 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised and no injunction may be granted against any of the persons referred to in section 75 acting in their official capacity.

"76.1. A judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to section 75 or 76.

"76.2. The answers given or statements made by a person for the purposes of the examination of a complaint, including any information or document supplied in good faith by the person in response to a request of a

local service quality commissioner or a regional service quality commissioner, an assistant local commissioner, a consultant or an outside expert referred to in section 32 or 65, a person acting under the authority of a regional service quality commissioner, a medical examiner, a consultant or an outside expert referred to in section 47, a review committee established under section 51 or a member of such a committee may not be used or be admitted as evidence against the person in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions.

"76.3. Before beginning to exercise their functions under this Title or in accordance with the procedure determined by a regulation under paragraph 2 of section 506, a local service quality commissioner or a regional service quality commissioner, an assistant local commissioner, a consultant or an outside expert referred to in section 32 or 65, a person acting under the authority of a regional service quality commissioner, a medical examiner, a consultant or an outside expert referred to in section 47, a member of a review committee established under section 51, a member of a committee of a council of physicians, dentists and pharmacists, an outside expert referred to in section 214 and a member of the board of directors of an institution must take the oath provided in Schedule I.

"76.4. Notwithstanding any inconsistent legislative provision, a local service quality commissioner or a regional service quality commissioner, an assistant local commissioner, a consultant or an outside expert referred to in section 32 or 65, a person acting under the authority of a regional service quality commissioner, a medical examiner, a consultant or an outside expert referred to in section 47, a review committee established under section 51 or a member of such a committee may not be compelled to make a deposition in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions concerning any confidential information obtained in the exercise of their functions, or to produce a document containing such information, except to confirm its confidential nature.

"76.5. Nothing contained in a user's complaint record, including the conclusions with reasons and any related recommendations, may be construed as a declaration, recognition or extrajudicial admission of professional, administrative or other misconduct capable of establishing the civil liability of a party in a judicial proceeding.

"DIVISION V

"ASSISTANCE BY COMMUNITY ORGANIZATION

"76.6. The Minister, after consulting with the regional board, shall give a community organization in the region the mandate to assist and support, on request, users residing in the region who wish to address a complaint to an institution in the region, to the regional board or to the Health Services Ombudsman.

Where a complaint is made by a user regarding the services of an institution or board of another region than the region in which the user resides, the community organization in the region of the user's residence shall provide any assistance and support requested, unless the user requests assistance and support from the community organization in the region of the institution or board concerned.

In all cases, the community organizations involved must collaborate in providing any assistance and support requested by a user.

"76.7. Every community organization to which a mandate under section 76.6 is given shall, on request, assist a user in any step undertaken to file a complaint with an institution or regional board or with the Health Services Ombudsman, and provide support to the user throughout the proceeding. The community organization shall provide information on the complaints process, help the user define the subject of the complaint, draft the complaint where necessary and provide assistance and support on request to the user at each stage of the proceeding, facilitate conciliation between the user and any authority concerned and contribute, through the support so afforded, to the enforcement of the user's rights and the improvement of the quality of services.

"DIVISION VI

"USER'S COMPLAINT RECORD

"76.8. The contents of a user's complaint record shall be determined by a regulation under paragraph 23 of section 505.

Notwithstanding any contrary provision of this Act, no document contained in a user's complaint record may be filed in the record of a personnel member or a member of the council of physicians, dentists and pharmacists.

The preceding paragraph does not apply to the conclusions and reasons of the medical examiner or to any related recommendations.

"76.9. The provisions of sections 17 to 28 apply to all records kept by the institution or regional board in the exercise of their respective functions under Divisions I, II and III.

"DIVISION VII

"REPORTS

"76.10. Once a year and whenever so required by the regional board, the board of directors of an institution must transmit a report on the application of the complaint examination procedure and the improvement of the quality of services to the regional board.

"76.11. The report shall incorporate the activities summary of the local service quality commissioner referred to in subparagraph 9 of the second paragraph of section 33, the medical examiner's report referred to in section 50 and the review committee's report referred to in section 57.

The report shall describe the reasons for the complaints received and shall indicate in respect of each type of complaint

(1) the number of complaints received, dismissed upon summary examination, examined, refused or abandoned since the last report;

(2) the time taken for the examination of complaints;

(3) the actions taken following the examination of complaints; and

(4) the number of complaints that gave rise to an application to the Health Services Ombudsman and the reasons for those complaints.

The report must also give an account of any action recommended by the local service quality commissioner and of any action taken to improve the quality of services, user satisfaction and the enforcement of user rights.

The board of directors shall also include in the report, where required, any mandatory objectives relating to the enforcement of user rights and the diligent handling of user complaints.

"76.12. Once a year and whenever so required by the Minister, the board of directors of a regional board must transmit a report summarizing all the reports received from the boards of directors of institutions.

The report shall describe the types of complaints received, including any complaints concerning physicians, dentists or pharmacists, and shall indicate in respect of each type of complaint

(1) the number of complaints received, dismissed upon summary examination, examined, refused or abandoned since the last report;

(2) the actions taken following the examination of complaints;

(3) the names of the institutions concerned; and

(4) the time taken for the examination of complaints.

The report shall also incorporate the activities summary of the regional service quality commissioner referred to in subparagraph 9 of the second paragraph of section 66, describe the reasons for the complaints received by the regional board itself and indicate in respect of each type of complaint

(1) the number of complaints received, dismissed upon summary examination, examined, refused or abandoned since the last report;

(2) the time taken for the examination of complaints;

(3) the actions taken following the examination of complaints; and

(4) the number of complaints that gave rise to an application to the Health Services Ombudsman and the reasons for those complaints.

The report must also give an account of the most significant actions recommended by local service quality commissioners and by the regional service quality commissioner and of the most significant actions taken by the institutions and by the regional board to improve the quality of services to the public in the region, clientele satisfaction and the enforcement of the rights of the clientele.

The board of directors shall also include in the report, where required, any mandatory objectives relating to the enforcement of the rights of persons who apply to the regional service quality commissioner under Division III and the diligent handling of their complaints.

A copy of the report must be sent at the same time to the Health Services Ombudsman.

"76.13. Whenever so required by the Health Services Ombudsman, the board of directors of an institution or a regional board must transmit a report to the Ombudsman regarding any item of information referred to in section 76.11 or 76.12 recorded since the last report and on any matter relating to the application of the complaint examination procedure, including the provisions applicable to any user complaint concerning a physician, dentist or pharmacist.

"76.14. The Minister shall table the reports of the regional boards in the National Assembly within 30 days of receiving them or, if the Assembly is not in session, within 30 days of resumption."

42. Section 108 of the said Act is amended by inserting the following paragraph after the first paragraph:

"The agreement must recognize the jurisdiction of the local service quality commissioner and that of the medical examiner as regards the examination of the complaints of the clientele concerned by the agreement. The agreement must allow the carrying out of the provisions of Chapter III of Title II of Part I of this Act and of the Act respecting the Health and Social Services Ombudsman and amending various legislative provisions concerning the services covered by the agreement, with the necessary modifications."

43. The said Act is amended by inserting the following section after section 133 replaced by section 21 of chapter 24 of the statutes of 2001:

"133.0.1. For the purposes of paragraph 5 of each of sections 129, 131 to 132.1 and 133 and of paragraph 3 of each of sections 129.1 and 130, the persons who perform nursing assistant activities for an institution are deemed to be members of the institution's multidisciplinary council."

44. Section 173 of the said Act is amended by replacing paragraph 2 by the following paragraph:

"(2) appoint the local service quality commissioner in accordance with the provisions of section 30;".

45. Section 177 of the said Act is amended by replacing "referred to in section 68" in the fourth paragraph by "and the improvement of the quality of services referred to in section 76.10".

46. Section 182 of the said Act is amended by replacing "29, 38 to 41" in the first paragraph by "29 to 34, 38, 39".

47. Section 212 of the said Act is amended by replacing "Divisions I, II and IV of Chapter III of Title II" in subparagraph 4 of the first paragraph by "Divisions I, II and III of Chapter III of Title II of this Act or the Act respecting the Health and Social Services Ombudsman and amending various legislative provisions".

48. Section 214 of the said Act is amended by replacing the second paragraph by the following paragraph:

"In exercising the functions described in subparagraphs 1 and 2 of the first paragraph and in exercising functions following the filing of a complaint in a case described in section 249, the council of physicians, dentists and pharmacists may, with the authorization of the board of directors, call on an expert from outside the institution. The expert shall have access to the user's record where the expert needs the information contained in the record for the exercise of his or her functions."

49. Section 218 of the said Act is amended by inserting the following paragraphs after the first paragraph:

"However, a medical examiner and the members of the review committee established under section 51 may examine the professional record of a member of the council of physicians, dentists and pharmacists where the information contained in the record is needed for the exercise of their functions.

Moreover, the members of the board of directors may have access to relevant extracts from the professional record of a member of the council of physicians, dentists and pharmacists that contain information needed for the

making of a decision regarding possible disciplinary measures against a physician, dentist or pharmacist in accordance with the procedure determined by a regulation under paragraph 2 of section 506."

50. Section 249 of the said Act is amended by adding the following sentence at the end of the second paragraph : "They may also include a recommendation that the physician or dentist serve a period of refresher training, take a refresher course or both, and may, if necessary, restrict or suspend some or all of the physician's or dentist's privileges for the duration of the refresher period."

51. Section 250 of the said Act is amended by adding the following sentence at the end of the second paragraph : "They may include a recommendation that the pharmacist serve a period of refresher training, take a refresher course or both, and may, if necessary, restrict or suspend the pharmacist's activities for the duration of the refresher period."

52. Section 344 of the said Act is amended by replacing "42 to 53.1" in the second line by "60 to 72".

53. Section 345 of the said Act is repealed.

54. Section 405 of the said Act, amended by section 75 of chapter 24 of the statutes of 2001, is again amended by replacing "and the senior management officers and confirming the designation, made by the executive director, of the complaints officer responsible for applying the users' complaint examination procedure provided for in section 43" in subparagraph 3 of the second paragraph by ", the senior management officers and the regional service quality commissioner in accordance with the provisions of section 63".

55. Section 506 of the said Act is amended by adding "or a resident to whom a status has been assigned by the board" after "pharmacist" in the third line of paragraph 2.

56. Section 530.5 of the said Act is amended

(1) by replacing "31" in the first paragraph by "34";

(2) by replacing "the services that have or should have been provided to him by" in the third and fourth lines of the first paragraph by "the services that have been, should have been or are being provided to the user by or that the user requires from";

(3) by replacing "complaints officer responsible for the application of the complaint examination procedure" in the first and second lines of the second paragraph and "complaints officer in charge of the application of the complaint examination procedure" in the third and fourth lines of that paragraph by "local service quality commissioner";

(4) by replacing "in the manner set out in sections 32 to 41" in the fifth line of the second paragraph and in the seventh line of the third paragraph by "in accordance with the applicable complaint examination procedure";

(5) by replacing "complaints officer" in the sixth line of the second paragraph and in the first, fifth and eighth lines of the third paragraph by "local commissioner".

57. Section 530.7 of the said Act is amended

(1) by replacing "complaints officer responsible for the application of the complaint examination procedure of the regional board referred to in section 530.25" in the third, fourth and fifth lines of the first paragraph by "Health Services Ombudsman, who shall examine the complaint in accordance with the Act respecting the Health and Social Services Ombudsman and amending various legislative provisions";

(2) by striking out the second and third paragraphs.

58. Section 530.8 of the said Act is amended

(1) by replacing "complaints officer responsible for the application of the complaint examination procedure" in the sixth and seventh lines of the first paragraph by "regional service quality commissioner";

(2) by replacing "the services that have or should have been provided to the person by" in the eighth and ninth lines of the first paragraph by "the services that have been, should have been or are being provided to the person by or that the person requires from";

(3) by replacing "complaints officer" in the first, second and third and sixth lines of the second paragraph and in the first and fifth lines of the third paragraph by "regional commissioner";

(4) by replacing "in the manner set out in sections 73 to 76" in the fifth line of the second paragraph and in the sixth and seventh lines of the third paragraph by "in accordance with the applicable complaint examination procedure".

59. The said Act is amended by replacing "COMPLAINTS COMMISSIONER" in the heading of Division III of Chapter II of Tile I of Part IV.1 by "HEALTH SERVICES OMBUDSMAN".

60. Section 530.9 of the said Act is amended by replacing "complaints commissioner" in the first line by "Health Services Ombudsman".

61. Section 530.10 of the said Act is amended by replacing "54" in the first line by "76.6".

62. Section 530.47 of the said Act is repealed.

63. Section 530.48 of the said Act is replaced by the following section:

"530.48. Complaints under section 60 shall be filed with the institution to which this Part applies and shall be examined in accordance with the provisions of sections 29 to 59, 73 to 76.9 and 76.13."

64. Section 530.49 of the said Act is amended

(1) by replacing "68 to the Minister" in the first paragraph by "76.10 to the Minister. The report must contain the items listed in section 76.11";

(2) by replacing "71" in the second paragraph by "76.14".

65. Section 530.91 of the said Act, enacted by section 1 of chapter 33 of the statutes of 2000, is amended

(1) by replacing "31 and 42" in the first line of the first paragraph by "34 and 60";

(2) by replacing "the services that have or should have been provided to the user by" in the fourth and fifth lines of the first paragraph by "the services that have been, should have been or are being provided to the user by or that the user requires from";

(3) by replacing the second and third paragraphs by the following paragraphs:

"Where such a complaint is filed, the local commissioner who receives the complaint must transmit it with diligence to the local commissioner of the institution concerned or, as the case may be, the regional commissioner of the regional board concerned, who shall then examine the complaint and communicate with the local commissioner of the institution referred to in section 530.89, who shall in turn inform the user with diligence of the action taken following the user's complaint.

If a complaint concerning an institution situated outside the territory described in section 530.89 is filed directly with the local commissioner of the institution or, as the case may be, the regional commissioner of the regional board, the complaint shall be examined by that local or regional commissioner, who shall inform the local commissioner of the institution referred to in section 530.89. Any information relating to the follow-up of the complaint shall be communicated to the local commissioner of the latter institution, who shall communicate the information to the user with diligence."

66. Section 530.92 of the said Act, enacted by section 1 of chapter 33 of the statutes of 2000, is amended by replacing "complaints commissioner" in the first line by "Health Services Ombudsman".

67. Section 530.93 of the said Act, enacted by section 1 of chapter 33 of the statutes of 2000, is amended by replacing "68" in the second line by "76.10".

68. The said Act is amended by adding the following schedule at the end:

"SCHEDULE I

"Oath

"I declare under oath that I will fulfil the duties of my office with honesty, impartiality and justice. I further declare under oath that I will not reveal or disclose, unless authorized by law, any confidential information that may come to my knowledge in the exercise of my functions."

69. Section 149.32.1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is repealed.

TRANSITIONAL AND FINAL PROVISIONS

70. The complaints commissioner in office on 1 January 2002 shall remain in office as the Health and Social Services Ombudsman until the expiry of his or her term of office.

71. The personnel of the complaints commissioner referred to in section 65 of the Act respecting health services and social services shall become the personnel of the Health and Social Services Ombudsman, and delegations made under section 65 shall be deemed to be delegations made under section 4 of this Act.

72. The complaint examination procedure established by the complaints commissioner pursuant to the provisions of section 57 of the Act respecting health services and social services shall continue to apply to the Health Services Ombudsman until 1 April 2002 or any later date determined by the Government; the new complaint examination procedure established by the Health Services Ombudsman under the provisions of section 10 of this Act shall apply from that date.

73. The examination of any complaint filed with the complaints commissioner before 1 January 2002 shall be continued by the Health Services Ombudsman in accordance with this Act.

74. The records and other documents held by the complaints commissioner on 1 January 2002 shall be transferred to the Health Services Ombudsman without further formality.

75. The complaints officer responsible for the application of the complaint examination procedure designated by the executive director of an institution under section 29 of the Act respecting health services and social services shall be deemed to be the local service quality commissioner of the institution until the board of directors makes the appointment provided for in section 30 of the Act respecting health services and social services enacted by section 41 of this Act on or before 1 April 2002 or any later date determined by the Government.

76. The complaint examination procedure established by an institution pursuant to the provisions of section 29 of the Act respecting health services and social services shall continue to apply to the institution until 1 April 2002 or any later date determined by the Government; the new complaint examination procedure established by by-law of the board of directors under the provisions of section 29 of the Act respecting health services and social services enacted by section 41 of this Act, shall apply from that date.

77. The provisions of sections 29 to 40 of the Act respecting health services and social services enacted by section 41 of this Act shall apply to the continuation of the examination of a complaint received by the institution before 1 April 2002 or any later date determined by the Government.

78. On or before 1 April 2002 or any later date determined by the Government, the board of directors of every institution must designate a medical examiner as provided for in section 42 of the Act respecting health services and social services enacted by section 41 of this Act.

79. Complaints concerning a physician, dentist or pharmacist received from 1 April 2002 or any later date determined by the Government shall be examined in accordance with the provisions of sections 41 to 59 of the Act respecting health services and social services enacted by section 41 of this Act.

80. The institutions referred to in section 51 of the Act respecting health services and social services enacted by section 41 of this Act shall have until 1 April 2002 or any later date determined by the Government to establish a review committee as provided for in that section.

81. The complaint examination procedure established by a regional board pursuant to the provisions of section 43 of the Act respecting health services and social services shall continue to apply to the regional board until 1 April 2002 or any later date determined by the Government; the new complaint examination procedure established by by-law of the board of directors under the provisions of section 62 of the Act respecting health services and social services enacted by section 41 of this Act shall apply from that date.

82. The complaints officer responsible for the application of the complaint examination procedure designated by the executive director of a regional board pursuant to the provisions of section 43 of the Act respecting health services and social services shall be deemed to be the regional service quality

commissioner of the regional board until the board of directors makes the appointment provided for in section 63 of the Act respecting health services and social services enacted by section 41 of this Act on or before 1 April 2002 or any later date determined by the Government.

83. The examination of any complaint received by a regional board before 1 April 2002 or any later date determined by the Government shall be continued by the regional board pursuant to the provisions of sections 42 to 53.1 of the Act respecting health services and social services as they read before that date, in accordance with the complaint examination procedure and time limits applicable at that time.

Any complaint received by a regional board on or after 1 April 2002 or any later date determined by the Government which, under the provisions of the Act respecting health services and social services enacted by section 41 of this Act, is within the purview of the Health Services Ombudsman shall be referred without delay to the Health Services Ombudsman in accordance with this Act.

84. Corporation d'urgences-santé de la région de Montréal Métropolitain shall have until 1 April 2002 or any later date determined by the Government to appoint a member of its personnel to exercise the functions of regional service quality commissioner and to make a by-law establishing a complaint examination procedure in accordance with the provisions of section 61 of the Act respecting health services and social services enacted by section 41 of this Act.

Until that date, the applicable procedure shall continue to produce its effects.

85. The employees of a regional health and social services board within the meaning of the Act respecting health services and social services who are in office on 1 November 2001 and are assigned duties relating to the complaint handling process or the promotion of users' rights, shall become members of the personnel of the Health Services Ombudsman insofar as they are covered by a decision of the Conseil du trésor made before the date that is one year after the date of coming into force of this section, in conformity with the conditions and procedure determined in the decision. Employees so transferred are deemed to have been appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

The Conseil du trésor may determine the classification, remuneration and any other condition of employment applicable to the employees referred to in the first paragraph.

86. The Government may, by a regulation made before 1 January 2004, adopt any other transitional provision to rectify any omission and ensure the carrying out of this Act.

A regulation under this section is not subject to the publication requirement provided for in section 8 of the Regulations Act (R.S.Q., chapter R-18.1). Notwithstanding section 17 of that Act, it comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

87. The provisions of this Act come into force on 1 January 2002, except the provisions of sections 7 to 9, 12 to 28, 38 and 39 and the provisions of sections 33, 35 to 40, 44 to 50, 52 to 61, 66, 68 to 72 and 76.8 to 76.14 of the Act respecting health services and social services enacted by section 41 of this Act, which come into force on the date or dates to be fixed by the Government.

Regulations and other acts

Gouvernement du Québec

O.C. 1530-2001, 19 December 2001

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2)

Regulation
— Amendments

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

WHEREAS, under section 128 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2), the Government may, by regulation, at intervals of not less than three years, revise the plan's rate of contribution, as well as that applicable to an employee referred to in section 5, from 1 January following the receipt of the actuarial valuation by the Minister;

WHEREAS the Government has not revised the rate of contribution for less than three years;

WHEREAS the Minister received the actuarial valuation on 17 April 2000;

WHEREAS it is expedient to revise the rate of contribution;

WHEREAS the Government made the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services by Order in Council 1842-88 dated 14 December 1988;

WHEREAS it is expedient to amend the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Administration and the Public Service, Minister responsible for Administration and the Public Service and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, attached hereto, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services*

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2, ss. 128 and 130, par. 9)

1. The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services is amended by inserting the following chapter after section 8:

"**CHAPTER VIII.1**
RATE OF CONTRIBUTION
(s. 130, par. 9)

8.0.1. As of 1 January 2001, the annual deduction provided for in section 42 of the Act is equal to:

(1) 3%, up to that part of the pensionable salary which does not exceed the maximum pensionable earnings within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

(2) 4% of that part of the pensionable salary which exceeds the maximum pensionable earnings;

(3) 5% of the pensionable salary paid to the employee referred to in section 5 of the Act.".

2. This Regulation comes into force on the date of its adoption by the Government.

4762

* The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988 (1988, *G.O.* 2, 4149), was last amended by Order in Council 348-2000 dated 29 March 2000 (2000, *G.O.* 2, 1929). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.

Gouvernement du Québec

O.C. 1531-2001, 19 December 2001

An Act respecting the Governement and public employees Retirement Plan
(R.S.Q., c.. R-10)

Regulation
— Amendments

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under section 177 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by section 342 of chapter 31 of the Statutes of 2001, and subparagraph 18 of the first paragraph of section 134 of the Act, the Government may, by regulation, revise the rate of contribution to the Government and Public Employees Retirement Plan, based on the result of the actuarial valuation of the plan, from 1 January after receipt by the Minister of the report of the independent actuary;

WHEREAS the Minister received the report of the independent actuary on 13 December 2001;

WHEREAS the report indicates that the rate of contribution can be reduced;

WHEREAS, under the second paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan, the Government shall make the Regulation after consultation by the Commission administrative des regimes de retraite et d'assurances with the committee referred to in section 164 of the Act;

WHEREAS the Comité de retraite has been consulted;

WHEREAS the Government made the Regulation under the Act respecting the Government and Public Employees Retirement Plan by Order in Council 1845-88 dated 14 December 1988;

WHEREAS it is expedient to amend the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Administration and the Public Service, Minister responsible for Administration and the Public Service and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan, attached hereto, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan [*]

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 134, 1st par., subpar. 18 and s. 177)

1. The Regulation under the Act respecting the Government and Public Employees Retirement Plan is amended in section 39:

(1) by substituting "1 January 2002" for "1 January 1996"; and

(2) by substituting "5.35%" for "7.95%".

2. This Regulation comes into force on the day it is made.

4761

Gouvernement du Québec

O.C. 1552-2001, 19 December 2001

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

Environmental impact assessment and review
— Amendments

Regulation to amend the Regulation respecting environmental impact assessment and review

WHEREAS, under subparagraph *a* of the first paragraph of section 31.9 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations respecting the matters set forth therein;

[*] The Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 (1988, *G.O.* 2, 4154), was last amended by the Regulation made by Decision 197330 of the Conseil du trésor dated 27 November 2001 (2001, G.O. 2, 6318). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, the draft Regulation to amend the Regulation respecting environmental impact assessment and review was published in Part 2 of the *Gazette officielle du Québec* of 6 June 2001, with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments that take into account the comments received following the publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Environment and Water and Minister of the Environment:

THAT the Regulation to amend the Regulation respecting environmental impact assessment and review, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting environmental impact assessment and review*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31.9, 1st par., subpar. *a*)

1. The Regulation respecting environmental impact assessment and review is amended by substituting the following for subparagraph *l* of the first paragraph of section 2:

"*(l)* the construction, reconstruction and subsequent operation

— of a hydroelectric generating station or fossil fuel-fired generating station with a capacity that exceeds 5 MW; or

— of any other electric power generating station with a capacity that exceeds 10 MW, except a nuclear generating station contemplated by subparagraph *m*;

subject to the provisions of the second paragraph of this section, any increase in the capacity of a hydroelectric generating station or fossil fuel-fired generating station with a capacity that exceeded 5 MW before the increase or that exceeds 5 MW as a result of the capacity increase, or any increase in the capacity of any other generating station contemplated by this subparagraph whose capacity exceeded 10 MW before the increase or that exceeds 10 MW as a result of the capacity increase; or

the addition of a turboalternator to a boiler that had not been previously used to produce electric power if the capacity of the alternator exceeds, in respect of a boiler burning fossil fuels, 5 MW or exceeds 10 MW in all other cases contemplated by this subparagraph.

For the purposes of this subparagraph, the capacity of a generating station is the total rated capacities of its production equipment based on the following:

— the capacity of a hydroelectric generating station is the rated capacity of the alternator of the turboalternator measured at a water temperature of 15ºC;

— the capacity of a thermal generating station is the rated capacity of such an alternator measured at an air temperature of 15ºC and an atmospheric pressure of 1 bar;

— the capacity of a wind generating station is equal to the total of the rated capacities of all the aerogenerators with which the windmills are equipped. The maximum number of windmills the wind generating station should comprise is used to measure that capacity.".

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

4763

* The Regulation respecting environmental impact assessment and review (R.R.Q., 1981, c. Q-2, r.9) was last amended by the Regulation made by Order in Council 988-2001 dated 29 August 2001 (2001, *G.O.* 2, 4921). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.

Gouvernement du Québec

O.C. 1553-2001, 19 December 2001

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

Burial of contaminated soils
— Amendments

CONCERNING the Regulation amending the Regulation respecting the burial of contaminated soils

WHEREAS, under paragraphs *a*, *c*, *d*, *e*, *g*, *h*, *h*.1, *h*.2, *j*, *m* and *n* of section 31, paragraphs *d*, *e* and *f* of section 31.52, amended by section 10 of chapter 75 of the Statutes of 1999, paragraphs 1, 2, 5, 6 and 7 of section 70, replaced by section 29 of chapter 75 of the Statutes of 1999, and sections 86, 109.1 and 124.1 of the Environment Quality Act (R.S.Q., c. Q-2), the Government made, by Order in Council 843-2001 dated 27 June 2001, the Regulation respecting the burial of contaminated soils;

WHEREAS, for the reasons set out in the Order in Council, the proposed regulation was made without having been published;

WHEREAS, since this Regulation was made, it has appeared necessary to clarify certain provisions of the field of application;

WHEREAS, in accordance with section 66 of this Regulation, operators of contaminated soil burial sites in operation on July 11, 2001, have until January 11, 2002, to comply with the obligations applicable to them;

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 where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of the same Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of the same Act, the reason justifying the absence of prior publication and such coming into force 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 and an immediate coming into force of the Regulation amending the Regulation respecting the burial of contaminated soils;

— the need to clarify, before January 11, 2002, certain provisions of the field of application;

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

THAT the Regulation amending the Regulation respecting the burial of contaminated soils, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation amending the Regulation respecting the burial of contaminated soils *

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, pars. *a*, *c*, *d*, *e*, *g*, *h*, *h*.1, *h*.2, *j*, *m* and *n*, s. 31.52, pars. *d*, *e* and *f*, s. 70, pars. 1, 2, 5, 6 and 7, s. 86, s. 109.1 and s. 124.1; 1999, c. 75, ss. 10 and 29)

1. Sections 1 and 2 of the Regulation respecting the burial of contaminated soils are replaced by the following:

"**1.** This Regulation determines the conditions or prohibitions applicable to the layout, extension and operation of sites used in whole or in part for the burial of contaminated soils as well as the conditions applicable to their closure and their post-closure follow-up.

For the purposes of this Regulation:

(1) sediments extracted from a watercourse or body of water constitute soils;

(2) the extension of a contaminated soil burial site includes any alteration having for effect to increase its capacity.

2. The site used exclusively for the burial of contaminated soils extracted from the land on which it is located and soils containing one or many substances coming from such land under rehabilitation work authorized under the Environment Quality Act (R.S.Q., c. Q-2) is exempt from the application of sections 10, 15, 16, 19, 21, 23, 40, 42, 48 to 55 and 64 to 66.".

* The Regulation respecting the burial of contaminated soils was made by Order in Council 843-2001 dated 27 June 2001 (2001, *G.O.* 2, 3518) and has not been amended.

2. Subparagraph *a* of paragraph 1 of section 4 of the same Regulation is amended by substituting "in section" for "in the second paragraph of section".

3. The first paragraph of section 43 of the same Regulation is amended by deleting the words "referred to in section 2".

4. Section 46 of the same Regulation is amended by substituting "in section" for "in the second paragraph of section".

5. The same Regulation is amended by inserting, after section 64, the following:

"**64.1** Section 10 does not apply to authorized contaminated soil burial sites in operation on July 11, 2001.".

6. The same Regulation is amended by inserting, after section 67, the following:

"**67.1** This Regulation does not apply to those who, on July 11, 2001, were authorized to bury products resulting from the treatment of contaminated soils by a stabilization, fixation and solidification process.".

7. Schedule II of the same Regulation is amended by substituting, opposite "Antimony" and "Antimony III", the symbol "Sb" for the symbol "Sn".

8. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

4767

Notice

An Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001)

Retrospective adjustment of the assessment — Amendments

Notice is hereby given that the Commission de la santé et de la sécurité du travail, at its meeting of 20 December 2001, adopted the Regulation amending the Regulation respecting retrospective adjustment of the assessment.

In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation was published on page 5639 in the *Gazette officielle du Québec* of 3 October 2001 with a notice that it would be adopted by the Commission, with or without amendments, upon the expiry of 45 days following the publication of that notice.

TREFFLÉ LACOMBE,
Chairman of the board and chief executive officer of the Commission de la santé et de la sécurité du travail

Regulation amending the Regulation respecting retrospective adjustment of the assessment*

An Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001, s. 454, par. 1, subpars. 9, 11 and 13)

1. The Regulation respecting retrospective adjustment of the assessment is hereby amended by replacing the reference to the Act respecting industrial accidents and occupational diseases appearing under the title of the Regulation with the following: "(R.S.Q., c. A-3.001, s. 454, par. 1, subpars. 9, 11 and 13)".

2. Section 38 of the Regulation is hereby amended by replacing the words "of this Chapter" with the words "of this Division and of Division II".

3. The second paragraph of each of sections 39, 60, 61, 65 and 77 of the Regulation is hereby amended by replacing the words "Division I" with the words "Division II".

4. Section 64 of the Regulation is hereby amended by replacing the words "Division I" with the words "Division II".

5. The Regulation is hereby amended by inserting the following Division after Division III of Chapter VI:

* The only amendments to the Regulation respecting retrospective adjustment of the assessment adopted by the Commission de la santé et de la sécurité du travail by Resolution A-85-98 of September 17, 1998 (1998, *G.O.* 2, 4156) were made by the Regulation amending the Regulation respecting retrospective adjustment of the assessment adopted by the Commission by Resolution A-74-99 of September 16, 1999 (1999, *G.O.* 2, 3183).

"**DIVISION III.1**
CREE BANDS AND SUBSIDIARIES

In this Division:

"Cree band": means a band incorporated under section 12 of the Cree-Naskapi (of Québec) Act (Statutes of Canada (1984), c. 18);

"control": has the meaning ascribed to that term in section 32 of this Regulation;

"subsidiary": means a corporation controlled by one or more Cree bands directly or through their subsidiaries;

"group": means the group formed by all Cree Bands, their subsidiaries, the Oujé-Bougoumou Eenou Companee and the Oujé-Bougoumou Eenouch Association and such legal persons as may be the successors, in whole or in part, of the Oujé-Bougoumou Eenou Companee or the Oujé-Bougoumou Eenouch Association;

82.2 For an assessment year, the employers belonging to the group may apply to be considered a single employer for the purpose of retrospective adjustment of the assessment.

82.3 All the employers in the group shall file the application referred to in section 82.2 using the form in Schedule 7.

The application shall be accompanied by the following documents:

(1) a resolution from each employer in the group authorizing the filing of the application and designating one person to sign the application on its behalf;

(2) a resolution from each Cree band authorizing the application to be filed by their subsidiaries;

(3) a certificate from an outside auditor attesting to the composition of the group and to the control of the Cree bands over their subsidiaries; the certificate may not be dated prior to August 1 of the year preceding the assessment year and shall attest to the composition and to the control as at the date of the certificate.

82.4 Within 45 days of a request from the Commission to that effect, the group of employers shall send the Commission a security in the form set forth in Schedule 8, signed by all the employers in the group, whereby they solidarily stand surety for each other respecting the assessment due by the group, including any adjustments, to a maximum of 50% of the amount corresponding to the sum of the product of the estimated insurable wages for each employer in the group for the assessment year multiplied by the risk-related portion of the assessment rate applicable to the employer under section 305 of the Act and for the year preceding the assessment year, and all interest owing to the Commission.

Notwithstanding the foregoing, an employer shall not be required to stand surety for another member of the group where the employer is prohibited from doing so under the statute under which it was constituted.

Failure by the group to submit the security, as well as any other document required under this Regulation, to the Commission within the prescribed time limit, shall result in revocation of the application filed under section 82.2.

82.5 The group may, in order to take into account the security required under section 82.4, submit to the Commission an insurance contract, a security contract or a guarantee contract of a legal person governed by the Bank Act (R.S.C., 1985, c. B-1), the Savings and Credit Unions Act (R.S.Q., c. C-4.1), the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01), the Act respecting Insurance (R.S.Q., c. A-32) or the Act respecting Canadian and British Insurance Companies (S.R.C., c. I-15) whereby the person undertakes to pay the assessment due by the group, including the adjustments, to a maximum of 50% of the amount corresponding to the sum of the product of the estimated insurable wages for each employer in the group for the assessment year multiplied by the employer's risk-related portion of the assessment rate applicable to it under section 305 of the Act for the year preceding the assessment year, and all interest owing to the Commission.

The contract shall remain in force until the expiration of the second year following the year of retrospective adjustment of the assessment referred to in section 22.

82.6 The application referred to in section 82.2 shall be filed with the Commission prior to October 1 of the year preceding the assessment year and is irrevocable from January 1 of the assessment year.

The Commission shall rule on the admissibility of the application on the basis of the information contained therein on September 30 of the year preceding the assessment year and on the information that the Commission has in its possession at that time.

82.7 For the purposes of this Division, a subsidiary in bankruptcy or being wound up at the time of the application provided for in section 82.2 is regarded as not controlled by one or more Cree bands.

82.8 An employer who, after the date of the certificate prescribed in subparagraph (3) of the second paragraph of section 82.3, becomes a subsidiary of one or more Cree Bands or that becomes the successor, in whole or in part, of the Oujé-Bougoumou Eenou Companee or the Oujé-Bougoumou Eenouch Association, is considered to be part of the group for the assessment year from the date it becomes a subsidiary or the successor of such legal persons. The same applies to a subsidiary or a Cree Band that later becomes an employer, from the date of such event.

The election made by the group under Subdivision 2 of Division II of Chapter III is applicable to the employer.

82.9 An employer who has filed an application under section 82.2 and who ceases to be controlled by one or more Cree bands after the date of the certificate prescribed in subparagraph (3) of the second paragraph of section 82.3, is no longer considered part of the group from the date on which the employer ceases to be so controlled.

If the employer then qualifies for retrospective adjustment of the assessment under section 4 for the assessment year, it is then considered to have elected the assumption limit applicable to the group pursuant to Subdivision 2 of Division II of Chapter III, unless the employer sends to the Commission the notice provided for in section 16 within the prescribed period.

82.10 A group of employers that qualifies for or is subject to retrospective adjustment of the assessment pursuant to an application filed under section 82.2 and that ceases to qualify for or be subject to retrospective adjustment for a year may not file a new application under that section before the expiry of five years from that year.

Notwithstanding the foregoing, the first paragraph does not apply to a group of employers that ceases to qualify for or be subject to retrospective adjustment because it no longer satisfies the requirements stipulated in section 4, except if it does not file an application under section 82.2 in the first year that it again satisfies the requirements set forth in section 4.

82.11 Employers considered one and the same employer for the purpose of retrospective adjustment of the assessment for a given year shall, prior to March 1 of the following year, furnish a certificate from an outside auditor attesting to the composition of the group, to the control of the Cree bands over their subsidiaries during the assessment year, and to any changes that may have occurred in the group during that year.

82.12 A group that files an application under section 82.2 is regarded as having filed an application under section 5. However, the group is not entitled to have its qualification for retrospective adjustment of the assessment determined under subparagraph (1) of section 5.

Section 6 does not apply to the group.

82.13 For the purpose of apportioning the retrospectively adjusted assessment among the employers in the group, the Commission shall calculate the adjusted assessment of each employer.

The risk-related portion of each employer's adjusted assessment is then multiplied by the results obtained by applying the following formula:

$$\frac{\text{Risk-related portion of the group's adjusted assessment}}{\text{aggregate risk-related portion of the adjusted assessment of each employer in the group}}$$".

6. The English version of said Regulation is hereby amended by replacing the numbering of the division following section 82.13 in chapter VI with the following: "IV".

7. The first paragraph of section 83 of the Regulation is hereby amended by replacing the words "and II" with ", II and III.1".

8. Section 85 of the Regulation is hereby amended by replacing the words "or 58" with the words ", 58, 82.4 or 82.5".

9. The Regulation is hereby amended by adding the following schedules after Schedule 6:

"SCHEDULE 7
(s. 82.3)

APPLICATION TO FORM A GROUP FOR THE PURPOSE OF RETROSPECTIVE ADJUSTMENT OF THE ASSESSMENT

The employers designated below apply to be considered one and the same employer for the purpose of retrospective adjustment of the assessment for the _____ assessment year.

They declare that they constitute a group within the meaning of Division III.1 of Chapter VI of the Regulation respecting retrospective adjustment of the assessment.

They appoint, _____ to inform the
(insert name of the person)
Commission of the employer's assumption limit elected under Subdivision 2 of Division II of Chapter III.

Designation from each employer with the signature of the person authorized sign the application:

"employer"_____
(designation)

_____ _____
Signature (Date)
(duly authorized person)

"employer"_____
(designation)

_____ _____
Signature (Date)
(duly authorized person)

SCHEDULE 8
(s. 82.4)

SECURITY

APPEARING:

_____
(name and address of the Cree band, if it is an employer)
herein represented by_____

duly authorized pursuant to a resolution of its band council attached hereto:

(indicate the name and address of all Cree bands, if they are employers, as well as the name of the person duly authorized pursuant to a resolution of the band council attached hereto)

_____
(name and address of any other employer)
herein represented by_____

duly authorized pursuant to a resolution of its board of directors attached hereto;

(indicate here the name and address of all other employers in the group and the name of the person duly authorized pursuant to a resolution of the employer's board of directors attached hereto)

DECLARING AS FOLLOWS:

The legal persons herein represented hereby bind themselves jointly and severally toward the Commission de la santé et de la sécurité du travail to pay the assessment, to a maximum of 50% of the amount corresponding to the aggregate product obtained by multiplying the total estimated wages for the assessment year of each employer in the group by the risk-related portion of the rate applicable to the employer under section 305 of the Act for the year preceding the assessment year and any interest due to the Commission for the _____ assessment year if any of the parties hereto is the object of a certificate deposited with the Clerk of the court of competent jurisdiction under section 322 of the Act.

An employer that ceases to form part of a group remains bound by the security for the assessment related to that part of the year in which it formed part of the group.

An employer that is unable to stand surety for another member of the group because it is prohibited from so doing by the act under which it was constituted must indicate below the name of the member of the group in question:

_____is unable to stand surety for
(name of employer)

_____.
(name of member of the group)

_____ is unable to stand surety for
(name of employer)

_____.
(name of member of the group)

The parties hereto waive the benefit of discussion and division.

IN WITNESS WHEREOF, the parties have signed through their duly authorized representatives:

_____
(name of the Cree band if it is an employer)

Per: _____ _____
(duly authorized person) (Date)

_____
(name of employer)

Per: _____ _____
(duly authorized person) (Date)

(name and signature of any other employers).".

10. For the 2002 assessment year, the application referred to in section 82.2 shall be submitted by the forty-fifth day following the coming into force of this Regulation and shall be irrevocable upon the expiry of the aforesaid forty-five day period or January 1, 2002, whichever is the later to occur.

11. For a group of employers filing an application referred to in section 82.2 for the 2002 assessment year, the election referred to in Subdivision 2 of Division II of Chapter III must reach the Commission before the forty-fifth day following the coming into force of this Regulation or prior to December 15, 2001 whichever is the later to occur.

12. This Regulation applies as of the 2002 assessment year.

4775

Notice

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

Insured hearing devices
— 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 12 December 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-384-01-19 of its board of directors, dated 12 December 2001, adopting the Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act;

CONSIDERING that it is necessary to amend the price of certain services offered within the context of providing 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, 14 December 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 in section 19

(1) by substituting, as of 1 November 2002,

(a) "$263.87" for "$241.40" in the part preceding subparagraph 1 of the first paragraph; and

(b) "$46.47" for "$44.80" and "$22.20" for "$21.40" in the third paragraph; and

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

"The amount $241.40, provided for in the first paragraph, shall be increased to $245.02 as of 1 November 1999, to $251.15 as of 1 November 2000 and to $257.43 as of 1 November 2001. Likewise, the amounts $44.80 and $21.40, provided for in the third paragraph, shall be increased to $45.07 and $21.53 respectively as of 1 November 1999, to $45.52 and $21.75 respectively as of 1 November 2000 and to $45.99 and $21.97 respectively as of 1 November 2001.".

2. Section 20 is amended

(1) by substituting "$8.91" and "$129.14" respectively for the rate $8.15 and the maximum rate $118.15 as of 1 November 2002; and

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

"The rate $8.15 and the maximum rate $118.15, provided for in the first paragraph, shall read as follows, respectively:

(1) $8.27 and $119.02, as of 1 November 1999;

(2) $8.48 and $122.92, as of 1 November 2000; and

(3) $8.69 and $125.99, as of 1 November 2001.".

* 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 Regulations made by Order in Council 1403-2001 dated 21 November 2001 (2001, *G.O.* 2, p. 6160) and by the Régie de l'assurance maladie by its Decision RAMQ-002-2001 dated 10 October 2001 (2001, *G.O.* 2, p. 6162). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.

3. Section 21 is amended

(1) by substituting "$8.91" for the rate $8.15 per quarter hour or fraction thereof, provided for in the second paragraph, as of 1 November 2002.

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

"The rate $8.15 per quarter hour or fraction thereof, provided for in the second paragraph, shall read as follows:

(1) $8.27, as of 1 November 1999;

(2) $8.48, as of 1 November 2000; and

(3) $8.69, as of 1 November 2001.".

4. Section 24 is amended by adding the following paragraph after the first paragraph:

"The rate per quarter hour of fraction thereof for the time devoted by a hearing aid acoustician to the person with a hearing handicap, as provided for in the first paragraph, shall read as follows:

(1) $8.27, as of 1 November 1999;

(2) $8.48, as of 1 November 2000;

(3) $8.69, as of 1 November 2001; and

(4) $8.91, as of 1 November 2002.".

5. Section 26 is amended by adding the following paragraph at the end:

"The costs that the Régie assumes under the first and second paragraphs are determined in Subdivision VII of Division I of Chapter V.".

6. Subdivision VII appearing in Schedule I to this Regulation is substituted for Subdivision VII of Division I of Chapter V.

7. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I

§7. *Services — Repairs — Accessories*

	Price
As of 1 November 2002:	
Earmold and tube (made of nonallergenic or other substances)	46.47
Shell impression	22.20
Tube	2.00
Harness for conventional hearing aid	16.50
Case for conventional hearing aid	9.25
Microphone case for conventional hearing aid	6.00.

The price for an "Earmold and tube (made of nonallergenic or other substances)" and the price for a "Shell impression" shall be increased as follows:

(1) as of 1 November 1999:

Earmold and tube (made of nonallergenic or other substances)	45.07
Shell impression	21.53;

(2) as of 1 November 2000:

Earmold and tube (made of nonallergenic or other substances)	45.52
Shell impression	21.75;

and

(3) as of 1 November 2001:

Earmold and tube (made of nonallergenic or other substances)	45.99
Shell impression	21.97.

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Regulations and other acts

Gouvernement du Québec

O.C. 1530-2001, 19 December 2001

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2)

Regulation
— Amendments

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

WHEREAS, under section 128 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2), the Government may, by regulation, at intervals of not less than three years, revise the plan's rate of contribution, as well as that applicable to an employee referred to in section 5, from 1 January following the receipt of the actuarial valuation by the Minister;

WHEREAS the Government has not revised the rate of contribution for less than three years;

WHEREAS the Minister received the actuarial valuation on 17 April 2000;

WHEREAS it is expedient to revise the rate of contribution;

WHEREAS the Government made the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services by Order in Council 1842-88 dated 14 December 1988;

WHEREAS it is expedient to amend the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Administration and the Public Service, Minister responsible for Administration and the Public Service and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, attached hereto, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services*

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2, ss. 128 and 130, par. 9)

1. The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services is amended by inserting the following chapter after section 8:

"**CHAPTER VIII.1**
RATE OF CONTRIBUTION
(s. 130, par. 9)

8.0.1. As of 1 January 2001, the annual deduction provided for in section 42 of the Act is equal to:

(1) 3%, up to that part of the pensionable salary which does not exceed the maximum pensionable earnings within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

(2) 4% of that part of the pensionable salary which exceeds the maximum pensionable earnings;

(3) 5% of the pensionable salary paid to the employee referred to in section 5 of the Act.".

2. This Regulation comes into force on the date of its adoption by the Government.

4762

* The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988 (1988, *G.O.* 2, 4149), was last amended by Order in Council 348-2000 dated 29 March 2000 (2000, *G.O.* 2, 1929). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.

Gouvernement du Québec

O.C. 1531-2001, 19 December 2001

An Act respecting the Governement and public employees Retirement Plan
(R.S.Q., c.. R-10)

Regulation
— Amendments

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under section 177 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by section 342 of chapter 31 of the Statutes of 2001, and subparagraph 18 of the first paragraph of section 134 of the Act, the Government may, by regulation, revise the rate of contribution to the Government and Public Employees Retirement Plan, based on the result of the actuarial valuation of the plan, from 1 January after receipt by the Minister of the report of the independent actuary;

WHEREAS the Minister received the report of the independent actuary on 13 December 2001;

WHEREAS the report indicates that the rate of contribution can be reduced;

WHEREAS, under the second paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan, the Government shall make the Regulation after consultation by the Commission administrative des regimes de retraite et d'assurances with the committee referred to in section 164 of the Act;

WHEREAS the Comité de retraite has been consulted;

WHEREAS the Government made the Regulation under the Act respecting the Government and Public Employees Retirement Plan by Order in Council 1845-88 dated 14 December 1988;

WHEREAS it is expedient to amend the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Administration and the Public Service, Minister responsible for Administration and the Public Service and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan, attached hereto, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan [*]

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 134, 1st par., subpar. 18 and s. 177)

1. The Regulation under the Act respecting the Government and Public Employees Retirement Plan is amended in section 39:

(1) by substituting "1 January 2002" for "1 January 1996"; and

(2) by substituting "5.35%" for "7.95%".

2. This Regulation comes into force on the day it is made.

4761

Gouvernement du Québec

O.C. 1552-2001, 19 December 2001

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

Environmental impact assessment and review
— Amendments

Regulation to amend the Regulation respecting environmental impact assessment and review

WHEREAS, under subparagraph *a* of the first paragraph of section 31.9 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations respecting the matters set forth therein;

[*] The Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 (1988, *G.O.* 2, 4154), was last amended by the Regulation made by Decision 197330 of the Conseil du trésor dated 27 November 2001 (2001, G.O. 2, 6318). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, the draft Regulation to amend the Regulation respecting environmental impact assessment and review was published in Part 2 of the *Gazette officielle du Québec* of 6 June 2001, with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments that take into account the comments received following the publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Environment and Water and Minister of the Environment:

THAT the Regulation to amend the Regulation respecting environmental impact assessment and review, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting environmental impact assessment and review*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31.9, 1st par., subpar. *a*)

1. The Regulation respecting environmental impact assessment and review is amended by substituting the following for subparagraph *l* of the first paragraph of section 2:

"*(l)* the construction, reconstruction and subsequent operation

— of a hydroelectric generating station or fossil fuel-fired generating station with a capacity that exceeds 5 MW; or

— of any other electric power generating station with a capacity that exceeds 10 MW, except a nuclear generating station contemplated by subparagraph *m*;

subject to the provisions of the second paragraph of this section, any increase in the capacity of a hydroelectric generating station or fossil fuel-fired generating station with a capacity that exceeded 5 MW before the increase or that exceeds 5 MW as a result of the capacity increase, or any increase in the capacity of any other generating station contemplated by this subparagraph whose capacity exceeded 10 MW before the increase or that exceeds 10 MW as a result of the capacity increase; or

the addition of a turboalternator to a boiler that had not been previously used to produce electric power if the capacity of the alternator exceeds, in respect of a boiler burning fossil fuels, 5 MW or exceeds 10 MW in all other cases contemplated by this subparagraph.

For the purposes of this subparagraph, the capacity of a generating station is the total rated capacities of its production equipment based on the following:

— the capacity of a hydroelectric generating station is the rated capacity of the alternator of the turboalternator measured at a water temperature of 15ºC;

— the capacity of a thermal generating station is the rated capacity of such an alternator measured at an air temperature of 15ºC and an atmospheric pressure of 1 bar;

— the capacity of a wind generating station is equal to the total of the rated capacities of all the aerogenerators with which the windmills are equipped. The maximum number of windmills the wind generating station should comprise is used to measure that capacity.".

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

4763

* The Regulation respecting environmental impact assessment and review (R.R.Q., 1981, c. Q-2, r.9) was last amended by the Regulation made by Order in Council 988-2001 dated 29 August 2001 (2001, *G.O.* 2, 4921). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.

Gouvernement du Québec

O.C. 1553-2001, 19 December 2001

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

Burial of contaminated soils
— Amendments

CONCERNING the Regulation amending the Regulation respecting the burial of contaminated soils

WHEREAS, under paragraphs *a*, *c*, *d*, *e*, *g*, *h*, *h*.1, *h*.2, *j*, *m* and *n* of section 31, paragraphs *d*, *e* and *f* of section 31.52, amended by section 10 of chapter 75 of the Statutes of 1999, paragraphs 1, 2, 5, 6 and 7 of section 70, replaced by section 29 of chapter 75 of the Statutes of 1999, and sections 86, 109.1 and 124.1 of the Environment Quality Act (R.S.Q., c. Q-2), the Government made, by Order in Council 843-2001 dated 27 June 2001, the Regulation respecting the burial of contaminated soils;

WHEREAS, for the reasons set out in the Order in Council, the proposed regulation was made without having been published;

WHEREAS, since this Regulation was made, it has appeared necessary to clarify certain provisions of the field of application;

WHEREAS, in accordance with section 66 of this Regulation, operators of contaminated soil burial sites in operation on July 11, 2001, have until January 11, 2002, to comply with the obligations applicable to them;

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 where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of the same Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of the same Act, the reason justifying the absence of prior publication and such coming into force 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 and an immediate coming into force of the Regulation amending the Regulation respecting the burial of contaminated soils;

— the need to clarify, before January 11, 2002, certain provisions of the field of application;

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

THAT the Regulation amending the Regulation respecting the burial of contaminated soils, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation amending the Regulation respecting the burial of contaminated soils *

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, pars. *a*, *c*, *d*, *e*, *g*, *h*, *h*.1, *h*.2, *j*, *m* and *n*, s. 31.52, pars. *d*, *e* and *f*, s. 70, pars. 1, 2, 5, 6 and 7, s. 86, s. 109.1 and s. 124.1; 1999, c. 75, ss. 10 and 29)

1. Sections 1 and 2 of the Regulation respecting the burial of contaminated soils are replaced by the following:

"**1.** This Regulation determines the conditions or prohibitions applicable to the layout, extension and operation of sites used in whole or in part for the burial of contaminated soils as well as the conditions applicable to their closure and their post-closure follow-up.

For the purposes of this Regulation:

(1) sediments extracted from a watercourse or body of water constitute soils;

(2) the extension of a contaminated soil burial site includes any alteration having for effect to increase its capacity.

2. The site used exclusively for the burial of contaminated soils extracted from the land on which it is located and soils containing one or many substances coming from such land under rehabilitation work authorized under the Environment Quality Act (R.S.Q., c. Q-2) is exempt from the application of sections 10, 15, 16, 19, 21, 23, 40, 42, 48 to 55 and 64 to 66.".

* The Regulation respecting the burial of contaminated soils was made by Order in Council 843-2001 dated 27 June 2001 (2001, *G.O.* 2, 3518) and has not been amended.

2. Subparagraph *a* of paragraph 1 of section 4 of the same Regulation is amended by substituting "in section" for "in the second paragraph of section".

3. The first paragraph of section 43 of the same Regulation is amended by deleting the words "referred to in section 2".

4. Section 46 of the same Regulation is amended by substituting "in section" for "in the second paragraph of section".

5. The same Regulation is amended by inserting, after section 64, the following:

"**64.1** Section 10 does not apply to authorized contaminated soil burial sites in operation on July 11, 2001.".

6. The same Regulation is amended by inserting, after section 67, the following:

"**67.1** This Regulation does not apply to those who, on July 11, 2001, were authorized to bury products resulting from the treatment of contaminated soils by a stabilization, fixation and solidification process.".

7. Schedule II of the same Regulation is amended by substituting, opposite "Antimony" and "Antimony III", the symbol "Sb" for the symbol "Sn".

8. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

4767

Notice

An Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001)

Retrospective adjustment of the assessment — Amendments

Notice is hereby given that the Commission de la santé et de la sécurité du travail, at its meeting of 20 December 2001, adopted the Regulation amending the Regulation respecting retrospective adjustment of the assessment.

In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation was published on page 5639 in the *Gazette officielle du Québec* of 3 October 2001 with a notice that it would be adopted by the Commission, with or without amendments, upon the expiry of 45 days following the publication of that notice.

TREFFLÉ LACOMBE,
Chairman of the board and chief executive officer of the Commission de la santé et de la sécurité du travail

Regulation amending the Regulation respecting retrospective adjustment of the assessment*

An Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001, s. 454, par. 1, subpars. 9, 11 and 13)

1. The Regulation respecting retrospective adjustment of the assessment is hereby amended by replacing the reference to the Act respecting industrial accidents and occupational diseases appearing under the title of the Regulation with the following: "(R.S.Q., c. A-3.001, s. 454, par. 1, subpars. 9, 11 and 13)".

2. Section 38 of the Regulation is hereby amended by replacing the words "of this Chapter" with the words "of this Division and of Division II".

3. The second paragraph of each of sections 39, 60, 61, 65 and 77 of the Regulation is hereby amended by replacing the words "Division I" with the words "Division II".

4. Section 64 of the Regulation is hereby amended by replacing the words "Division I" with the words "Division II".

5. The Regulation is hereby amended by inserting the following Division after Division III of Chapter VI:

* The only amendments to the Regulation respecting retrospective adjustment of the assessment adopted by the Commission de la santé et de la sécurité du travail by Resolution A-85-98 of September 17, 1998 (1998, *G.O.* 2, 4156) were made by the Regulation amending the Regulation respecting retrospective adjustment of the assessment adopted by the Commission by Resolution A-74-99 of September 16, 1999 (1999, *G.O.* 2, 3183).

"**DIVISION III.1**
CREE BANDS AND SUBSIDIARIES

In this Division:

"Cree band": means a band incorporated under section 12 of the Cree-Naskapi (of Québec) Act (Statutes of Canada (1984), c. 18);

"control": has the meaning ascribed to that term in section 32 of this Regulation;

"subsidiary": means a corporation controlled by one or more Cree bands directly or through their subsidiaries;

"group": means the group formed by all Cree Bands, their subsidiaries, the Oujé-Bougoumou Eenou Companee and the Oujé-Bougoumou Eenouch Association and such legal persons as may be the successors, in whole or in part, of the Oujé-Bougoumou Eenou Companee or the Oujé-Bougoumou Eenouch Association;

82.2 For an assessment year, the employers belonging to the group may apply to be considered a single employer for the purpose of retrospective adjustment of the assessment.

82.3 All the employers in the group shall file the application referred to in section 82.2 using the form in Schedule 7.

The application shall be accompanied by the following documents:

(1) a resolution from each employer in the group authorizing the filing of the application and designating one person to sign the application on its behalf;

(2) a resolution from each Cree band authorizing the application to be filed by their subsidiaries;

(3) a certificate from an outside auditor attesting to the composition of the group and to the control of the Cree bands over their subsidiaries; the certificate may not be dated prior to August 1 of the year preceding the assessment year and shall attest to the composition and to the control as at the date of the certificate.

82.4 Within 45 days of a request from the Commission to that effect, the group of employers shall send the Commission a security in the form set forth in Schedule 8, signed by all the employers in the group, whereby they solidarily stand surety for each other respecting the assessment due by the group, including any adjustments, to a maximum of 50% of the amount corresponding to the sum of the product of the estimated insurable wages for each employer in the group for the assessment year multiplied by the risk-related portion of the assessment rate applicable to the employer under section 305 of the Act and for the year preceding the assessment year, and all interest owing to the Commission.

Notwithstanding the foregoing, an employer shall not be required to stand surety for another member of the group where the employer is prohibited from doing so under the statute under which it was constituted.

Failure by the group to submit the security, as well as any other document required under this Regulation, to the Commission within the prescribed time limit, shall result in revocation of the application filed under section 82.2.

82.5 The group may, in order to take into account the security required under section 82.4, submit to the Commission an insurance contract, a security contract or a guarantee contract of a legal person governed by the Bank Act (R.S.C., 1985, c. B-1), the Savings and Credit Unions Act (R.S.Q., c. C-4.1), the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01), the Act respecting Insurance (R.S.Q., c. A-32) or the Act respecting Canadian and British Insurance Companies (S.R.C., c. I-15) whereby the person undertakes to pay the assessment due by the group, including the adjustments, to a maximum of 50% of the amount corresponding to the sum of the product of the estimated insurable wages for each employer in the group for the assessment year multiplied by the employer's risk-related portion of the assessment rate applicable to it under section 305 of the Act for the year preceding the assessment year, and all interest owing to the Commission.

The contract shall remain in force until the expiration of the second year following the year of retrospective adjustment of the assessment referred to in section 22.

82.6 The application referred to in section 82.2 shall be filed with the Commission prior to October 1 of the year preceding the assessment year and is irrevocable from January 1 of the assessment year.

The Commission shall rule on the admissibility of the application on the basis of the information contained therein on September 30 of the year preceding the assessment year and on the information that the Commission has in its possession at that time.

82.7 For the purposes of this Division, a subsidiary in bankruptcy or being wound up at the time of the application provided for in section 82.2 is regarded as not controlled by one or more Cree bands.

82.8 An employer who, after the date of the certificate prescribed in subparagraph (3) of the second paragraph of section 82.3, becomes a subsidiary of one or more Cree Bands or that becomes the successor, in whole or in part, of the Oujé-Bougoumou Eenou Companee or the Oujé-Bougoumou Eenouch Association, is considered to be part of the group for the assessment year from the date it becomes a subsidiary or the successor of such legal persons. The same applies to a subsidiary or a Cree Band that later becomes an employer, from the date of such event.

The election made by the group under Subdivision 2 of Division II of Chapter III is applicable to the employer.

82.9 An employer who has filed an application under section 82.2 and who ceases to be controlled by one or more Cree bands after the date of the certificate prescribed in subparagraph (3) of the second paragraph of section 82.3, is no longer considered part of the group from the date on which the employer ceases to be so controlled.

If the employer then qualifies for retrospective adjustment of the assessment under section 4 for the assessment year, it is then considered to have elected the assumption limit applicable to the group pursuant to Subdivision 2 of Division II of Chapter III, unless the employer sends to the Commission the notice provided for in section 16 within the prescribed period.

82.10 A group of employers that qualifies for or is subject to retrospective adjustment of the assessment pursuant to an application filed under section 82.2 and that ceases to qualify for or be subject to retrospective adjustment for a year may not file a new application under that section before the expiry of five years from that year.

Notwithstanding the foregoing, the first paragraph does not apply to a group of employers that ceases to qualify for or be subject to retrospective adjustment because it no longer satisfies the requirements stipulated in section 4, except if it does not file an application under section 82.2 in the first year that it again satisfies the requirements set forth in section 4.

82.11 Employers considered one and the same employer for the purpose of retrospective adjustment of the assessment for a given year shall, prior to March 1 of the following year, furnish a certificate from an outside auditor attesting to the composition of the group, to the control of the Cree bands over their subsidiaries during the assessment year, and to any changes that may have occurred in the group during that year.

82.12 A group that files an application under section 82.2 is regarded as having filed an application under section 5. However, the group is not entitled to have its qualification for retrospective adjustment of the assessment determined under subparagraph (1) of section 5.

Section 6 does not apply to the group.

82.13 For the purpose of apportioning the retrospectively adjusted assessment among the employers in the group, the Commission shall calculate the adjusted assessment of each employer.

The risk-related portion of each employer's adjusted assessment is then multiplied by the results obtained by applying the following formula:

$$\frac{\text{Risk-related portion of the group's adjusted assessment}}{\text{aggregate risk-related portion of the adjusted assessment of each employer in the group}}$$".

6. The English version of said Regulation is hereby amended by replacing the numbering of the division following section 82.13 in chapter VI with the following: "IV".

7. The first paragraph of section 83 of the Regulation is hereby amended by replacing the words "and II" with ", II and III.1".

8. Section 85 of the Regulation is hereby amended by replacing the words "or 58" with the words ", 58, 82.4 or 82.5".

9. The Regulation is hereby amended by adding the following schedules after Schedule 6:

"SCHEDULE 7
(s. 82.3)

APPLICATION TO FORM A GROUP FOR THE PURPOSE OF RETROSPECTIVE ADJUSTMENT OF THE ASSESSMENT

The employers designated below apply to be considered one and the same employer for the purpose of retrospective adjustment of the assessment for the _____ assessment year.

They declare that they constitute a group within the meaning of Division III.1 of Chapter VI of the Regulation respecting retrospective adjustment of the assessment.

They appoint, _____ to inform the
(insert name of the person)
Commission of the employer's assumption limit elected under Subdivision 2 of Division II of Chapter III.

Designation from each employer with the signature of the person authorized sign the application:

"employer"_____
(designation)

_____ _____
Signature (Date)
(duly authorized person)

"employer"_____
(designation)

_____ _____
Signature (Date)
(duly authorized person)

SCHEDULE 8
(s. 82.4)

SECURITY

APPEARING:

_____
(name and address of the Cree band, if it is an employer)
herein represented by_____

duly authorized pursuant to a resolution of its band council attached hereto:

(indicate the name and address of all Cree bands, if they are employers, as well as the name of the person duly authorized pursuant to a resolution of the band council attached hereto)

_____
(name and address of any other employer)
herein represented by_____

duly authorized pursuant to a resolution of its board of directors attached hereto;

(indicate here the name and address of all other employers in the group and the name of the person duly authorized pursuant to a resolution of the employer's board of directors attached hereto)

DECLARING AS FOLLOWS:

The legal persons herein represented hereby bind themselves jointly and severally toward the Commission de la santé et de la sécurité du travail to pay the assessment, to a maximum of 50% of the amount corresponding to the aggregate product obtained by multiplying the total estimated wages for the assessment year of each employer in the group by the risk-related portion of the rate applicable to the employer under section 305 of the Act for the year preceding the assessment year and any interest due to the Commission for the _____ assessment year if any of the parties hereto is the object of a certificate deposited with the Clerk of the court of competent jurisdiction under section 322 of the Act.

An employer that ceases to form part of a group remains bound by the security for the assessment related to that part of the year in which it formed part of the group.

An employer that is unable to stand surety for another member of the group because it is prohibited from so doing by the act under which it was constituted must indicate below the name of the member of the group in question:

_____is unable to stand surety for
(name of employer)

_____.
(name of member of the group)

_____ is unable to stand surety for
(name of employer)

_____.
(name of member of the group)

The parties hereto waive the benefit of discussion and division.

IN WITNESS WHEREOF, the parties have signed through their duly authorized representatives:

_____
(name of the Cree band if it is an employer)

Per: _____ _____
(duly authorized person) (Date)

_____
(name of employer)

Per: _____ _____
(duly authorized person) (Date)

(name and signature of any other employers).".

10. For the 2002 assessment year, the application referred to in section 82.2 shall be submitted by the forty-fifth day following the coming into force of this Regulation and shall be irrevocable upon the expiry of the aforesaid forty-five day period or January 1, 2002, whichever is the later to occur.

11. For a group of employers filing an application referred to in section 82.2 for the 2002 assessment year, the election referred to in Subdivision 2 of Division II of Chapter III must reach the Commission before the forty-fifth day following the coming into force of this Regulation or prior to December 15, 2001 whichever is the later to occur.

12. This Regulation applies as of the 2002 assessment year.

4775

Notice

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

Insured hearing devices
— 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 12 December 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-384-01-19 of its board of directors, dated 12 December 2001, adopting the Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act;

CONSIDERING that it is necessary to amend the price of certain services offered within the context of providing 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, 14 December 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 in section 19

(1) by substituting, as of 1 November 2002,

(a) "$263.87" for "$241.40" in the part preceding subparagraph 1 of the first paragraph; and

(b) "$46.47" for "$44.80" and "$22.20" for "$21.40" in the third paragraph; and

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

"The amount $241.40, provided for in the first paragraph, shall be increased to $245.02 as of 1 November 1999, to $251.15 as of 1 November 2000 and to $257.43 as of 1 November 2001. Likewise, the amounts $44.80 and $21.40, provided for in the third paragraph, shall be increased to $45.07 and $21.53 respectively as of 1 November 1999, to $45.52 and $21.75 respectively as of 1 November 2000 and to $45.99 and $21.97 respectively as of 1 November 2001.".

2. Section 20 is amended

(1) by substituting "$8.91" and "$129.14" respectively for the rate $8.15 and the maximum rate $118.15 as of 1 November 2002; and

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

"The rate $8.15 and the maximum rate $118.15, provided for in the first paragraph, shall read as follows, respectively:

(1) $8.27 and $119.02, as of 1 November 1999;

(2) $8.48 and $122.92, as of 1 November 2000; and

(3) $8.69 and $125.99, as of 1 November 2001.".

* 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 Regulations made by Order in Council 1403-2001 dated 21 November 2001 (2001, *G.O.* 2, p. 6160) and by the Régie de l'assurance maladie by its Decision RAMQ-002-2001 dated 10 October 2001 (2001, *G.O.* 2, p. 6162). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.

3. Section 21 is amended

(1) by substituting "$8.91" for the rate $8.15 per quarter hour or fraction thereof, provided for in the second paragraph, as of 1 November 2002.

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

"The rate $8.15 per quarter hour or fraction thereof, provided for in the second paragraph, shall read as follows:

(1) $8.27, as of 1 November 1999;

(2) $8.48, as of 1 November 2000; and

(3) $8.69, as of 1 November 2001.".

4. Section 24 is amended by adding the following paragraph after the first paragraph:

"The rate per quarter hour of fraction thereof for the time devoted by a hearing aid acoustician to the person with a hearing handicap, as provided for in the first paragraph, shall read as follows:

(1) $8.27, as of 1 November 1999;

(2) $8.48, as of 1 November 2000;

(3) $8.69, as of 1 November 2001; and

(4) $8.91, as of 1 November 2002.".

5. Section 26 is amended by adding the following paragraph at the end:

"The costs that the Régie assumes under the first and second paragraphs are determined in Subdivision VII of Division I of Chapter V.".

6. Subdivision VII appearing in Schedule I to this Regulation is substituted for Subdivision VII of Division I of Chapter V.

7. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I

§7. *Services — Repairs — Accessories*

	Price
As of 1 November 2002:	
Earmold and tube (made of nonallergenic or other substances)	46.47
Shell impression	22.20
Tube	2.00
Harness for conventional hearing aid	16.50
Case for conventional hearing aid	9.25
Microphone case for conventional hearing aid	6.00.

The price for an "Earmold and tube (made of nonallergenic or other substances)" and the price for a "Shell impression" shall be increased as follows:

(1) as of 1 November 1999:

Earmold and tube (made of nonallergenic or other substances)	45.07
Shell impression	21.53;

(2) as of 1 November 2000:

Earmold and tube (made of nonallergenic or other substances)	45.52
Shell impression	21.75;

and

(3) as of 1 November 2001:

Earmold and tube (made of nonallergenic or other substances)	45.99
Shell impression	21.97.

4756

Treasury Board

Gouvernement du Québec

T.B. 197461, 18 December 2001

An Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1)

Pension Plan of Certain Teachers
— Regulation
— Amendments

CONCERNING Regulation to amend the Regulation under the Act respecting the Pension Plan of Certain Teachers

WHEREAS, under paragraph 1.1 of section 41.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1), enacted by section 4 of Chapter 32 of the Statutes of 2000, the Government may, by regulation, establish, for the purposes of section 35.9 of the Act respecting the Pension Plan of Certain Teachers, the limits applicable to a pension amount added under section 35.9 of the said Act and sections 73.1 and 73.2 of the Act respecting the Government and Public Employees Retirement Plan and the manner in which an amount that exceeds the limit is to be adjusted;

WHEREAS, under section 41.8, the Government may make the Regulation after the Commission administrative des régimes de retraite et d'assurances has consulted with the Comité de retraite established under section 163 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS the Comité de retraite has been consulted;

WHEREAS the Government made the Regulation under the Act respecting the Pension Plan of Certain Teachers by Order in Council 708-94 dated 18 May 1994 and its subsequent amendments;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under 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 some powers;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Certain Teachers, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Pension Plan of Certain Teachers *

An Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1, s. 41.8, par 1.1; 2000, c. 32, s. 4)

1. Section 0.2 of the Regulation under the Act respecting the Pension Plan of Certain Teachers is amended

by substituting the following for subparagraph *i* of paragraph 1:

"i. MO1 = [N x[(F x 2.0% x TM) – (0.7% x minimum (TM; MGA))]] – CRRR";

by substituting the following for subparagraph *iii* of paragraph 1:

"iii. MO3 = maximum [0; [(F x 70% x TM) – (NN x 0.7% x minimum (TM; MGA))] – (CRRR + BRCOsr)] where NN = NA + ((70 – (1.6 x NA))/2)".

2. This Regulation comes into force on the day it is made.

4776

* The Regulation under the Act respecting the Pension Plan of Certain Teachers, made by Order in Council 708-94 dated 18 May 1994 (1994, *G.O.* 2, 2046), was last amended by the Regulation made by the Decision of the Conseil du trésor 195703 dated 19 December 2000 (2001, *G.O.* 2, 544).

Gouvernement du Québec

T.B. 197462, 18 December 2001

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

Amendment to Schedule VI to the Act

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

Amendment to Schedule VII to the Act

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

WHEREAS, under the first paragraph of section 217 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the interest payable under the Act is that provided for in Schedule VI in respect of the period indicated therein;

WHEREAS, under the first paragraph of section 220 of that 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 to the Act and any such order may have effect 12 months or less before it is made;

WHEREAS the Government, by Order in Council 963-2000 dated 16 August 2000, amended Schedule VI to provide for the interest payable under that Act from 1 August 2000;

WHEREAS it is expedient to amend Schedule VI in order to provide for the interest payable under that Act from 1 August 2001;

WHEREAS, under the first paragraph of section 204 of the Act respecting the Pension Plan of Management Personnel (2001, c. 31), the interest payable under the Act is the interest provided for in Schedule VII in respect of the period indicated;

WHEREAS, under the first paragraph of section 207 of that Act, the Government may, by order, amend Schedules I and III to VII to the Act and any such order may have effect 12 months or less before it is made;

WHEREAS it is expedient to amend Schedule VII in order to provide for the interest payable under that Act from 1 August 2001;

WHEREAS, pursuant to section 40 of the Public Administration Act (2000, c. 8), amended by section 394 of chapter 31 of the Statutes of 2001, 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 listed in that provision;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Amendment to Schedule VI to the Act respecting the Government and Public Employees Retirement Plan and to Schedule VII to the Act respecting the Pension Plan of Management Personnel, attached hereto, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Amendment to Schedule VI to the Act respecting the Government and Public Employees Retirement Plan [*] and to Schedule VII 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 VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended

(1) by substituting "1 August 2000 to 31 July 2001" for "as of 1 August 2000"; and

(2) by adding "21.00% from 1 August 2001" at the end.

[*] Schedule VI 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 Order in Council 963-2000 dated 16 August 2000 (2000, *G.O.* 2, 4404).

[**] Schedule VII 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.

2. Schedule VII to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) is amended by adding "20.60% from 1 August 2001" at the end.

3. This Decision comes into force on the date it is made by the Conseil du trésor but has effect from 1 August 2001.

4777

Gouvernement du Québec

T.B. 197463, 18 December 2001

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

Transfer of funds

Regulation respecting a transfer of funds

WHEREAS, under subparagraph 20 of section 196 of the Act respecting the Pension Plan of Management Personnel (2001, c. 31), the Government may, by regulation, determine, for the purposes of section 193 of the Act, the amount to be transferred from the special-purpose fund to the consolidated revenue fund;

WHEREAS, under section 196 of the Act, the Government shall make that Regulation after the Commission administrative des régimes de retraite et d'assurances has consulted the Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10);

WHEREAS the Comité de retraite has been consulted;

WHEREAS, under section 40 of the Public Administration Act (2000, c. 8; 2001, c. 31, s. 394), 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 certain powers;

WHEREAS the Minister of Finance has been consulted;

WHEREAS it is expedient to make the Regulation respecting a transfer of funds;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation respecting a transfer of funds, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation respecting a transfer of funds

An Act respecting the Pension Plan of Management Personnel
(2001, c. 31, s. 196, 1st par., subpar. 20)

1. An amount of $13 973 000 as at 20 December 2001 shall be transferred from the special-purpose fund established under section 190 of the Act respecting the Pension Plan of Management Personnel to the consolidated revenue fund, in accordance with section 193.

2. This Regulation comes into force on the day on which it is made.

4778

Gouvernement du Québec

T.B. 197464, 18 December 2001

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

Amendments to Schedule I to the Act

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

Amendments to Schedules II and V to the Act

Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan and to Schedules II and V 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 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, 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 (2001, c. 31), 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, 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, the Government may, by order, amend Schedules I and III to VII to the Act and may also amend Schedule II to the Act, 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), amended by section 394 of Chapter 31 of the Statutes of 2001, 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;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan and to Schedules II and V 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 Schedules II and V 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.; 2001, c. 31, s. 358)

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:

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last update to 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), 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), 196963 dated 21 August 2001 (2001, *G.O.* 2, 4911), 197036 dated 11 September 2001 (2001, *G.O.* 2, 5107), 197300 dated 20 November 2001 (2001, *G.O.* 2, 6166), 197301 dated 20 November 2001 (2001, *G.O.* 2, 6168), 197302 dated 20 November 2001 (2001, *G.O.* 2, 6170), 197303 dated 20 November 2001 (2001, *G.O.* 2, 6172) and C.T. 195744 dated 21 December 2000 (2000, *G.O.* 2, 550), 197037 dated 11 September 2001 (2001, *G.O.* 2, 6490), 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 of the Act respecting the Government and Public Employees Retirement Plan (2001, c. 31) came into force on 1 January 2001 and was amended by T.B. 197299 dated 20 November 2001 (2001, *G.O.* 2, 6165), 197300 dated 20 November 2001 (2001, *G.O.* 2, 6166), 197301 dated 20 November 2001 (2001, *G.O.* 2, 6168), 197302 dated 20 November 2001 (2001, *G.O.* 2, 6170) and 197303 dated 20 November 2001 (2001, *G.O.* 2, 6172).

** Schedule V to the Act respecting the Pension Plan of Management Personnel has not been amended since its coming into force on 1 January 2001.

(1) by inserting the following bodies in the first paragraph 1 and in alphabetical order:

the Alliance professionnelle des infirmières et infirmiers auxiliaires du Québec;
the Approvisionnement des deux Rives;
the Association des directeurs généraux des services de santé et des services sociaux du Québec;
the Centre d'hébergement et de soins de longue durée Champlain-Marie-Victorin;
the Centre d'hébergement et de soins de longue durée de la Côte Boisée inc.;
the Centre d'hébergement et de soins de longue durée Villa Soleil;
the Comité patronal de négociation des collèges;
COREM, in respect of permanent employees assigned by the Gouvernement du Québec, as part of the assignement of the operations of the Centre de recherche minérale of the Ministère des
Ressources naturelles, to COREM who were members of the plan on 26 September 1999;
the Corporation d'hébergement du Québec;
the Fédération des infirmières et infirmiers du Québec;
the Syndicat des enseignantes et enseignants des Laurentides;
the Syndicat de l'enseignement du Bas Richelieu;
the Syndicat de l'enseignement de la Chaudière;
the Syndicat de l'enseignement de la Côte-du-Sud;
the Syndicat de l'enseignement du Haut-Richelieu;
the Syndicat de l'enseignement du Lac Saint-Jean;
the Syndicat de l'enseignement de l'Outaouais;
the Syndicat de l'enseignement de Portneuf;
the Syndicat de l'enseignement de la région de Drummondville;
the Syndicat de l'enseignement de la région de la Mitis;
the Syndicat de l'enseignement du Saguenay;
the Syndicat de l'enseignement la Seigneurie-des-Mille-Îles;
the Syndicat de l'enseignement des Vieilles-Forges;
the Syndicat du personnel de l'enseignement des Hautes Rivières;
the Syndicat professionnel des infirmières et infirmiers de Québec; and
the Syndicat professionnel des infirmières et infirmiers Mauricie/Cœur-du-Québec (SIIMCQ);

(2) by substituting, in paragraph 1, the words "the Centre d'insémination artificielle (C.I.A.Q), limited partnership, in respect of employees who held employment with the Centre d'insémination artificielle du Québec (C.I.A.Q.) inc. and who were members of this plan on 31 December 1998" for the words "the Centre d'Insémination artificielle du Québec (C.I.A.Q.) inc.";

(3) by striking out, in paragraph 1, the words "the Fédération du personnel de soutien scolaire";

(4) by substituting, in paragraph 1, the words "the Université du Québec, in respect of employees governed by the Teachers Pension Plan or the Civil Service Superannuation Plan, and who have made the election referred to in section 13 or 215.0.0.1.1 of this Act as it read on 31 December 2000" for the words "the Université du Québec, in respect of employees governed by the Teachers Pension Plan or the Civil Service Superannuation Plan, and who have made the election referred to in section 13 of this Act"; and

(5) by inserting, at the end, the following item:

"13. EVERY PERSON HOLDING AN EMPLOYMENT CONTEMPLATED IN THE ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN (CHAPTER R-12)".

2. Schedule II to the Act respecting the Pension Plan of Management Personnel (2000, c. 31) is amended:

(1) by striking out the following bodies in paragraph 1 and in alphabetical order:

the Centre d'accueil de Brosard;
the Centre d'accueil Ste-Rose inc.; and
the Foyer Notre-Dame de la Prairie.

(2) by inserting the words "the Foyer Notre-Dame de Foy inc." in paragraph 1 and in alphabetical order;

(3) by substituting, in paragraph 1, the words "the Centre d'insémination artificielle (C.I.A.Q.), limited partnership, in respect of employees who held employment with the Centre d'insémination artificielle du Québec (C.I.A.Q.) inc. and who were members of the Government and Public Employees Retirement Plan on 31 December 1998" for the words "the Centre d'Insémination artificielle (C.I.A.Q.), limited partnership, in respect of employees who held employment with the Centre d'insémination artificielle du Québec (C.I.A.Q.) inc. and who were members of this plan on 31 December 1998";

(4) by substituting, in paragraph 1, the words "COREM, in respect of permanent employees assigned by the Gouvernement du Québec, as part of the assignment of the operations of the Centre de recherche minérale of the Ministère des Ressources naturelles, to COREM who were members of the Government and Public Employees Retirement Plan on 26 September 1999" for the words "COREM, in respect of permanent employees assigned by the Government of Québec, as part of the assignment of the operations of the Centre de recherche minérale of the Ministère des Ressources naturelles, to COREM who were members of the plan on 26 September 1999";

(5) by substituting, in paragraph 1, the words "the Syndicat professionnel des infirmières et infirmiers Mauricie/Cœur-du-Québec (SIIMCQ)" for the words "the Syndicat professionnel des infirmières et infirmiers de Trois-Rivières (SPII-3R)"; and

(6) by substituting, in paragraph 1, the words "the Université du Québec, in respect of employees governed by the Teachers Pension Plan or the Civil Service Superannuation Plan, and who have made the election referred to in section 13 or 215.0.0.1.1 of the Act respecting the Government and Public Employees Retirement Plan as it read on 31 December 2000" for the words "the Université du Québec, governed by the Teachers Pension Plan or the Civil Service Superannuation Plan, and who have made the election referred to in section 13 or 215.0.0.1.1 of the Act respecting the Government and Public Employees Retirement Plan".

3. Schedule V to the Act respecting the Pension Plan of Management Personnel is amended by inserting, in alphabetical order, the words "SGF REXFOR INC., but in respect of its regular employees only".

4. These amendments have had effect since 1 January 2001.

4780

Gouvernement du Québec

T.B. 197465, 18 December 2001

Management staff of school boards
— Conditions of employment
— Amendments

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

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

WHEREAS the Regulation respecting the conditions of employment of management staff of school boards was made by the Minister's Order dated 23 September 1998;

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

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

WHEREAS on 11 December 2001, the Minister of Education ordered that the Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards be made;

THE CONSEIL DU TRÉSOR DECIDES

1. to approve the Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards attached hereto;

2. to ask for the publication of the Regulation in the *Gazette officielle du Québec*.

The clerk of the Conseil du trésor,
ALAIN PARENTEAU

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

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

1. The Regulation respecting the conditions of employment of management staff of school boards is amended by repealing paragraph 5° of section 20.

2. Section 24 of the said Regulation is amended:

1° by replacing paragraphs 2° to 4° by the following paragraph:

"2° in a school where there is a student for whom the principal has established an individualized education plan pursuant to section 96.14 of the Education Act and in accordance with the policy concerning the organization of services for handicapped students and students with social maladjustments or learning disabilities, such a student counts as 2 students;";

* The Regulation respecting the conditions of employment of management staff of school boards made by the Minister's Order dated 23 September 1998 (1998, *G.O.* 2, 5498) was amended by the Minister's Order dated 17 February 2000 (2000, *G.O.* 2, 1506), the Minister's Order dated 9 May 2000 (2000, *G.O.* 2, 2898), the Minister's Order dated 24 November 2000 (2000, *G.O.* 2, 7235) and the Minister's Order dated 21 June 2001 (2001, *G.O.* 2, 4601). For previous amendments, see *Tableau des modifications et Index sommaire*, Publications du Québec, 2000, updated to 1 February 2000.

2° by adding the following paragraph:

"The class of a senior staff member of schools shall be revised on 30 January of each year if, on that date, a variation in the number of students enrolled at the school results in a change of class based on the weighting rules set out in this section.".

3. The said Regulation is amended by inserting, after Division 3 of Chapter 2 of Title 1, the following division:

"DIVISION 4
SPECIAL CLASSIFICATIONS

28.1 Where a board cannot determine the classification of a senior executive or an administrator because his principal and customary duties and responsibilities do not correspond to any of the descriptions of positions prescribed by Schedule 1, the board shall submit the case to the Minister. The file shall include:

a) a detailed description of the duties and responsibilities of the senior executive or the administrator;

b) the situation of the senior executive or the administrator in the board's structure;

c) the eligibility criteria required.

28.2 Where the Minister is of the opinion that the principal and customary duties and responsibilities of the senior executive or the administrator do not correspond to any of the descriptions of positions prescribed by Schedule 1, the Minister shall determine the salary of the senior executive or the administrator by using the factors set out in Schedule 17 and the salary scales set out in Table A, B or C of that schedule.".

4. The said Regulation is amended by inserting, after section 29, the following section:

"**29.1** Where an administrator has attained the maximum rate of his salary scale and this salary rate does not enable him to maintain a difference of 7% between his salary and that of an administrator of whom he is the immediate superior, the administrator's salary shall be increased to maintain such a difference and the administrator shall not be considered as overscale.".

5. Sections 32 and 33 of the said Regulation are repealed.

6. Sections 43 and 43.1 of the said Regulation are replaced by the following:

"43. The salary scales of management staff are increased as follows:

1 January 1999: 1.5%

1 July 1999: According to the rates of increase specified in the following table:

R3		
Class	1	4.14%
	2	3.00%
	3	3.00%

1 January 2000: 2.5%
1 January 2001: 2.5%

1 April 2001: According to the rates of increase specified in the following table:

HC0			*HC1*		
Class	1	2.98%	Class	1	3.00%
	2	4.40%		2	3.00%
	3	5.83%		3	3.00%
	4	7.29%		4	2.98%
	5	8.65%		5	2.98%
	6	8.65%		6	4.40%
	7	8.65%		7	4.39%

D1			*D2*			*D3*		
Class	1	2.42%	Class	1	2.42%	Class	5	2.64%
	2	2.42%		2	2.42%		6	2.64%
	3	2.90%		3	2.90%		7	2.64%
	4	3.00%		4	3.00%			
	5	3.00%		5	3.00%			
	6	3.00%		6	3.00%			
	7	3.00%		7	3.00%			

C1			*C2*		
Class	4	2.64%	Class	6	2.64%
	5	2.64%		7	2.64%
	6	2.22%			
	7	2.22%			

DEA1			*CEA1*		
Class	1	2.22%	Class	1	0.53%
	2	2.22%		2	0.53%
	3	2.42%		3	0.53%
	4	2.42%		4	0.53%
	5	2.90%		5	0.53%
	6	3.00%		6	2.64%
	7	3.00%		7	2.64%

DS			*DP*		
Class	1	2.22%	Class	1	2.22%
	2	2.42%		2	2.42%
	3	2.90%			
	4	3.00%			
	5	3.00%			

DAS/DAP			*DCA*		
Class	1	2.01%	Class	1	2.64%
	2	2.64%		2	2.22%
	3	2.22%		3	2.42%
				4	2.90%
				5	3.00%

DCFP			*DACA*			*DACFP*		
Class	1	2.22%	Class	1	2.01%	Class	1	2.64%
	2	2.42%		2	2.22%		2	2.22%
	3	2.90%						
	4	3.00%						

R2			*R3*		
Class	1	3.60%	Class	1	2.049%
	2	3.00%		2	1.025%
				3	1.025%

C2		*CO3*	
Single class	4.85%	Single class	3.65%

1 January 2002 : 2.5%

1 April 2002 : According to the rates of increase specified in the following table :

HC0			*HC1*		
Class	1	2.98%	Class	1	0.48%
	2	4.39%		2	0.48%
	3	5.83%		3	0.61%
	4	7.29%		4	2.98%
	5	8.65%		5	2.98%
	6	8.65%		6	4.39%
	7	8.65%		7	4.39%

D1			*D2*		
Class	4	0.48%	Class	4	0.48%
	5	0.48%		5	0.48%
	6	0.61%		6	0.61%
	7	0.61%		7	0.61%

DEA1			*DS*		
Class	6	0.48%	Class	4	0.48%
	7	0.61%		5	0.61%

DCA			*DCFP*		
Class	5	0.48%	Class	4	0.48%

R2			*R3*		
Class	1	3.60%	Class	1	2.049%
	2	0.52%		2	1.025%
				3	1.025%

CO2		*CO3*	
Single class	4.85%	Single class	3.66%

43.1 The salary scales of the management staff of the Commission scolaire de Montréal are increased as follows :

1 January 1999 : 1.5%

1 July 1999 : According to the rates of increase specified in the following table :

R3		
Class	1	4.14%
	2	3.00%
	3	3.00%

1 January 2000 : 2.5%
1 January 2001 : 2.5%

1 April 2001 : According to the rates of increase specified in the following table :

HC0	8.08%	***HC1***	5.83%
D1	3.00%	***D2***	3.00%
D3	2.42%	***C1***	2.22%
C2	2.64%	***C4***	2.01%

R3		
Class	1	2.049%
	2	1.025%
	3	1.025%

R4			***R7***		
Class	S-1	3.00%	Class	II	3.23%

CO1			***CO2***		
Class	1	3.36%	Class	S-2	0.97%

CO3			***CO5***		
Class	—	3.65%	Class	—	3.30%
				S-1	3.00%
				S-2	3.00%

1 January 2002 : 2.5%

1 April 2002 : According to the rates of increase specified in the following table :

HC0	8.08%	***HC1***	5.83%
D1	2.70%	***D2***	2.70%

R3			***R4***		
Class	1	2.049%	Class	S-1	0.24%
	2	1.025%			
	3	1.025%			

R7		
Class	2	3.23%

CO1			***CO3***		
Class	1	3.36%	Class	—	3.66%

CO5		
Class	—	2.94%
	S-1	0.39%
	S-2	0.51%

".

7. Section 49 of the said Regulation is amended by replacing "5%" by "10%".

8. Paragraph *iii* of subparagraph *b* of paragraph 2° of section 61 of the said Regulation is repealed.

9. Section 67 of the said Regulation is amended by replacing the words "to hold a senior executive or senior staff position" in paragraph 1° by the words "to be subject to this chapter ;".

10. Section 79 of the said Regulation is amended by replacing the words "gross salary" in the second paragraph by the word "salary".

11. Section 81 of the said Regulation is amended by replacing the words "no longer holds a senior executive or senior staff position" in paragraph 1° by the words "ceases to be subject to this chapter ;".

12. Section 82 of the said Regulation is amended by replacing the first paragraph by the following :

"The provisions of the *Directive concernant le régime de rentes de survivants*, adopted by the Conseil du trésor, shall apply to the management staff members, subject to the following provisions :".

13. Section 85 of the said Regulation is replaced by the following :

"**85.** The cost of the compulsory plans shall be shared by the government and all the participants of the plans according to the terms and conditions of the insuring agreement signed on 2 October 2001 by the Government of Québec and the associations representing the participants of the group insurance plans for management staff in the public and parapublic sectors for the duration of the said agreement.".

14. Section 103 of the said Regulation is amended by adding, at the end of the second and third paragraphs, the following sentence :

"The second paragraph of section 98 shall apply to the benefit.".

15. The said Regulation is amended by inserting, after Division 4 of Chapter 5 of Title 2, the following division:

"**DIVISION 5**
SPECIAL MEASURES

252.1 The board may, following a request to this effect by a senior executive, proceed, in whole or in part, with the payment of nonredeemable sick-leave days to his credit, when the senior executive leaves his board for a preretirement leave or for his retirement. The value of those days shall be determined in accordance with section 110.

252.2 The salary of a person appointed to a senior executive position or assigned to any other senior executive position shall be determined according to the rules established by the board. Such a salary must, however, be situated between the minimum rate and the maximum rate of the applicable scale.".

16. Section 322 of the said Regulation is replaced by the following section:

"**322.** The board shall establish in its management policy the annual vacation plan of administrators.".

17. Section 324 of the said Regulation is repealed.

18. Section 330 of the said Regulation is amended by replacing paragraphs 2° to 4° by the following paragraph:

"2° in a school where there is a student for whom the principal has established an individualized education plan pursuant to section 96.14 of the Education Act and in accordance with the policy concerning the organization of services for handicapped students and students with social maladjustments or learning disabilities, such a student counts as 2 students;".

19. Division B2 of Schedule 1 of the said Regulation is replaced by the following division:

"**B2** CATEGORY OF MANAGER POSITIONS

The job category of manager includes the positions characterized by the management of technical, administrative and manual activities of certain programs and of the staff assigned to these activities.

The job category of manager is divided into the following 2 subcategories:

1) superintendents;

2) foremen.

1) SUPERINTENDENTS

Superintendent positions entail the performance of management duties pertaining to the technical, administrative and manual activities essential to the operation of all the programs:

1. of auxiliary services (board):

— supply services;
— community services;
— food services;
— administrative services (particularly transportation services, equipment services and other administrative services);
— maintenance services.

2. of a school or centre (administrative assistant).

These positions include in particular the following responsibilities:

— take part in devising systems and procedures for the activities of a particular auxiliary service, school or centre, and oversee their implementation;
— organize, assign and verify the work of the staff assigned to a particular auxiliary service, school or centre;
— supervise and evaluate the performance of the staff under their responsibility.

Required minimum qualifications

Superintendent of Supply Services
Superintendent of Community Services
Superintendent of Food Services
Superintendent of Administrative Services
Administrative Assistant (school or centre)

— Diploma of college studies with an appropriate concentration.
— 6 years of relevant experience.
or
— Secondary V diploma with an appropriate concentration or valid certificate of qualification for the practice of a trade relevant to the equipment.
— 10 years of relevant experience.

Superintendent of Maintenance Services

— Diploma of college studies with an appropriate concentration.
— 6 years of relevant experience.
or
— Valid certificate of qualification for the practice of a trade relevant to the position.
— 8 years of relevant experience.

2) FOREMEN

Foreman positions entail the performance of the management duties pertaining to the manual, technical and administrative activities required for the operation of the programs of the board in a given sector of an auxiliary service or in an administrative unit (school, department, etc.).

Such positions include in particular the following responsibilities:

— supervise and oversee the implementation of the systems and procedures approved for carrying out the activities of a given sector;
— schedule operations;
— supervise and evaluate the staff[1] under their responsibility.

Required minimum qualifications

General or specialized maintenance foreman

— Valid certificate of qualification for the practice of a trade relevant to the position.
— 5 years of relevant experience.

Administration Officer or Assistant to the Superintendent of Transportation Administrative Services

— Diploma of college studies with an appropriate concentration.
— 4 years of relevant experience.
or
— Secondary V diploma with an appropriate concentration.
— 8 years of relevant experience.

Secretarial Staff Manager

— Diploma of college studies with an appropriate concentration.
— 3 years of relevant experience.
or
— Secondary V diploma with an appropriate concentration.
— 6 years of relevant experience.

Head of Kitchen and Cafeteria

— Diploma of college studies with an appropriate concentration.
— 4 years of relevant experience.
or
— Secondary V diploma with an appropriate concentration.
— 5 years of relevant experience.”.

20. Table 2 of Schedule 2 of the said Regulation is replaced by the following table:

[1] A specialized maintenance foreman manages a team composed mainly of legally qualified and specialized workmen. A general maintenance foreman manages a team composed mainly of maintenance and service workmen whose activities are those generally carried out by nonspecialized staff.

"**SCHEDULE 2**
JOB CLASSIFICATION PLAN

TABLE 2
SENIOR STAFF OF SERVICES

Positions	Classification	Classes
Director (field of activity : instructional services in the youth sector)	D1	I to VII
Director (fields of activity other than instructional services in the youth and adult education sectors and general secretariat)	D2	I to VII
Director (field of activity : general secretariat, assistant director of services)	D3 (1)	I to VII
Coordinator (field of activity : instructional services in the youth sector)	C1	I to VII
Coordinator (other fields of activity except for youth and adult education sectors)	C2	I to VII

CLASSES : Number of Students (2)

Class I	Class II	Class III	Class IV	Class V	Class VI	Class VII
6 999 or less	7 000 - 11 999	12 000 - 17 999	18 000 - 24 999	25 000 - 32 999	33 000 - 41 999	42 000 or more

(1) This classification may be modified at the D2 level when the field of activity of general secretariat also includes the responsibility for certain specific files such as agreements and protocols, insurance portfolio, legal opinions, declaration of student population, communication services and procedure book.

(2) For data processing positions, classes are based on the total number of students in the board where such positions exist and the boards that receive all the data processing services from such board.".

21. Table 8 of Schedule 2 of the said Regulation is replaced by the following table :

"**SCHEDULE 2**
JOB CLASSIFICATION PLAN

TABLE 8
MANAGERS

Position	Classification	Classes (number of students)						
		Class I 6 999 or less	Class II 7 000 – 11 999	Class III 12 000 – 17 999	Class IV 18 000 – 24 999	Class V 25 000 – 32 999	Class VI 33 000 – 41 999	Class VII 42 000 or more
Superintendent of Administrative Services	R1	Cl. I	Cl. II	Cl. III	Cl. IV	Cl. V	Cl. VI	Cl. VII
Superintendent of Maintenance Services Superintendent of Supply Services Superintendent of Food Services Superintendent of Community Services	R2	Cl. I	Cl. II	Cl. III	Cl. IV	Cl. V	Cl. VI	Cl. VII

		Classes (number of students/school)		
		Class I 999 or less	**Class II 1 000 – 1 999**	**Class III 2 000 or more**
Administrative Assistant (school)	R3	Cl. I	Cl. II	Cl. III

		Classes (number of group-hours of instruction/centre)		
		Class I 43 999 or less	**Class II 44 000 – 87 999**	**Class III 88 000 or more**
Administrative Assistant (centre)	R3	Cl. I	Cl. II	Cl. III

		Classes (number of students)						
		6 999 or less	**7 000 – 11 999**	**12 000 – 17 999**	**18 000 – 24 999**	**25 000 – 32 999**	**33 000 – 41 999**	**42 000 or more**
Assistant to the Superintendent of Transportation Administrative Services	CO1	S.0.[1]	Cl. II	Cl. III	Cl. IV	Cl. V	Cl. VI	Cl. VII
Maintenance Foreman (specialized) Administration Officer	CO2			Single class				
Maintenance Foreman (general) Secretarial Staff Manager Head of Cafeteria and Kitchen	C03			Single class				

(1) N.A.

”.

22. Schedule III of the said Regulation is amended:

1° by inserting, after Table VII-A, the following table:

“TABLE VII-AA
MANAGERS

Salary scales as of 1 July 1999

		Classes (number of students)		
		Class I 999 or less	**Class II 1 000 - 1 999**	**Class III 2 000 or more**
R3 (school)	Maximum	48 904	52 821	57 686
	Minimum	38 843	41 830	45 700

		Classes (number of group-hours of instruction)		
		Class I 43 999 or less	**Class II 44 000 - 87 999**	**Class III 88 000 or more**
R3 (centre)	Maximum	48 904	52 821	57 686
	Minimum	38 843	41 830	45 700

";

2° by replacing Tables VII-B, VII-C, VII-CC, VII-D, VII-DD, X and X-1 by the following tables:

"TABLE VII-B
MANAGERS

Salary scales as of 1 January 2000

		Classes (number of students)[1]					
Classification	**Salary**	**Class I 6 999 or less**	**Class II 7 000 - 11 999**	**Class III 12 000 - 17 999**	**Class IV 18 000 - 24 999**	**Class V 25 000 - 32 999**	**Class VI 33 000 or more**
R1	Maximum	54 126	56 665	58 540	60 477	62 479	63 728
	Minimum	41 885	43 892	45 839	47 869	49 988	50 988
R2	Maximum	48 711	50 962	53 317	55 931	58 498	59 668
	Minimum	36 557	38 293	40 113	41 924	45 863	46 780

		Class I 999 or less	**Class II 1 000 - 1 999**	**Class III 2 000 or more**
R3 (school)	Maximum	50 127	54 142	59 128
	Minimum	39 814	42 876	46 842

		Classes (number of group-hours of instruction)		
		Class I 43 999 or less	**Class II 44 000 - 87 999**	**Class III 88 000 or more**
R3 (centre)	Maximum	50 127	54 142	59 128
	Minimum	39 814	42 876	46 842

		Classes (number of students transported)					
Classification	**Salary**	**Class I 6 999 or less**	**Class II 7 000 - 11 999**	**Class III 12 000 - 17 999**	**Class IV 18 000 - 24 999**	**Class V 25 000 - 32 999**	**Class VI 33 000 - 41 999**
CO1	Maximum	N.A.[2]	43 607	45 641	47 729	49 937	50 935
	Minimum	N.A.	36 368	38 026	39 759	41 557	42 388
CO2	Maximum	Single class		47 487			
	Minimum			40 851			
CO3	Maximum	Single class		43 358			
	Minimum			37 340			

1. For the position of superintendent of transportation services, classes are determined on the basis of the number of students transported.

2. N.A.

TABLE VII-C
MANAGERS

Salary scales as of 1 January 2001

		Classes (number of students)[1]						
Classification	**Salary**	**Class I 6 999 or less**	**Class II 7 000 - 11 999**	**Class III 12 000 - 17 999**	**Class IV 18 000 - 24 999**	**Class V 25 000 - 32 999**	**Class VI 33 000 - 41 999**	**Class VII 42 000 or more**
R1	Maximum	55 479	58 082	60 004	61 989	64 041	65 321	66 627
	Minimum	42 932	44 989	46 985	49 066	51 238	52 263	53 308
R2	Maximum	49 929	52 236	54 650	57 329	59 960	61 160	62 383
	Minimum	37 471	39 250	41 116	42 972	47 010	47 950	48 909

		Class I 999 or less	**Class II 1 000 - 1 999**	**Class III 2 000 or more**
R3 (school)	Maximum	51 380	55 496	60 606
	Minimum	40 809	43 948	48 013

		Classes (number of group-hours of instruction)		
		Class I 43 999 or less	**Class II 44 000 - 87 999**	**Class III 88 000 or more**
R3 (centre)	Maximum	51 380	55 496	60 606
	Minimum	40 809	43 948	48 013

		Classes (number of students transported)						
Classification	**Salary**	**Class I 6 999 or less**	**Class II 7 000 - 11 999**	**Class III 12 000 - 17 999**	**Class IV 18 000 - 24 999**	**Class V 25 000 - 32 999**	**Class VI 33 000 - 41 999**	**Class VII 42 000 or more**
CO1	Maximum	N.A.[2]	44 697	46 782	48 922	51 185	52 208	53 252
	Minimum	N.A.	37 277	38 977	40 753	42 596	43 448	44 317
CO2	Maximum	Single class			48 674			
	Minimum				41 872			
CO3	Maximum	Single class			44 442			
	Minimum				38 274			

1. For the positions of superintendent of transportation services, classes are determined on the basis of the number of students transported.

2. N.A.

TABLE VII-CC
MANAGERS

Salary scales as of 1 April 2001

		Classes (number of students)[1]						
Classification	**Salary**	**Class I 6 999 or less**	**Class II 7 000 - 11 999**	**Class III 12 000 - 17 999**	**Class IV 18 000 - 24 999**	**Class V 25 000 - 32 999**	**Class VI 33 000 - 41 999**	**Class VII 42 000 or more**
R1	Maximum	55 479	58 082	60 004	61 989	64 041	65 321	66 627
	Minimum	42 932	44 989	46 985	49 066	51 238	52 263	53 308
R2	Maximum	51 727	53 803	54 650	57 329	59 960	61 160	62 383
	Minimum	38 820	40 427	41 116	42 972	47 010	47 950	48 909

		Class I 999 or less	**Class II 1 000 - 1 999**	**Class III 2 000 or more**
R3 (school)	Maximum	52 433	56 065	61 227
	Minimum	41 645	44 398	48 505

		Classes (number of group-hours of instruction)		
		Class I 43 999 or less	**Class II 44 000 - 87 999**	**Class III 88 000 or more**
R3 (centre)	Maximum	52 433	56 065	61 227
	Minimum	41 645	44 398	48 505

		Classes (number of students transported)						
Classification	**Salary**	**Class I 6 999 or less**	**Class II 7 000 - 11 999**	**Class III 12 000 - 17 999**	**Class IV 18 000 - 24 999**	**Class V 25 000 - 32 999**	**Class VI 33 000 - 41 999**	**Class VII 42 000 or more**
CO1	Maximum	N.A.[2]	44 697	46 782	48 922	51 185	52 208	53 252
	Minimum	N.A.	37 277	38 977	40 753	42 596	43 448	44 317
CO2	Maximum	Single class		51 033				
	Minimum			43 903				
CO3	Maximum	Single class		46 066				
	Minimum			39 671				

1. For the positions of superintendent of transportation services, classes are determined on the basis of the number of students transported.

2. N.A.

TABLE VII-D
MANAGERS

Salary scales as of 1 January 2002

		Classes (number of students)						
Classification	**Salary**	**Class I 6 999 or less**	**Class II 7 000 - 11 999**	**Class III 12 000 - 17 999**	**Class IV 18 000 - 24 999**	**Class V 25 000 - 32 999**	**Class VI 33 000 - 41 999**	**Class VII 42 000 or more**
R1	Maximum	56 866	59 534	61 504	63 539	65 642	66 954	68 293
	Minimum	44 005	46 114	48 160	50 293	52 519	53 570	54 641
R2	Maximum	53 020	55 148	56 016	58 762	61 459	62 689	63 943
	Minimum	39 790	41 438	42 144	44 046	48 185	49 149	50 132

		Class I 999 or less	**Class II 1 000 - 1 999**	**Class III 2 000 or more**
R3 (school)	Maximum	53 744	57 467	62 758
	Minimum	42 686	45 508	49 718

		Classes (number of group-hours of instruction)		
		Class I 43 999 or less	**Class II 44 000 - 87 999**	**Class III 88 000 or more**
R3 (centre)	Maximum	53 744	57 467	62 758
	Minimum	42 686	45 508	49 718

		Classes (number of students)						
Classification	**Salary**	**Class I 6 999 or less**	**Class II 7 000 - 11 999**	**Class III 12 000 - 17 999**	**Class IV 18 000 - 24 999**	**Class V 25 000 - 32 999**	**Class VI 33 000 - 41 999**	**Class VII 42 000 or more**
CO1	Maximum	N.A.[1]	45 814	47 952	50 145	52 465	53 513	54 583
	Minimum	N.A.	38 209	39 951	41 772	43 661	44 534	45 425
CO2	Maximum	Single class		52 309				
	Minimum			45 001				
CO3	Maximum	Single class		47 218				
	Minimum			40 663				

1. N.A.

TABLE VII-DD
MANAGERS

Salary scales as of 1 April 2002

		Classes (number of students)						
Classification	**Salary**	**Class I 6 999 or less**	**Class II 7 000 - 11 999**	**Class III 12 000 - 17 999**	**Class IV 18 000 - 24 999**	**Class V 25 000 - 32 999**	**Class VI 33 000 - 41 999**	**Class VII 42 000 or more**
R1	Maximum	56 866	59 534	61 504	63 539	65 642	66 954	68 293
	Minimum	44 005	46 114	48 160	50 293	52 519	53 570	54 641
R2	Maximum	54 929	55 437	56 016	58 762	61 459	62 689	63 943
	Minimum	41 222	41 653	42 144	44 046	48 185	49 149	50 132

		Class I 999 or less	**Class II 1 000 - 1 999**	**Class III 2 000 or more**
R3 (school)	Maximum	54 844	58 056	63 400
	Minimum	43 561	45 975	50 227

		Classes (number of group-hours of instruction)		
		Class I 43 999 or less	**Class II 44 000 - 87 999**	**Class III 88 000 or more**
R3 (centre)	Maximum	54 844	58 056	63 400
	Minimum	43 561	45 975	50 227

		Classes (number of students)						
Classification	**Salary**	**Class I 6 999 or less**	**Class II 7 000 - 11 999**	**Class III 12 000 - 17 999**	**Class IV 18 000 - 24 999**	**Class V 25 000 - 32 999**	**Class VI 33 000 - 41 999**	**Class VII 42 000 or more**
CO1	Maximum	N.A.[1]	45 814	47 952	50 145	52 465	53 513	54 583
	Minimum	N.A.	38 209	39 951	41 772	43 661	44 534	45 425
CO2	Maximum	Single class		54 844				
	Minimum			47 184				
CO3	Maximum	Single class		48 944				
	Minimum			42 151				

1. N.A.

TABLE X
MANAGERS (Commission scolaire de Montréal)

Classification		Salary scales as of							
		1 January 1999		1 July 1999		1 January 2000		1 January 2001	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
R3	Class I	37 299	46 960	38 843	48 904	39 814	50 127	40 809	51 380
	Class II	40 612	51 283	41 830	52 821	42 876	54 142	43 948	55 496
	Class III	44 369	56 006	45 700	57 686	46 842	59 128	48 013	60 606
R4	Class S-1	49 838	58 507	49 838	58 507	51 084	59 970	52 361	61 469
R7	Class II	38 056	47 794	38 056	47 794	39 007	48 989	39 982	50 214
	Class III	41 598	52 093	41 598	52 093	42 638	53 395	43 704	54 730
CO1	Class I	35 481	42 543	35 481	42 543	36 368	43 607	37 277	44 697
	Class III	37 099	44 528	37 099	44 528	38 026	45 641	38 977	46 782
CO2	Class S-2	41 506	50 438	41 506	50 438	42 544	51 699	43 608	52 991
CO3		36 429	42 300	36 429	42 300	37 340	43 358	38 274	44 442
CO5		36 069	45 089	36 069	45 089	36 971	46 216	37 895	47 371
	Class S-1	40 416	46 395	40 416	46 395	41 426	47 555	42 462	48 744
	Class S-2	38 057	49 191	38 057	49 191	39 008	50 421	39 983	51 682

TABLE X-I
MANAGERS (Commission scolaire de Montréal)

Classification		Salary scales as of					
		1 April 2001		1 January 2002		1 April 2002	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
R3	Class I	41 645	52 433	42 686	53 744	43 561	54 844
	Class II	44 398	56 065	45 508	57 467	45 975	58 056
	Class III	48 505	61 227	49 718	62 758	50 227	63 400
R4	Class S-1	53 932	63 313	55 280	64 896	55 413	65 054
R7	Class II	41 273	51 834	42 305	53 130	43 671	54 844
	Class III	43 704	54 730	44 797	56 098	44 797	56 098
CO1	Class I	38 530	46 199	39 493	47 354	40 820	48 945
	Class III	38 977	46 782	39 951	47 952	39 951	47 952

Classification		Salary scales as of					
		1 April 2001		1 January 2002		1 April 2002	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
CO2	Class S-2	44 031	53 506	45 132	54 844	45 132	54 844
CO3		39 671	46 066	40 663	47 218	42 151	48 944
		39 146	49 102	40 125	50 330	41 305	51 810
CO5	Class S-1	43 736	50 351	44 829	51 610	45 004	51 810
	Class S-2	41 182	53 232	42 212	54 563	42 427	54 844

".

23. Schedule 5 of the said Regulation is replaced by the following schedule:

"**SCHEDULE 5**
PARENTAL RIGHTS

1. The provisions of this schedule shall not have the effect of granting a monetary or nonmonetary benefit to which a management staff member would not have been entitled had he or she remained at work.

For the purposes of this schedule, "spouses" means persons:

1° who are married and cohabiting; or

2° who are living in a conjugal relationship and are the father and mother of the same child; or

3° who are of the opposite or the same sex and have been living in a conjugal relationship for a period of not less than one year.

However, persons shall cease to be considered as spouses upon the dissolution of their marriage through divorce or annulment or, if they are married or living in a conjugal relationship, upon a de facto separation for a period exceeding 3 months.

2. The maternity leave allowances prescribed in Division 1 shall be paid solely as a supplement to the employment insurance benefits or, in the cases stipulated hereinafter, as payment during a period of unemployment caused by pregnancy for which employment insurance does not provide any benefits.

3. Where the granting of a leave is restricted to only one spouse, such restriction shall apply so long as the other spouse is also employed by an agency in the public or parapublic sector.

4. The board shall not reimburse a management staff member for the amounts that Human Resources Development Canada (HRDC) could require her to repay under the Employment Insurance Act.

5. The salary, deferred salary and severance allowances shall not be increased or decreased by the amounts received under the supplementary employment insurance benefits plan.

DIVISION 1
MATERNITY LEAVE

6. A pregnant management staff member shall be entitled to a maternity leave of 20 weeks' duration which, subject to section 11 of this schedule, must be consecutive.

The maternity leave may last for less than 20 weeks. Where a management staff member returns to work within the 2 weeks following the birth, she must, at the board's request, produce a medical certificate confirming that she is sufficiently recovered to resume work.

7. A management staff member who becomes pregnant while she is benefiting from a leave without pay or a partial leave without pay prescribed in this schedule shall also be entitled to such maternity leave and to the benefits attached thereto.

8. A management staff member who gives birth to a stillborn child after the beginning of the 20th week preceding the due date shall also be entitled to maternity leave.

9. Should a management staff member's spouse who is on maternity leave die, the remainder of the 20 weeks of maternity leave and the rights and benefits attached thereto shall be transferred to the management staff member.

10. The distribution of the maternity leave, before and after the birth, shall be the management staff member's decision and shall include the day of the birth.

11. A management staff member who has sufficiently recovered from the delivery but whose child must remain in the health care institution may interrupt her maternity leave by returning to work.

A management staff member whose child is hospitalized within 15 days of birth shall also have that right.

Maternity leave may be interrupted only once and shall resume when the child is brought home. When a management staff member resumes her maternity leave, the board shall pay her only the allowance to which she would have been entitled had she not interrupted her leave.

12. Where the birth occurs after the due date, a management staff member shall be entitled to extend her maternity leave for the length of time the birth is overdue, except if she still has 2 weeks of maternity leave left after the birth.

Furthermore, a management staff member may extend her maternity leave by 6 weeks if her child was hospitalized during her maternity leave or her child's health requires that she do so.

During these extensions, a management staff member shall not receive any allowance or salary. However, she shall be entitled to the benefits prescribed in section 41 of this schedule insofar as she is normally entitled to them.

12.1 The board must send to the management staff member, during the fourth week preceding the termination of the maternity leave, a notice indicating the scheduled date of termination of the maternity leave.

Any management staff member who receives from the board the notice described above must report for work on the date of termination of the maternity leave, unless she extends the maternity leave as provided in Division 4.

13. To obtain a maternity leave, a management staff member must notify the board at least 3 weeks prior to the date of departure. Such notice must be accompanied by a medical certificate attesting to the pregnancy and the due date.

The time limit regarding the presentation of the notice may be less if a medical certificate attests that a management staff member must leave her job sooner than expected. In case of an unforeseen event, a management staff member shall be exempted from the formality of the notice provided that she give the board a medical certificate stating that she had to leave her job immediately.

§1. *Cases Eligible for Employment Insurance*

14. A management staff member who has accumulated 20 weeks of service and who, following the submission of an application for benefits under the employment insurance plan, receives such benefits, shall be entitled, during her maternity leave to receive:

1° for each week of the waiting period stipulated by the employment insurance plan, an allowance equal to 93% of her basic weekly salary;

2° for each week she is receiving employment insurance benefits, a complementary allowance equal to the difference between 93% of her basic weekly salary and the weekly employment insurance benefit that she is receiving.

This complementary allowance shall be calculated on the basis of the employment insurance benefits that a management staff member is entitled to receive without taking into account the amounts deducted from such benefits because of the reimbursement of benefits, interest, penalties and other amounts recoverable under the employment insurance plan.

The maternity leave allocation paid by the Government of Québec shall be deducted from the allowances to be paid under this subdivision; this allocation is currently established at $360.

However, in the case of a management staff member who works for more than one employer, she shall receive a complementary allowance equal to the difference between 93% of the basic salary paid by the board and the percentage of the employment insurance benefits corresponding to the proportion of the basic weekly salary it pays her in relation to the total basic weekly salaries paid by all the employers. To this end, a management staff member shall provide each of her employers with a statement of the weekly salaries paid by each of them and the amount of the benefits paid by HRDC.

Where the number of weeks of employment insurance benefits is reduced by HRDC, where applicable, a management staff member shall continue to receive the complementary allowance without taking into account that reduction by HRDC as if she had received employment insurance benefits during that period;

3° for each of the weeks that follow those described in paragraph 2° of this section, an allowance equal to 93% of her basic weekly salary up to the end of the 20th week of the maternity leave.

15. An absent management staff member shall accumulate service for purposes of eligibility for maternity allowances if her absence is authorized, particularly for total disability, and includes benefits or remuneration.

16. For the purposes of this division, basic weekly salary means the management staff member's regular salary and lump sums attached to the annual increment or the salary readjustment procedure distributed on a weekly basis.

17. The board may not offset, by means of the allowance paid to a management staff member on maternity leave, a reduction in the employment insurance benefits attributable to income earned from another employer.

Notwithstanding the provisions of the preceding paragraph, the board shall pay compensation if a management staff member proves, by means of a letter to this effect from the employer who pays this regular salary, that the income earned from another employer is regular salary. Where the management staff member proves that only a portion of that income is regular salary, compensation payable shall be in proportion to that portion.

The employer who pays the regular salary as determined in the preceding paragraph must, at a management staff member's request, provide such a letter.

18. The total amounts received by the management staff member during her maternity leave as employment insurance benefits, compensation and salary may not exceed 93% of the basic salary paid by her employer or, where applicable, by her employers.

19. No compensation may be paid during a vacation period for which a management staff member receives remuneration.

20. Compensation owing for the first 2 weeks shall be paid by the board within the 2 weeks following the beginning of the leave; compensation owing due after that date shall be paid every 2 weeks. In the case of a management staff member eligible for employment insurance benefits, the first installment shall only become payable 15 days after the board receives proof that she is receiving employment insurance benefits. For the purposes of this section, a statement of benefits, a stub or a computerized information statement provided by Human Resources Development Canada to the board shall be accepted as proof.

21. Service shall be calculated with any employer that is a public or parapublic sector body (public service, education, health services and social services), a regional health and social services board, a body with employees whose employment conditions or salary standards and scales are determined or approved by the Government, the Office franco-québécois pour la jeunesse, the Société de gestion du réseau informatique des commissions scolaires or a body mentioned in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

Furthermore, the requirement of 20 weeks of service under sections 6 and 23 is deemed to have been satisfied if the management staff member has satisfied this requirement as an employee of any of the employers mentioned in the first paragraph.

22. A management staff member may defer a maximum of 4 weeks' annual vacation if it falls within her maternity leave and if she notifies the board in writing of the date of such deferral no later than 2 weeks before the termination of the said maternity leave.

§2. Cases Not Eligible for Employment Insurance

23. A management staff member excluded from receiving employment insurance benefits or declared ineligible shall also be excluded from any other compensation. However, a full-time management staff member who has accumulated 20 weeks of service shall also be entitled, for 12 weeks, to compensation equal to 93% of her basic weekly salary in accordance with this division if she is ineligible for employment insurance benefits because she did not hold an insurable job for the required number of hours during the reference period prescribed by the employment insurance plan.

DIVISION 2
PATERNITY LEAVE

24. A management staff member shall be entitled to paid leave upon the birth of his child, the duration of which shall not exceed 5 working days. He shall also be entitled to such leave if the child is stillborn and the birth occurs after the beginning of the 20th week preceding the due date. This paid leave may be discontinuous but must be taken between the beginning of the delivery and the 15th day following the mother's or the child's return home. One of the 5 days may be used for the baptism or the registration.

DIVISION 3
LEAVES FOR ADOPTION AND LEAVES WITHOUT PAY WITH A VIEW TO ADOPT

25. A management staff member who adopts a child shall be entitled to a leave of absence the duration of which shall not exceed 10 consecutive weeks provided that his or her spouse not also be on such a leave. This leave must be taken following the child's placement order or an equivalent procedure in the case of an international adoption in accordance with the adoption plan.

26. A management staff member who legally adopts a child and who does not benefit from the leave for adoption prescribed in section 25 shall be entitled to a leave for a maximum period of 5 working days, of which only the first 2 shall be remunerated.

This leave may be discontinuous but it may not be taken more than 15 days following the child's arrival home.

However, if it involves the spouse's child, a management staff member shall be entitled only to a leave without pay for a maximum period of 2 working days.

27. For every week of the leave prescribed in section 25 of this schedule, a management staff member shall receive an allowance equal to the salary he or she would have received had he or she been at work.

28. A management staff member shall benefit, with a view to adopt a child, from a leave without pay of a maximum duration of 10 weeks as of the date he or she assumes full legal responsibility for the child.

29. A management staff member who must travel outside of Québec to adopt a child shall be entitled, for that purpose and upon written request to the board 4 weeks in advance where possible, a leave without pay for the required travel time. Where the trip results in obtaining actual custody of the child, the duration of the leave without pay shall not exceed 10 weeks in accordance with section 28 of this schedule. During such a leave, the management staff member shall be entitled to the same benefits as those attached to leave without pay under this schedule.

30. Sections 25 to 29 of this schedule shall not apply to the management staff member who adopts his or her spouse's child.

31. The leave for adoption prescribed in section 25 of this schedule may take effect on the date of the beginning of the leave without pay with a view to adopt where the duration of the latter shall not exceed a consecutive period of 10 weeks and where the management staff member so decides upon making the request provided for in section 29.

If, however, no adoption results following such leave with a view to adopt for which the management staff member received an allowance under section 27, the management staff member shall be deemed to have been on leave without pay and he or she shall repay the allowance to the board.

Where leave for adoption takes effect on the date of the beginning of the leave without pay, a management staff member shall be entitled only to the benefits prescribed for the leave for adoption.

DIVISION 4
LEAVES WITHOUT PAY

32. A leave without pay as extended maternity leave, paternity leave or leave for adoption shall not exceed 2 years.

A management staff member who wishes to terminate such a leave during the first 52 weeks must submit a written notice to this effect at least 21 days prior to his or her return.

A management staff member who does not avail himself or herself of his or her leave without pay may, for the portion of the leave that his or her spouse has not used, benefit from a leave without pay.

33. A management staff member who does not avail himself or herself of the leave prescribed in section 32 of this schedule may benefit, after the birth or adoption of a child, from a leave without pay for a maximum period of 52 continuous weeks which begins at the time the management staff member chooses and ends no later than 70 weeks after the birth or, in the case of adoption, 70 weeks after he or she assumes full legal responsibility for the child. However, this paragraph shall not apply to a management staff member who adopts his or her spouse's child.

A management staff member who wishes to terminate his or her leave before the anticipated date must submit a written notice to this effect at least 21 days prior to his or her return.

34. A leave without pay or a partial leave without pay for a maximum period of one year shall be granted to a management staff member whose minor child experiences socioemotional problems or whose minor child is handicapped or suffers from a chronic illness requiring his or her care.

35. A management staff member may be absent from work for a maximum of 6 days per year to take care of his or her minor child or his or her spouse's minor child, in cases where his or her presence is expressly required, to fulfill obligations relating to the health, safety or education of the child. The days thus used shall be deducted from the management staff member's bank of sick-leave days and, failing that, the days of absence shall be without pay.

36. Subject to sections 32 and 33 of this schedule, a management staff member who is absent from work without pay to extend a leave prescribed in this schedule must agree in advance with the board on the terms and conditions of his or her absence and of his or her eventual return to a position within the plan.

Notwithstanding the first paragraph, upon the management staff member's return from a maximum 12-week leave without pay, he or she shall be reinstated in the duties that he or she would have had had he or she been at work, subject to the provisions concerning stability of employment applicable to him or her.

DIVISION 5
OTHER SPECIAL LEAVES AND PREVENTIVE REASSIGNMENT

37. A management staff member shall be entitled to a special leave in the following cases:

1° when a complication in the pregnancy or a risk of miscarriage requires a work stoppage for a period prescribed by a medical certificate; such special leave cannot be extended beyond the beginning of the 8th week preceding the due date;

2° upon presentation of a medical certificate prescribing the duration, when a natural or induced miscarriage occurs before the beginning of the 20th week preceding the due date;

3° for medical examinations related to the pregnancy carried out by a health professional and attested to by a medical certificate or for examinations carried out by a midwife pursuant to the Act respecting the practice of midwifery within the framework of pilot projects (1990, c. 12).

38. As regards the examinations referred to in paragraph 3° of section 37 of this schedule, a management staff member shall benefit from a special leave with pay for a maximum duration of 4 days which may be taken in half-days.

39. During the special leaves granted under this division, a management staff member shall be entitled to the benefits prescribed in sections 41 and 44 of this schedule.

Notwithstanding paragraph 1° of section 41 of this schedule, a management staff member covered by section 37 of this schedule may also avail herself of salary insurance benefits. However, in the case of paragraph 3° of section 37 of this schedule, a management staff member must first have used up the 4 days prescribed in section 38 of this schedule before benefiting from the basic salary insurance plan.

40. A management staff member who benefits from preventive reassignment by virtue of the Act respecting occupational health and safety shall also avail herself of the benefits prescribed in sections 22 and 41 of this schedule insofar as she is normally entitled to them and may subsequently avail herself of the provision prescribed in section 44 of this schedule.

DIVISION 6
OTHER PROVISIONS

41. During a maternity leave and the extensions prescribed in section 12 or during a 10-week leave for adoption, a management staff member shall avail himself or herself of the following benefits, insofar as he or she is normally entitled to them:

1° insurance plans excluding salary insurance benefits. However, in the case of a maternity leave, the board shall assume all the premiums of the compulsory basic plans and the management staff member shall be exempted from the payment of premiums according to the provisions contained in the master policy of the insurance plans;

2° accumulation of vacation;

3° accumulation of experience and continuous service for stability of employment purposes;

4° premiums for regional disparities.

Notwithstanding paragraph 4°, the maternity leave benefits applicable cannot exceed 93% of the amount that constitutes the basic weekly salary and the premium for regional disparities.

42. During a leave without pay in accordance with this schedule, a management staff member shall retain his or her experience and his or her continuous service shall not be interrupted. The insurance plans shall apply to a management staff member in accordance with the provisions of section 61 of the Regulation.

43. The board and a management staff member shall agree, in advance, on the terms and conditions of a maternity leave, a paternity leave, a leave for adoption or a leave without pay with a view to adopt.

44. When a management staff member returns from a maternity leave, a leave for adoption or a leave with a view to adopt, he or she shall be reinstated in the position he or she would have had had he or she been at work, subject to the provisions respecting stability of employment.".

24. The said Regulation is amended by adding, at the end, the following schedules:

"**SCHEDULE 16**
COMPENSATION FOR THE RECURRENT EFFECTS OF THE ACT RESPECTING THE CONDITIONS OF EMPLOYMENT IN THE PUBLIC SECTOR AND THE MUNICIPAL SECTOR
(Bill 102)

1. The employer shall pay a lump sum corresponding to 0.83% of the salary received during the reference period of 1 October 1995 to 31 December 1999.

That lump sum, calculated proportionally to the period of participation in the insurance plans applicable under this Regulation, shall be paid to the following persons:

(1) any management staff member subject to this Regulation as at 31 December 1999 who continues to participate in the Civil Service Superannuation Plan (CSSP) or the Teachers Pension Plan (TPP) after that date without availing himself of his entitlement to be transferred to the Government and Public Employees Retirement Plan (GPERP) in respect of a non-unionizable employee under the provisions of the latter plan;

(2) any management staff member who, as at 1 January 2000, participated in the Pension Plan of Certain Teachers (PPCT) or in a supplemental pension plan (SPP) under the supervision of the Commission administrative des régimes de retraite et d'assurances (CARRA) and any management staff member who, during the reference period, participated in any of these plans but who has resigned, retired or died;

(3) any management staff member assigned to a unionizable position who, during the reference period, did not participate in the GPERP in respect of a non-unionizable employee but who continued to participate in the insurance plans applicable under this Regulation;

(4) any employee referred to in paragraph 3° who resigned, retired or died during the reference period.

Notwithstanding the first paragraph, the salary to be considered for a management staff member who participated in a leave plan with deferred salary during the reference period shall be the salary that he would have received had he not participated in the plan.

2. Any management staff member who participates in a supplemental pension plan under the supervision of the CARRA shall be entitled to a leave with pay the duration of which shall correspond to 0.83% of the number of days for which he was entitled to a salary, as a management staff member, for the period extending from 1 January to 31 December of the same year, without exceeding 2 days per year. However, no leave may be granted for any period before 1 January 2000.

Where the calculation of the number of days of leave yields a fraction of a day, this fraction shall be rounded off to a half-day if it is equal to or greater than 0.25 and to a full day if it is equal to or greater than 0.75.

This leave shall be used in accordance with the annual vacation plan in force at the board or shall be replaced in whole or in part by a lump sum if it has not been used during the 12 months following its acquisition. In that case, for each unused leave day, the lump sum shall correspond to 0.415% of the salary received during the year of acquisition in the capacity of management staff member or of the salary that the management staff member would have received had he not participated in the leave plan with deferred salary.

Where the management staff member has died, the employer shall pay an amount equal to the value of the acquired but unused days of leave, without exceeding 4 days.

3. Section 2 shall apply to any management staff member assigned to a unionizable position if he participates in a pension plan other than the GPERP in respect of a non-unionizable employee, the Pension Plan for Management (PPM) or the Retirement Plan for Senior Officials (RPSO).

In that case, section 2 shall apply from the date on which the management staff member starts to hold a unionizable position, if this date occurs after 31 December 1999, and shall continue to apply for any period during which the insurance plans provided for in this Regulation apply to the employee.

SCHEDULE 17
POSITION EVALUATION FACTORS NOT PRESCRIBED BY SCHEDULE 1
(in application of section 28.2 of this Regulation)

In the determination of the class prescribed by Table A, B or C of this schedule, the Minister shall consider a system of evaluation using the 6 following factors:

(1) COMPLEXITY**:**

(a) nature of the activity;

(b) nature of the supervision received.

(2) EDUCATION

(3) EXPERIENCE**:**

(a) work to be performed;
(b) management.

(4) RESPONSIBILITY**:**

(a) management;
(b) immediate supervision;
(c) prevention of errors;
(d) communication of work.

(5) DECISION-MAKING POWERS:

(a) nature of the activity;
(b) freedom of action.

(6) WORKING CONDITIONS:

(a) physical demands;
(b) environmental conditions.

TABLE A

SALARY SCALES APPLICABLE TO SENIOR EXECUTIVES AND ADMINISTRATORS WHOSE CLASSIFICATION WAS SUBJECT TO A SPECIAL EVALUATION IN APPLICATION OF SECTION 28.2 OF THIS REGULATION AS OF 1 APRIL 2001

Class	Minimum	Maximum
5	31 268	40 649
6	32 778	42 613
7	34 699	45 108
8	36 732	47 750
9	38 773	50 402
10	40 987	53 282
11	43 556	56 621
12	46 122	59 956
13	48 821	63 467
14	51 681	67 184
15	54 705	71 118
16	57 911	75 283
17	61 304	79 692
18	64 892	84 359
19	68 365	88 874
20	72 273	93 957
21	76 261	99 140

TABLE B

SALARY SCALES APPLICABLE TO SENIOR EXECUTIVES AND ADMINISTRATORS WHOSE CLASSIFICATION WAS SUBJECT TO A SPECIAL EVALUATION IN APPLICATION OF SECTION 28.2 OF THIS REGULATION AS OF 1 JANUARY 2002

Class	Minimum	Maximum
5	32 050	41 665
6	33 597	43 678
7	35 566	46 236
8	37 650	48 944
9	39 742	51 662
10	42 012	54 614
11	44 645	58 037
12	47 275	61 455
13	50 042	65 054
14	52 973	68 864
15	56 073	72 896
16	59 359	77 165
17	62 837	81 684
18	66 514	86 468
19	70 074	91 096
20	74 080	96 306
21	78 168	101 619

TABLE C

SALARY SCALES APPLICABLE TO SENIOR EXECUTIVES AND ADMINISTRATORS WHOSE CLASSIFICATION WAS SUBJECT TO A SPECIAL EVALUATION IN APPLICATION OF SECTION 28.2 OF THIS REGULATION AS OF 1 APRIL 2002

Class	Minimum	Maximum
5	32 050	41 665
6	33 597	43 678
7	35 566	46 236
8	37 650	48 944
9	39 856	51 810
10	42 189	54 844
11	44 660	58 056
12	47 275	61 455
13	50 042	65 054
14	52 973	68 864
15	56 073	72 896
16	59 359	77 165
17	62 837	81 684
18	66 514	86 468
19	70 409	91 531
20	74 530	96 891
21	78 896	102 565

”.

25. This regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

T.B. 197466, 18 December 2001

General and Vocational Colleges Act
(R.S.Q., c. C-29)

General and vocational colleges
— Certain conditions of employment of senior staff
— Amendments

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges

WHEREAS under section 18.1 of the General and Vocational Colleges Act (R.S.Q., c. C-29), the Minister of Education may determine, by regulation and with the authorization of the Conseil du trésor, conditions of employment for, the classification and maximum number per class of the positions held by, and the remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Minister made the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges by Minister's Order 2-89;

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

WHEREAS on 11 December 2001, the Minister of Education ordered that the Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges be made;

THE CONSEIL DU TRÉSOR DECIDES

1. to approve the Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges attached hereto;

2. to ask for the publication of the Regulation in the *Gazette officielle du Québec*.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges[1]

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 18.1)

1. Section 5 of the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges is amended by replacing the words "classification of positions in Schedule II" by the words "the description of the positions is set out in the ministerial document entitled Description des emplois-type du personnel d'encadrement des collèges d'enseignement général et professionnel".

2. Section 13 of the said Regulation is amended by replacing the words "Schedule II" by the words "Schedule I".

3. Section 14 of the said Regulation is replaced by the following:

"**14.** Every year, on 1 July, the class of the college, constituent college or campus shall be determined on the basis of the number of students prescribed by the Ministry in its educational specifications for the regular education programs, to which is added the number of students in continuing education computed on the basis of the activities carried out during the school year preceding the last school year.

The number of students in continuing education is obtained by dividing by 36 the number of periods-students-week (PSW) associated with the credited activities in continuing education entered in the System d'information et de gestion des données sur l'effectif collégial (SIGDEC).".

4. Sections 16 and 17 of the said Regulation are amended by replacing the words "prescribed by Schedule II" by the words "set out in the ministerial document entitled Description des emplois-type du personnel d'encadrement des collèges d'enseignement général et professionnel".

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[1] The latest amendments made to the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges (Minister's Order 2-89 of the Minister of Higher Education and Science dated 7 December 1989 [1990, *G.O.* 2, 690]) were made by the Minister's Order of the Minister of Education dated 9 May 2000 (2000, *G.O.* 2, 2890) and the Minister's Order dated 21 June 2001 (2001, *G.O.* 2, 4592). For previous amendments, see *Tableau des modifications et Index sommaire*, Publications du Québec, 2000, updated to 1 February 2000.

5. Section 31 of the said Regulation is replaced by the following:

"**31.** A senior staff member of a college whose salaried employees receive, in accordance with their collective agreement, a premium for regional disparities shall be entitled to such a premium in accordance with the same conditions and procedures.

Moreover, a senior staff member of the Cégep de Sept-Îles shall be entitled to a stand-by premium granted to salaried employees of that college, in accordance with their collective agreement, in accordance with the same conditions and procedures.".

6. Section 32 of the said Regulation is replaced by the following sections:

"**32.** Where half or more of the regular work timetable falls between 18:00 and 24:00, a manager shall receive the evening shift premium prescribed by Schedule VI for each hour actually worked.

32.1 Where half or more of the regular work schedule falls between 00:00 and 0:00, a manager shall receive the night shift premium prescribed by Schedule VI for each hour actually worked.".

7. The title of Division VI is amended by deleting the word "temporary".

8. Section 36.1 of the said Regulation is amended:

1° by replacing the words "may grant" by the words "shall grant";

2° by replacing "5%" by "10%";

3° by adding the following paragraph:

"However, where the incumbent of a management position is permanently assigned the responsibilities of two directorates, his premium is set at 5%.".

9. Section 37 of the said Regulation is replaced by the following section:

"**37.** A college shall draw up an annual vacation plan for its senior staff. The plan shall establish in particular the conditions respecting the deferral of vacation of senior staff.".

10. Section 37.1 of the said Regulation is repealed.

11. Section 40 of the said Regulation is amended by replacing paragraph *c* by the following:

"*c)* Plans insured by an insurer and described in the master policy of the insurance plans and in Division IV:

— compulsory basic plans:

– a life insurance plan;

– a health-accident insurance plan. This plan shall not apply, however, to a senior staff member whose application for exemption is accepted by the college in accordance with the insurance policy;

– a long-term salary insurance plan.

— complementary plans:

– an optional supplemental life insurance plan;

– a compulsory long-term salary insurance plan.".

12. Section 41.4 of the said Regulation is amended by deleting, at the end of the second paragraph, the words "insofar as the collective agreement so allows".

13. Section 46 of the said Regulation is amended by replacing in the third paragraph the words "gross salary" by the word "salary".

14. Section 55 of the said Regulation is amended:

1° by replacing the first paragraph by the following:

"The provisions of the Directive concernant le régime de rentes de survivants, adopted by the Treasury Board, shall apply to a senior staff member, subject to the following provisions:";

2° by adding the following paragraph 3°:

"3° the definition of "remuneration" found in section 2 of the directive is replaced by the following definition:

"salary":

— for a disability which began after 31 December 1981, salary means that set out in section 39 of this Regulation as well as, where applicable, the compulsory complementary long-term salary insurance plan;

— for a disability which began on or prior to 31 December 1981, salary means the senior staff member's annual salary.".

15. Section 56.1 of the said Regulation is replaced by the following:

"**56.1** The cost of the compulsory plans shall be shared by the government and all the participants of the plans according to the terms and conditions of the insuring agreement signed on 2 October 2001 by the Government of Québec and the associations representing the participants of the group insurance plans for management staff in the public and parapublic sectors for the duration of the said agreement.".

16. Chapter VI of the said Regulation is replaced by the following:

"**CHAPTER VI**
PARENTAL RIGHTS

DIVISION I
GENERAL PROVISIONS

57. For the purposes of this chapter, "spouses" means persons:

1° who are married and cohabiting; or

2° who are living in a conjugal relationship and are the father and mother of the same child; or

3° who are of the opposite or the same sex and have been living in a conjugal relationship for a period of not less than one year.

However, persons shall cease to be considered as spouses upon the dissolution of their marriage through divorce or annulment or, if they are married or living in a conjugal relationship, upon a de facto separation for a period exceeding 3 months.

57.1 This chapter may not have the effect of giving a senior staff member a monetary or non-monetary benefit which he or she would not have had if he or she had remained at work.

58. Maternity leave benefits shall be paid solely as a supplement to the employment insurance benefits or as payment during a period of unemployment caused by a pregnancy for which employment insurance does not provide benefits.

59. Where the granting of a leave is restricted to only one spouse, such restriction shall apply so long as the other spouse is also an employee of the public or parapublic sector.

60. The college shall not reimburse a senior staff member for the sums that could be required of her by Human Resources Development Canada (HRDC) under the Act respecting employment insurance.

61. The salary, deferred salary and severance payments shall not be increased or decreased by the amounts received under the supplementary employment insurance benefits plan.

DIVISION II
MATERNITY LEAVE

62. The maximum duration of a maternity leave is 20 weeks which, subject to section 67, must be consecutive and include the day of delivery.

63. A senior staff member who becomes pregnant while she is benefiting from a leave without pay or a partial leave without pay referred to in this chapter shall also be entitled to such maternity leave and to the benefits attached thereto.

64. A senior staff member who gives birth to a stillborn child after the beginning of the 20th week preceding the expected date of delivery shall also benefit from a maternity leave.

65. Should a senior staff member's spouse who is on maternity leave die, the remainder of the 20 weeks of maternity leave and the rights and benefits attached thereto shall be transferred to the senior staff member.

66. The distribution of the maternity leave, before and after the birth, shall be the senior staff member's decision and shall include the day of the birth.

67. Where a senior staff member is sufficiently recovered from her delivery and her child is not able to leave the health establishment, she may suspend her maternity leave by returning to work.

A senior staff member whose child is hospitalized within 15 days of birth is also entitled to the same privileges.

68. Maternity leave may be interrupted only once and shall resume when the child is brought home. When a senior staff member resumes her maternity leave, the college shall pay her only the allowance to which she would have been entitled had she not interrupted her leave.

69. If the birth occurs after the due date, a senior staff member shall be entitled to extend her maternity leave for the length of time the birth is overdue, except if she still has 2 weeks of maternity leave left after the birth.

Furthermore, a senior staff member may extend her maternity leave by 6 weeks if her child was hospitalized during her maternity leave or her child's health requires that she do so.

During those extensions, a senior staff member shall not receive any benefit or salary. However, she shall be entitled to the benefits prescribed in section 88.12 provided she is entitled to them.

69.1 The maternity leave may be less than 20 weeks. If the senior staff member returns to work two weeks after the birth, she shall produce, at the college's request, a medical certificate attesting that she has sufficiently recovered to resume work.

69.2 The college must send to the senior staff member, during the fourth week preceding the termination of the maternity leave, a notice indicating the scheduled date of termination of the maternity leave.

Any senior staff member who receives from the college the notice described above must report for work on the date of termination of the maternity leave, unless she extends the maternity leave as provided in Division V.

70. To obtain a maternity leave, a senior staff member must notify the college at least 3 weeks prior to the date of departure. Such notice must be accompanied by a medical certificate attesting to the pregnancy and the due date.

The time limit regarding the presentation of the notice may be less if a medical certificate attests that the senior staff member must leave her job sooner than expected. In case of an unforeseen event, a senior staff member shall be exempted from the formality of the notice provided that she give the college a medical certificate stating that she had to leave her job immediately.

§1. Cases eligible for employment insurance

71. A senior staff member who has accumulated 20 weeks of service and who, following the submission of an application for benefits under the employment insurance plan, receives such benefits, shall be entitled, during her maternity leave to receive:

1° for each week of the waiting period stipulated by the employment insurance plan, an allowance equal to 93% of her basic weekly salary;

2° for each week she is receiving employment insurance benefits, a complementary allowance equal to the difference between 93% of her basic weekly salary and the weekly employment insurance benefit that she is receiving.

This complementary allowance shall be calculated on the basis of the employment insurance benefits that a senior staff member is entitled to receive without taking into account the amounts deducted from such benefits because of the reimbursement of benefits, interest, penalties and other amounts recoverable under the employment insurance plan.

The maternity leave allocation paid by the Government of Québec shall be deducted from the benefits to be paid under this subdivision.

However, in the case of the senior staff member who works for more than one employer, she shall receive a complementary allowance equal to the difference between 93% of her basic weekly salary paid by the college and the percentage of the employment insurance benefits corresponding to the proportion of basic weekly salary it pays her in relation to the total basic weekly salaries paid by all the employers. To this end, the senior staff member shall provide each of her employers with a statement of the weekly salaries paid by each of them and the amount of the benefits paid by Human Resources Development Canada.

Where the number of weeks of employment insurance benefits is reduced by Human Resources Development Canada, where applicable, a senior staff member shall continue to receive the complementary allowance without taking into account such reduction by Human Resources Development Canada as if she had received employment insurance benefits during that period;

3° for each of the weeks that follow those described in paragraph 2° of this section, an allowance equal to 93% of her basic weekly salary up to the end of the 20th week of the maternity leave.

72. An absent senior staff member shall accumulate service if her absence is authorized, particularly for total disability, and includes benefits or remuneration.

73. For the purposes of this division, basic weekly salary means the senior staff member's regular salary distributed on a weekly basis.

74. No benefit may be paid during a period of vacation for which the senior staff member is paid.

75. The college may not offset, by means of the allowance paid to a senior staff member on maternity leave, a reduction in employment insurance benefits attributable to income earned from another employer.

76. Notwithstanding section 75, the college shall pay compensation if a senior staff member proves, by means of a letter to this effect from the employer who pays this regular salary, that the income earned from another employer is regular salary. Where the senior staff member

proves that only a portion of that income is regular salary, compensation payable shall be in proportion to that portion.

77. An employer paying the regular salary as determined in section 76 must, at a senior staff member's request, provide such a letter.

78. The total amounts received by the senior staff member during her maternity leave in employment insurance benefits, compensation and salary may not exceed 93% of the salary paid by her employer or, where applicable, by her employers.

79. Compensation owing for the first 2 weeks shall be paid by the college within the 2 weeks following the beginning of the leave ; compensation due after that date shall be paid at 2-week intervals. In the case of a senior staff member eligible for employment insurance benefits, the first instalment shall only be payable 15 days after the college obtains proof that she is receiving employment insurance benefits. For the implementation of this section, a statement of benefits, a stub or a computerized information statement provided by Human Resources Development Canada to the college shall be accepted as proof.

80. Service shall be calculated with any employer that is a public or parapublic sector body (public service, education, health services and social services), a regional health and social services board, a body with employees whose employment conditions or salary standards and scales are determined or approved by the Government, the Office franco-québécois pour la jeunesse, the Société de gestion du réseau informatique des commissions scolaires or a body mentioned in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

Furthermore, the requirement of 20 weeks of service under sections 71 and 82 is deemed to have been satisfied if the senior staff member has satisfied this requirement as an employee of any of the employers mentioned in the first paragraph.

81. A senior staff member may defer a maximum of 4 weeks' annual vacation if it falls within her maternity leave and if she notifies the college in writing of the date of such deferral no later than 2 weeks before the termination of the said maternity leave.

§2. Cases not eligible for employment insurance

82. A senior staff member excluded from employment insurance benefits or declared ineligible shall also be excluded from any other compensation. However, a full-time senior staff member who has accumulated 20 weeks of service shall also be entitled, for 12 weeks, to a compensation equal to 93% of her basic weekly salary in accordance with this division if she is ineligible for employment insurance benefits because she did not hold an insurable job for the required number of work hours during the reference period prescribed by the employment insurance plan.

DIVISION III
PATERNITY LEAVE

83. A senior staff member shall be entitled to paid leave upon the birth of his child, the duration of which shall not exceed 5 working days. He shall also be entitled to such leave if the child is stillborn and the birth occurs after the beginning of the 20th week preceding the due date. This paid leave may be discontinuous but must be taken between the beginning of the delivery and the 15th day following the mother's or the child's return home. One of the 5 days may be used for the baptism or the registration.

DIVISION IV
LEAVES FOR ADOPTION AND LEAVES WITHOUT PAY FOR THE PURPOSE OF ADOPTING A CHILD

84. A senior staff member who legally adopts a child, other than his or her spouse's child, shall benefit from a leave for a maximum duration of 10 consecutive weeks, provided that his or her spouse not also be on such a leave. This leave must be taken following the child's placement order or an equivalent procedure in the case of an international adoption in accordance with the adoption plan or at another time agreed to with the college.

85. For every week of the leave mentioned in section 84, a senior staff member shall receive an allowance equal to the salary he or she would have received had he or she been at work.

86. A senior staff member who legally adopts a child and who does not benefit from the leave for adoption mentioned in section 84 shall be entitled to a leave for a maximum period of 5 working days, of which only the first 2 shall be remunerated.

This leave may be discontinuous but it may not be taken more than 15 days following the child's arrival home.

However, if it involves the spouse's child, the senior staff member shall be entitled only to a leave without pay for a maximum period of 2 working days.

87. A senior staff member shall benefit for the purpose of adopting a child from a leave without pay of a maximum duration of 10 weeks as of the date he or she assumes full legal responsibility for the child.

88. A senior staff member who travels outside of Québec in order to adopt a child shall obtain, for that purpose and upon written request to the college 4 weeks in advance where possible, a leave without pay for the required travel time. Where the trip results in obtaining actual custody of the child, the duration of the leave without pay shall not exceed 10 weeks in accordance with section 87. During such a leave, the senior staff member shall be entitled to the same benefits as those attached to leave without pay under this chapter.

88.1 Sections 84 and 88 shall not apply to a senior staff member who adopts his or her spouse's child.

88.2 The leave for adoption prescribed in section 84 may take effect on the date of the beginning of the leave without pay with a view to adopt where the duration of the latter shall not exceed a consecutive period of 10 weeks and where the senior staff member so decides upon making the request provided for in section 87.

Where the leave for adoption takes effect on the date of the beginning of the leave without pay, the senior staff member shall be entitled only to the benefits prescribed for the adoption leave.

If, however, no adoption results following such leave with a view to adopt for which the senior staff member received an allowance under section 85, the senior staff member shall be deemed to have been on leave without pay and he or she shall repay the allowance to the college according to the terms and conditions to be agreed between the college and the senior staff member concerned. However, the senior staff member shall repay the allowance within one year.

DIVISION V
LEAVES WITHOUT PAY

88.3 A leave without pay as extended maternity, paternity or adoption leave shall not exceed 2 years.

A senior staff member who wishes to terminate such leave during the first 52 weeks must submit a written notice to this effect at least 21 days prior to his or her return.

A senior staff member who does not avail himself or herself of the leave without pay may, for the portion of the leave that his or her spouse has not used, benefit from a leave without pay.

88.4 A senior staff member who does not avail himself or herself of the leave mentioned in section 88.3 may benefit, after the birth or adoption of a child, from a leave without pay for a maximum period of 52 continuous weeks which begins at the time the senior staff member chooses and ends no later than 70 weeks after the birth or, in the case of adoption, 70 weeks after he or she assumes full legal responsibility for the child. However, this paragraph shall not apply to the senior staff member who adopts his or her spouse's child.

A senior staff member who wishes to terminate his or her leave before the anticipated date must submit a written notice to this effect at least 21 days prior to his or her return.

88.5 A leave without pay or a partial leave without pay for a maximum period of one year shall be granted to the senior staff member whose minor child experiences socioemotional problems or whose minor child is handicapped or suffers from a chronic illness requiring his or her care.

88.6 A senior staff member may be absent from work for a maximum of 6 days per year to take care of his or her minor child or his or her spouse's minor child, in cases where his or her presence is expressly required, to fulfill obligations relating to the health, safety or education of the child. The days thus used shall be deducted from the senior staff member's bank of sick-leave days and, failing that, the days of absence shall be without pay.

88.7 The college and a senior staff member must agree, in advance, on the terms and conditions of the leave without pay.

Notwithstanding the first paragraph, upon the senior staff member's return from a maximum 12-week leave without pay, he or she shall be reinstated in the duties that he or she would have had had he or she been at work, subject to the provisions of Chapter X of this Regulation.

DIVISION VI
OTHER SPECIAL LEAVES AND PREVENTIVE REASSIGNMENT

88.8 A senior staff member shall be entitled to a special leave in the following cases:

1° when a complication in the pregnancy or a risk of miscarriage requires a work stoppage for a period prescribed by a medical certificate; such special leave cannot be extended beyond the beginning of the 8th week preceding the due date;

2° upon presentation of a medical certificate prescribing the duration, when a natural or induced miscarriage occurs before the beginning of the 20th week preceding the due date;

3° for medical examinations related to the pregnancy carried out by a health professional and attested to by a medical certificate or for examinations carried out by a midwife pursuant to the Act respecting the practice of midwifery within the framework of pilot projects (1990, c. 12).

88.9 As regards the examinations referred to in paragraph 3° of section 88.8, a senior staff member shall benefit from a special leave with pay for a maximum duration of 4 days which may be taken in half-days.

88.10 During the special leaves obtained under this division, a senior staff member shall be entitled to the benefits prescribed in sections 88.12 and 88.14.

Notwithstanding paragraph 1° of section 88.12, a senior staff member covered by section 88.8 may also avail herself of the benefits under the salary insurance plan. However, in the case of paragraph 3° of section 88.8, a senior staff member must first have used up the 4 days prescribed in section 88.9 before benefiting from the basic salary insurance plan.

88.11 A senior staff member who benefits from preventive reassignment by virtue of the Act respecting industrial accidents and occupational diseases shall avail herself of the benefits prescribed in sections 81 and 88.12 insofar as she is normally entitled to them and may subsequently avail herself of the provision prescribed in section 88.14.

DIVISION VII
OTHER PROVISIONS

88.12 During a maternity leave and the extensions prescribed in section 69 or a 10-week leave for adoption, a senior staff member shall avail himself or herself of the following benefits, insofar as he or she is normally entitled to them:

1° insurance plans excluding salary insurance benefits. However, in the case of a maternity leave, a senior staff member shall be exempted from the payment of premiums to his or her insurance plans as prescribed in the provisions of the master policy;

2° accumulation of vacation;

3° accumulation of experience and continuous service for stability of employment purposes.

The maternity leave benefits applicable cannot exceed 93% of the basic weekly salary.

88.13 During a leave without pay in accordance with this chapter, the insurance plans shall apply to a senior staff member according to the provisions of section 42.

88.14 When a senior staff member returns from a maternity leave, paternity leave, leave for adoption or leave without pay for the purpose of adopting a child, he or she shall be reinstated in the position he or she would have had had he or she been at work, subject to the provisions of Chapter X of this Regulation.

88.15 The college and a senior staff member shall agree, in advance, on the terms and conditions of a leave without pay for the purpose of adopting a child, a maternity leave, a paternity leave or a leave for adoption.".

17. The first dash of paragraph 4° of section 181 of the said Regulation is amended by replacing the words "to section 38" by the words "to Chapter 4".

18. Part A of Schedule I of the said Regulation is replaced by the following:

"**SCHEDULE I**
CLASSIFICATION PLAN

PART A
CLASSIFICATION PLAN OF SENIOR STAFF POSITIONS OF COLLEGES AND CONSTITUENT COLLEGES

TABLE 1

Classification plan of senior staff positions of colleges and constituent colleges

Position	Classification
Director of student services	D-2
Director of financial resources services	D-2
Director of human resources services	D-2
Director of material resources services	D-2
Director of communication and corporate affairs (secretary general)	D-2/SG
Director of continuing education[2]	D-2
	D-2
Coordinator of educational services	C-1 or C-2[3]
Coordinator of data processing services	C-1
Coordinator of continuing education	C-1
Coordinator of continuing education services	C-2
Coordinator of student services	C-2
Coordinator of human resources services	C-2
Coordinator of financial resources services	C-2
Coordinator of material resources services	C-2
Personnel management consultant	C-F

Classes (number of students)

Class I	Class II	Class III
1999 or less	2000-3999	4000 or more

[2] The incumbents classified under sections 16 and 17 of this Regulation may maintain their particular classifications.

[3] The classification C-2 applies to the coordinator who is responsible for one teaching sector only unless he is responsible for several teachers or professionals.

TABLE 2

Classification plan of campus senior staff positions of colleges				
Positions	**Classification Level 1**	**Classes (number of students)**		
Campus principal	DC			
Positions	**Classification Level 2**	Class I 999 or less	Class II 1000-1999	Class III 2000 or more
Assistant campus principal	DAC-1			
Assistant campus principal	DAC-2			

TABLE 3

Classification plan of manager positions of colleges and constituent colleges				
Positions	**Classification**	**Classes (number of students)**		
General superintendent	R-1	Class I 1999 or less	Class II 2000-3999	Class III 4000 or more
Superintendent of maintenance services	R-4			
Superintendent of supply services				
Superintendent of community services				
General maintenance foreman	CO-3			
Administrative assistant	R-3	Class I 999 or less	Class II 1000-1999	Class III 2000 or more
Specialized maintenance foreman	CO-2	Single class		
Administrative officer				

".

19. Part B of Schedule II of the said Regulation is repealed.

20. The title of Schedule III of the said Regulation is amended by replacing the words "by Schedule II" by the words "by the ministerial document entitled Description des emplois-type du personnel d'encadrement des collèges d'enseignement général et professionnel".

21. The titles of Tables 1-A, 1-B, 1-C, 1-CC, 1-D and 1-DD of Schedule V of the said Regulation are amended by replacing the words "to positions described in Schedule II" by the words "to the different classifications prescribed in Schedule I".

22. Schedule VI of the said Regulation is replaced by the following schedule:

"**SCHEDULE VI**
EVENING AND NIGHT SHIFT PREMIUMS AND WEEKEND PREMIUMS
(managers)

1. Evening shift premium

As of 1 January 1999	As of 1 January 2000	As of 1 January 2001	As of 1 January 2002
$0.62/hour	$0.64/hour	$0.66/hour	$0.68/hour

2. Night shift premium

As of 1 January 1999	As of 1 January 2000	As of 1 April 2000	
$0.62/hour	$0.64/hour	**Seniority**	**% of salary**
		0 to 5 years	11%
		5 to 10 years	12%
		10 years or more	14%

3. Weekend premium

As of 1 January 1999	As of 1 January 2000	As of 1 January 2001	As of 1 January 2002
$2.57/hour	$2.63/hour	$2.70/hour	$2.77/hour

".

23. The said Regulation is amended by adding, after Schedule VI, the following schedule:

"**SCHEDULE VII**
COMPENSATION FOR THE RECURRENT EFFECTS OF THE ACT RESPECTING THE CONDITIONS OF EMPLOYMENT IN THE PUBLIC SECTOR AND THE MUNICIPAL SECTOR
(BILL 102)

1. The employer shall pay a lump sum corresponding to 0.83% of the salary received during the reference period of 1 October 1995 to 31 December 1999.

That lump sum, calculated proportionally to the period of participation in the insurance plans applicable under this Regulation, shall be paid to the following persons:

1° any senior staff member subject to this Regulation as at 31 December 1999 who continues to participate in the Civil Service Superannuation Plan (CSSP) or the Teachers Pension Plan (TPP) after that date without availing himself of his entitlement to be transferred to the Government and Public Employees Retirement Plan (GPERP) in respect of a non-unionizable employee under the provisions of the latter plan;

2° any senior staff member who, as at 1 January 2000, participated in the Pension Plan of Certain Teachers (PPCT) or in a supplemental pension plan (SPP) under the supervision of the Commission administrative des régimes de retraite et d'assurances (CARRA) and any senior staff member who, during the reference period, participated in any of these plans but who has resigned, retired or died;

3° any senior staff member assigned to a unionizable position who, during the reference period, did not participate in the GPERP in respect of a non-unionizable employee but who continued to participate in the insurance plans applicable under this Regulation;

4° any employee referred to in paragraph 3° who resigned, retired or died during the reference period.

Notwithstanding the first paragraph, the salary to be considered for a senior staff member who participated in a leave plan with deferred salary during the reference period shall be the salary that he would have received had he not participated in the plan.

2. Any senior staff member who participates in a supplemental pension plan under the supervision of the CARRA shall be entitled to a leave with pay the duration of which shall correspond to 0.83% of the number of days for which he was entitled to a salary, as a senior staff member, for the period extending from 1 January to 31 December of the same year, without exceeding 2 days per year. However, no leave may be granted for any period before 1 January 2000.

Where the calculation of the number of days of leave yields a fraction of a day, this fraction shall be rounded off to a half-day if it is equal to or greater than 0.25 and to a full day if it is equal to or greater than 0.75.

This leave shall be used in accordance with the annual vacation plan in force at the college or shall be replaced in whole or in part by a lump sum if it has not been used during the 12 months following its acquisition. In that case, for each unused leave day, the lump sum shall correspond to 0.415% of the salary received during the year of acquisition in the capacity of senior staff member or of the salary that the senior staff member would have received had he not participated in the leave plan with deferred salary.

Where the senior staff member has died, the employer shall pay an amount equal to the value of the acquired but unused days of leave, without exceeding 4 days.

3. Section 2 shall apply to any senior staff member assigned to a unionizable position if he participates in a pension plan other than the GPERP in respect of a non-unionizable employee, the Pension Plan for Management (PPM) or the Retirement Plan for Senior Officials (RPSO).

In that case, section 2 shall apply from the date on which the senior staff member starts to hold a unionizable position, if this date occurs after 31 December 1999, and shall continue to apply for any period during which the insurance plans provided for in this Regulation apply to the employee.".

24. This regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

T.B. 197467, 18 December 2001

General and Vocational Colleges Act
(R.S.Q., c. C-29)

General and vocational colleges
— Certain conditions of employment of senior executives
— Amendments

Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges

WHEREAS under section 18.1 of the General and Vocational Colleges Act (R.S.Q., c. C-29), the Minister of Education may determine, by regulation and with the authorization of the Conseil du trésor, conditions of employment for, the classification and maximum number per class of the positions held by, and the remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Minister made the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges by Minister's Order 1-89;

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

WHEREAS on 11 December 2001, the Minister of Education ordered that the Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges be made;

THE CONSEIL DU TRÉSOR DECIDES:

1. to approve the Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges attached hereto;

2. to ask for the publication of the Regulation in the *Gazette officielle du Québec*.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor,

Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges[1]

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 18.1)

1. The Regulation respecting certain conditions of employment of senior executives of general and vocational colleges is amended by replacing Chapter VIII by the following:

"**CHAPTER VIII**
GROUP INSURANCE PLANS

65. A senior executive is covered by the group insurance plans offered to management staff in the public and parapublic sectors, subject to their rules of eligibility.

The plans are as follows:

(a) plans that are self-insured by the Government of Québec:

1° a short-term salary insurance plan, as established in Division I;

2° a uniform life insurance plan, as established in Division II;

3° a survivors' pension plan.

(b) plans that are insured by an insurance company:

1° compulsory basic plans:

i. a life insurance plan;

ii. a health-accident insurance plan. This plan shall not apply, however, to a senior executive whose application for exemption is accepted by the college in accordance with the insurance policy;

iii. a long-term salary insurance plan.

2° complementary plans:

i. an optional additional life insurance plan;

ii. a compulsory long-term salary insurance plan.

The coverage offered by these insured plans as well as the terms and conditions thereof are contained in the "Master policy of the group insurance plan applicable to management staff".

66. A senior executive who, prior to becoming a senior executive governed by this Regulation, was in the employ of an employer in the public or parapublic sector and was eligible for a group insurance plan applicable to employees in that sector shall be eligible for the insurance plans provided for in this Chapter on the date on which he assumes the position of senior executive covered by this Regulation, provided that his previous employment ended not more than 30 days prior to the date on which he assumes the position and that he furnishes proof of his previous position.

66.1 Subject to section 66, a senior executive holding a senior executive position for 70% or more of the full-time equivalent is eligible for the insurance plans provided for in this Chapter on the expiry of a 1-month period from the date on which he assumes his position, provided that he is working. If he is not working on that date, he shall be eligible for those plans on the date of his return to work.

66.2 Subject to section 66, a senior executive holding a position for more than 25% but less than 70% of the full-time equivalent shall be eligible for the insurance plans provided for in this Chapter on the expiry of a 3-month period from the date on which he assumes his position, provided that he is working. If he is not working on that date, he shall be eligible for those plans on the date of his return to work.

66.3 A senior executive who is reassigned to a non-unionized unionizable position shall retain, on the date of his reassignment and on the condition that he has held a senior staff or senior executive position for at least 2 years, the group insurance plans provided for in this Chapter.

A senior executive who is reassigned to a position covered by union certification shall retain, on the date of his reassignment and on the condition that he has held a senior staff or senior executive position for at least 2 years, the group insurance plans provided for in this Chapter insofar as the collective agreement so allows.

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[1] The latest amendments made to the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges (Minister's Order 1-89 of the Minister of Higher Education and Science dated 7 December 1989 (1990, *G.O.* 2, 714) were made by the Minister's Order of the Minister of Education dated 9 May 2000 (2000, *G.O.* 2, 2895) and the Minister's Order dated 21 June 2001 (2001, *G.O.* 2, 4597). For previous amendments, see *Tableau des modifications et Index sommaire*, Publications du Québec, 2000, updated to 1 February 2000.

67. A senior executive's salary for the purposes of the group insurance plans shall be that determined in section 76.

67.1 The college may not terminate the employment relationship of a senior executive who receives short-term or long-term salary insurance benefits for the sole reason that he is totally disabled.

67.2 For the purposes of the short-term salary insurance plan, any total disability beginning during the leave or absence without pay shall be considered as beginning on the date on which the leave or absence ends.

68. During a leave without pay or a partial leave without pay of less than 30 days, the senior executive shall continue to participate in the insurance plans and shall pay the amount he would pay were he at work.

When the duration of a leave without pay, other than a part-time leave without pay, extends over a period of 30 days or more or during any other absence without pay, a senior executive shall continue to participate in the uniform life insurance plan. Moreover, the senior executive shall continue to participate in the compulsory basic health-accident insurance plan by paying his contribution and that of the college to the plan and he may, if he so requests the college before the beginning of the leave or absence, continue to participate in all the insured plans to which he subscribed before the leave or absence according to the provisions of the master policy.

When the partial leave without pay extends over a period of 30 days or more, the senior executive shall continue to participate in the insurance plans on the basis of the time normally worked. However, the senior executive who continues to participate in the plans on the basis of the time normally worked prior to the partial leave without pay shall also pay his contribution and that of the college to the plans on the basis of the time not worked, excluding the college's contribution to the compulsory basic health-accident insurance plan which continues to be assumed by the latter.

The senior executive who continues to participate in all the insured plans to which he subscribed before the leave or absence without pay shall also continue to participate in the survivors' pension plan by paying the premium determined by the Treasury Board to cover the cost of the plan.

For the purposes of the short-term salary insurance plan, any disability beginning during the leave or absence without pay shall be considered as beginning on the date of termination of the leave or absence.

DIVISION I
SHORT-TERM SALARY INSURANCE

69. The short-term salary insurance plan shall cover the first 104 weeks of disability.

70. For the first week of total disability, a senior executive shall receive the salary to which he would have been entitled had he been at work.

As of the 2nd week of total disability, and up to 26 weeks from the beginning of the disability, a senior executive shall receive a short-term salary insurance benefit equal to 80% of the salary to which he would have been entitled had he been at work.

As of the 27th week of total disability, and up to 104 weeks from the beginning of the disability, a senior executive shall receive a short-term salary insurance benefit equal to 70% of the salary to which he would have been entitled had he been at work.

71. A senior executive receiving salary insurance benefits may return to work on a gradual basis when authorized by the college provided that, during that period, he carries out the duties attached to the position he held prior to his total disability or any other position calling for comparable remuneration that may be offered by the college.

Such period shall not normally exceed 6 consecutive months and shall not have the effect of extending the period of total disability beyond the 104 weeks of short-term salary insurance benefits.

During that period, the senior executive shall receive the salary for the work performed as well as the salary insurance benefits calculated in proportion to the time not worked. He shall be deemed to be totally disabled during that period, while still being covered by the salary insurance plan.

72. For the purposes of the short-term salary insurance plan, total disability means a state of incapacity resulting from an illness, an accident or serious complications of a pregnancy or a surgical procedure directly related to family planning necessitating medical care and rendering the senior executive totally unable to perform the usual duties of his position or of any other similar position calling for comparable remuneration that may be offered by the college.

73. For the purposes of the short-term salary insurance plan, period of total disability means any continuous period of total disability or any series of successive periods of total disability resulting from the same illness or accident, separated by fewer than 15 days of actual

full-time work or, as the case may be, part-time work in accordance with the senior executive's regular position. The computation of the 15-day period of actual work shall not take into account vacation, paid legal holidays, leaves without pay, leaves related to parental rights or any other absence, whether remunerated or not.

Total disability resulting from a deliberately self-inflicted illness or injury, alcoholism or drug addiction, service in the armed forces, active participation in a riot or insurrection, or from indictable or other offences shall not be recognized as a period of total disability. However, in the case of alcoholism or drug addiction, the period during which a senior executive is receiving treatment or medical care with a view to his rehabilitation shall be recognized as a period of total disability.

74. A senior executive who is unable to perform his duties because of a work accident that occurred while he was in the employ of the college shall receive his regular salary from the 1st to the 104th week of his total permanent or temporary disability as if he had remained at work.

In such case, the senior executive shall receive an amount equal to the difference between his net salary and the indemnity prescribed by the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001). Such amount constitutes a gross salary from which the college shall make the necessary deductions, contributions and assessments prescribed by the Act and this Regulation.

For the purposes of this section, a senior executive's net salary means his gross salary less federal and provincial income taxes and contributions to the Québec Pension Plan, the employment insurance plan, the pension plan and the insured plans.

75. In the specific case of a disability granting entitlement to indemnities paid under the Régime d'assurance-automobile du Québec (RAAQ), the salary or benefits payable by the college are as follows:

The college shall determine the net salary or net benefit by deducting from the gross salary or gross benefit provided for in section 70, all the deductions required by law (income tax, Q.P.P., employment insurance). The net salary or net benefit obtained shall be reduced by the benefit received from the Régime d'assurance-automobile du Québec (RAAQ); the balance outstanding becomes the taxable gross income from which the college shall make all the deductions, contributions and assessments required by law and this Regulation.

76. The remuneration of a person from the 1st to the 104th week of disability includes:

1° his salary;

2° any lump sum resulting from the application of the rules respecting annual increments, where applicable;

3° any lump sum resulting from the application of Division II of Chapter III of this Regulation, where applicable;

4° any stand-by premiums and premiums for regional disparities in accordance with the conditions set out in section 25 of this Regulation for the granting of such premiums, where applicable.

77. A disabled senior executive shall continue to be a participant in the insurance plans and in the pension plan to which he is subject.

However, from the 2nd week of total disability, he shall be exempted from contributing to the complementary plans and to the pension plan to which he is subject if the plan so provides.

During that period, the compulsory basic insured plan premium, including the contribution of the senior executive and that of the college, shall be assumed by the college.

78. The salary and benefits paid under section 70 shall be reduced by the amount of any disability benefits paid under a federal or provincial statute, but without counting subsequent increases in basic benefits paid under a federal or provincial statute as a result of indexation.

79. A person entitled to disability benefits under a federal or provincial statute shall immediately inform the college.

80. Salary insurance benefits shall be paid directly by the college upon submission of the supporting documents required under section 81.

81. At any time, the college may require that a person absent because of disability submit a medical certificate stating the nature and duration of the disability.

On his return to work, the college may require the person to undergo a medical examination to determine whether he has sufficiently recovered to be able to return to work. If, in such a case, the opinion of the physician chosen by the college is contrary to that of the physician consulted by the person, the 2 physicians shall agree on the choice of a third physician whose decision shall be final.

82. Participation by a senior executive in the short-term salary insurance plan and entitlement to benefits shall terminate on the earlier of the following dates:

(1) the date on which he is no longer covered by this Chapter;

(2) the date on which his total pre-retirement leave prescribed in sections 49 and 121 begins;

(3) the date of his retirement;

(4) the date on which he begins to use his sick-leave days to entirely offset the time worked prescribed in the agreement concerning progressive retirement which immediately precedes retirement.

DIVISION II
UNIFORM LIFE INSURANCE PLAN

83. A senior executive shall be entitled to life insurance benefits equal to 6 400 $ payable to his succession. That amount is reduced to 3 200 $ for a senior executive holding a senior executive position for less than 70% of the full-time equivalent.

Where a senior executive holds more than one senior executive position for more than one employer and where those positions are equal to 70% or more of the full-time equivalent, he shall be deemed to be a senior executive holding a full-time senior executive position.

83.1 The uniform life insurance plan shall terminate on the earlier of the following dates:

(1) the date on which he is no longer covered by this Chapter;

(2) the date of his retirement.

DIVISION II.1
SURVIVORS' PENSION PLAN

83.2 The provisions of the Directive concernant le régime de rentes de survivants shall apply to senior executives, subject to the following provisions:

(1) the words "civil servant" and "remuneration" are replaced respectively by the words "senior executive" and "salary";

(2) the definition of "remuneration" found in section 2 of the directive is replaced by the following definition:

"salary":

— for a disability which began after 31 December 1981, salary means that set out in section 76 of this Regulation as well as, where applicable, the compulsory complementary long-term salary insurance plan;

— for a disability which began on or prior to 31 December 1981, salary means the senior executive's annual salary.

DIVISION III
PLANS INSURED BY THE INSURER

83.3 The provisions of this division, with the exception of section 83.5, shall apply to a senior executive who became totally disabled after 31 March 1994.

83.4 In Divisions III, IV and V, the following terms and expressions mean:

"employment" or "rehabilitative employment": employment for which a senior executive is reasonably qualified according to his education, training and experience; such employment may be a senior executive position or equivalent employment to that held prior to his appointment to a senior executive, professional or teaching position or, in the case of a manager, a support position;

"total disability": total disability within the meaning of the compulsory basic long-term salary insurance plan;

"benefit": benefit that a senior executive would have received had he been eligible for the compulsory basic long-term salary insurance plan.

Cost-sharing of Compulsory Plans

83.5 The cost of the compulsory plans shall be shared by the government and all the participants of the plans according to the terms and conditions of the insuring agreement signed on 2 October 2001 by the Government of Québec and the associations representing the participants of the group insurance plans for management staff in the public and parapublic sectors for the duration of the said agreement.

Sectorial Committee

83.6 A sectorial committee shall be set up, at the request of either party, to study any specific problem dealing with the return to work and to propose appropriate solutions to the problems encountered by the col-

lege, a senior executive and the insurer, particularly in the case of a return to work which could involve using the senior executive's services temporarily or his moving. The committee shall be composed of a representative of each of the following bodies: the Fédération des cégeps, the Association des directeurs généraux des cégeps, the Association des directrices et des directeurs des études des cégeps du Québec and the Ministère de l'Éducation. The committee may call upon the services of resource people, where applicable.

Medical Arbitration Tribunal

83.7 Where the college is advised by the insurer that the senior executive no longer complies with the definition of total disability and that the payment of his benefit shall be suspended or refused, it may submit the disagreement to contest the insurer's decision to the Medical Arbitration Tribunal in order to determine whether the senior executive complies with the definition of total disability in accordance with the medical arbitration agreement concluded with the insurer and provided that the senior executive agrees that the disagreement be submitted to the tribunal for a final decision. The disagreement may be submitted directly to the tribunal or after the college has required, at its expense, that the senior executive undergo a medical examination.

A senior executive may, under the conditions specified in the medical arbitration agreement, submit the disagreement to the Medical Arbitration Tribunal to contest the insurer's decision according to which he does not comply with the definition of total disability. In such a case, the college shall not assume any costs.

83.8 The college shall pay a senior executive a salary equal to the benefit he was receiving for the period beginning on the date on which the payment of benefits was suspended or the refusal of payment came into effect and ending on the date of the Medical Arbitration Tribunal decision provided the following conditions are met:

(1) the senior executive was party to the medical arbitration agreement concluded with the insurer;

(2) the disagreement between the college and the insurer or between the senior executive and the insurer was validly submitted to the Medical Arbitration Tribunal for a final decision in accordance with the medical arbitration agreement concluded with the insurer.

83.9 Where the Medical Arbitration Tribunal confirms that the senior executive does not comply with the definition of total disability, the contributions of both the college and the senior executive to the insurance and pension plans shall be paid retroactively to the date on which the payment of benefits was suspended or the refusal of payment came into effect and the senior executive shall continue to receive from the college a salary equal to the benefit until such time as it offers him a position. Where the senior executive submits the disagreement to the tribunal, he must reimburse the college for the salary paid to him between the date on which the payment was suspended or the refusal of payment of the benefit by the insurer came into effect and the decision of the tribunal.

Where the Medical Arbitration Tribunal confirms the senior executive's total disability, the college shall continue to pay the salary equal to the benefit until such time as the benefit is paid by the insurer. The insurer shall reimburse the college the amounts paid and the latter shall reimburse the senior executive, where applicable, for the arbitration and medical examination costs assumed.

Offer of Employment

83.10 Where the college agrees with the decision of the insurer to the effect that the senior executive does not comply with the definition of total disability, it shall offer him a position in writing. If the senior executive also concurs with the decision, the terms and conditions set out for the waiting period for a position or acceptance of a position shall apply. The same applies when the Medical Arbitration Tribunal confirms that a senior executive does not comply with the definition of total disability.

83.11 A senior executive who accepts the position offered by the college under this division shall be assigned the classification corresponding to his new position. The salary determined when the new classification is attributed due to disability cannot exceed the maximum of the salary scale for the position and Division II of Chapter III shall not apply.

Contributions of both the senior executive and the college to the insurance and pension plans shall be determined on the basis of that salary.

Waiting Period for a Position

83.12 Where the college and the senior executive agree with the insurer's decision according to which the senior executive does not comply with the definition of total disability or, on the date of the Medical Arbitration Tribunal's decision to this effect, the senior executive shall receive, during the waiting period for a position, a salary equal to the benefit and the contributions of both the senior executive and the college to the pension and

insurance plans shall be determined on the basis of that salary. The college may use the senior executive's services temporarily during that period.

83.13 The salary equal to the benefit paid to the senior executive as provided under this division cannot exceed the date of termination of the benefit prescribed in the master policy.

Termination of Employment

83.14 The senior executive who does not comply with the definition of total disability after the first 104 weeks of total disability cannot refuse a position offered to him in a college in his area, except for the period during which he submitted his disagreement with the insurer to the Medical Arbitration Tribunal. The duration of the regular workweek of such a position must not be less than that of the position held by a senior executive at the beginning of the total disability. Before proceeding with the dismissal, the college shall forward a 15-working day notice to the senior executive and shall forward a copy thereof to the sectorial committee.

During that period, the committee may make appropriate recommendations in accordance with section 83.6.

DIVISION IV
REHABILITATION

Eligibility

83.15 A senior executive shall be eligible for rehabilitation as provided in the master policy if he meets the following eligibility criteria:

(1) total disability began after 31 March 1994 and the senior executive has been totally disabled for 6 months or more;

(2) total disability began more than 2 years prior to the earlier of the following dates:

(a) his 65th birthday;

(b) the earlier date on which he becomes eligible for:

i. a retirement pension without actuarial reduction calculated with 35 years of service credited to his pension plan;

ii. an actuarially reduced retirement pension the amount of which would correspond to that of a retirement pension without actuarial reduction calculated with 35 years of service credited to his pension plan.

83.16 A senior executive shall not be eligible for rehabilitation in the following circumstances:

(1) the attending physician or the insurer confirms that the return to work can be assured without any rehabilitation;

or

(2) the insurer confirms that the senior executive will not return to work;

or

(3) the insurer confirms that the senior executive does not qualify for rehabilitation.

Offer of Rehabilitative Employment

83.17 A senior executive to whom the college has offered rehabilitative employment in writing must inform the latter in writing whether he accepts or refuses such rehabilitative employment, regardless of whether the rehabilitation commences before or after the first 104 weeks of disability. The duration of the regular workweek of rehabilitative employment must not be less than the regular workweek of the position held by a senior executive at the beginning of his total disability.

83.18 The period during which a senior executive holds, on a trial basis, rehabilitative employment cannot have the effect of extending the period of total disability under the short-term salary insurance plan beyond 104 weeks.

Rehabilitation During the First 104 Weeks

83.19 A senior executive whose rehabilitation occurs during the first 104 weeks of disability shall be considered as totally disabled for that period and shall receive for the time worked while holding rehabilitative employment, a short-term salary insurance benefit equal to 90% of the salary to which he would have been entitled had he been at work in the position he held prior to his total disability and, for the time not worked or the waiting period for such employment, where applicable, a short-term salary insurance benefit equal to 70% of that salary.

The benefit shall be subject to the provisions relating to the waiver of contributions to the insurance and pension plans as well as to the provisions relating to the coordination of the benefit according to the terms and conditions prescribed in Division I.

However, a senior executive whose rehabilitation occurs in his position shall receive his salary for the time worked.

83.20 Despite the fact that he is already deemed to be totally disabled, the senior executive who is again absent from work due to total disability resulting from the same illness or accident, prior to the termination of the first 104 weeks of disability but after having undergone rehabilitation, shall be considered as suffering from a relapse of the same disability.

In this case, the senior executive shall continue to receive a benefit equal to 90% of the salary to which he would have been entitled had he been at work in his position, up to 104 weeks from the beginning of the disability and the second paragraph of section 83.19 shall apply.

83.21 Where a new total disability begins prior to the end of the first 104 weeks of the first disability but after having undergone rehabilitation, a senior executive shall be deemed to be totally disabled for the position he holds at the beginning of such new disability. However, a senior executive shall continue to receive a benefit equal to 90% of the salary to which he would have been entitled had he been at work in the position he held at the beginning of the first total disability period up to 104 weeks from the beginning of the first total disability period and the second paragraph of section 83.19 shall apply.

At the end of the first 104 weeks of the first total disability period, a senior executive whose rehabilitation occurred during rehabilitative employment shall be assigned a new classification in accordance with section 83.25.

As of the date on which the new classification is assigned, Division I shall apply up to the 104th week from the beginning of the new disability period to the salary determined when the new classification was assigned.

Rehabilitation Occurring Before and After the 104th Week

83.22 A senior executive whose partial rehabilitation occurs after the 104th week of total disability shall benefit from the provisions of section 83.19 up to the end of the 104th week of disability.

From the 105th week to the end of the rehabilitation, a senior executive shall receive for the time worked the salary earned from rehabilitative employment that he would have received had he been classified in that position, provided that it not be less than the compulsory basic long-term salary insurance benefit and, for the time not worked, a salary equal to that benefit. However, the senior executive whose rehabilitation occurs in his position shall receive his salary for the time worked and a salary equal to the compulsory basic long-term salary insurance benefit for the time not worked.

Rehabilitation After the 104th Week

83.23 A senior executive whose total rehabilitation occurs after the 104th week of total disability shall receive for the time worked the salary earned from rehabilitative employment he would have received had he been classified in that position, provided that it not be less than the compulsory basic long-term salary insurance benefit.

Training and Classification

83.24 Any period during which a senior executive carries out training or professional development activities prescribed by the rehabilitation program approved by the insurer shall be considered as time worked.

83.25 A senior executive shall be assigned the classification and the salary of the rehabilitative employment at the end of the 104th week of disability or, where applicable, at the end of the rehabilitation if the latter ends after the 104th week and Division II of Chapter III shall not apply.

Contributions of both the senior executive and the college to the insurance plans and pension plans shall be determined on the basis of the salary of the rehabilitative employment.

DIVISION V
SPECIAL PROVISIONS

83.26 A senior executive whose total disability begins after 31 March 1994 and who returns to work is entitled to a benefit under the compulsory complementary long-term salary insurance plan if he meets the conditions prescribed in the master policy. This plan prescribes a benefit in addition to the salary.

83.27 The senior executive who receives benefits under the compulsory basic long-term salary insurance plan may, instead of the benefits, choose to take a total preretirement leave under section 121. However, this total preretirement may not extend beyond the termination date of the benefits under this plan which would have been otherwise applicable.

83.28 The provisions dealing with the definition of total disability, the definition of a total disability period and the benefits, applicable to the disabled senior executive on 31 March 1994, shall continue to apply to him.".

2. Chapter IX of the said Regulation is replaced by the following:

"**CHAPTER IX**
PARENTAL RIGHTS

DIVISION I
GENERAL PROVISIONS

84. The provisions of this Chapter shall not have the effect of granting a monetary or nonmonetary benefit to which a senior executive would not have been entitled had he or she remained at work.

For the purposes of this Chapter, "spouses" means persons:

(1) who are married and cohabiting; or

(2) who are living in a conjugal relationship and are the father and mother of the same child; or

(3) who are of the opposite or the same sex and have been living in a conjugal relationship for a period of not less than one year.

However, persons shall cease to be considered as spouses upon the dissolution of their marriage through divorce or annulment or, if they are married or living in a conjugal relationship, upon a de facto separation for a period exceeding 3 months.

85. Maternity leave allowances shall be paid solely as a supplement to the employment insurance benefits or as payment during a period of unemployment caused by pregnancy for which employment insurance does not provide any benefits.

DIVISION II
MATERNITY, PATERNITY OR ADOPTION LEAVE

86. Maternity leave shall not exceed 20 consecutive weeks, including the day of delivery.

87. A senior executive who gives birth to a stillborn child after the beginning of the 20th week preceding the expected date of delivery shall also be entitled to maternity leave.

88. When a senior executive has sufficiently recovered from the delivery, but her child is unable to leave the health care institution, she may interrupt her maternity leave by returning to work.

89. A senior executive whose child is hospitalized within 15 days of birth shall also have the same right.

90. Maternity leave may be interrupted only once and shall resume when the child is brought home. When a senior executive resumes her maternity leave, the college shall pay her only the allowance to which she would have been entitled had she not interrupted her leave.

90.1 Should a senior executive's spouse who is on maternity leave die, the remainder of the 20 weeks of maternity leave and the rights and benefits attached thereto shall be transferred to the senior executive.

91. A senior executive on maternity leave who has accumulated 20 weeks of service prior to the beginning of her leave and whose application for maternity benefits under the employment insurance plan has been accepted shall receive the compensation provided for in sections 93 to 102 for the duration of her leave.

92. A senior executive excluded from receiving employment insurance benefits or declared ineligible to receive them shall also be excluded from any other compensation. However, a senior executive working full time who has accumulated 20 weeks of service prior to the beginning of her maternity leave shall receive the compensation provided for in sections 93 to 102 for a period of 12 weeks, if she is ineligible for employment insurance benefits because she did not hold an insurable position for the required number of hours during the reference period prescribed by the employment insurance plan.

93. Service shall be calculated with any employer that is a public or parapublic sector body (public service, education, health services and social services), a regional health and social services board, a body with employees whose employment conditions or salary standards and scales are determined or approved by the Government, the Office franco-québécois pour la jeunesse, the Société de gestion du réseau informatique des commissions scolaires or a body mentioned in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

93.1 The allowance paid during maternity leave shall include salary and any lump sums attached to the annual increment, less:

(1) 7% of that amount for a senior executive exempted from contributing to the retirement and employment insurance plans or 5% of that amount for a senior executive not exempted from contributing to the retirement plan;

(2) employment insurance benefits that a senior executive receives or could receive; and

(3) maternity leave benefits paid by the Government of Québec.

94. The allowance shall be computed on the basis of the employment insurance benefits to which a senior executive is entitled without taking into consideration the amounts deducted from such benefits because of the reimbursement of benefits, interest, penalties, or other amounts recoverable under the employment insurance plan.

95. Where the number of weeks of employment insurance benefits is reduced by Human Resources Development Canada (HRDC), a senior executive shall continue to receive the allowance without taking into account that reduction by HRDC as if she had received employment insurance benefits during that period.

96. A college shall not reimburse a senior executive for amounts that may be required of her by HRDC under the employment insurance plan where her income exceeds 1 1/4 times the insurable maximum.

97. No compensation shall be paid during a vacation period for which a senior executive receives remuneration.

98. A college may not offset, by means of the allowance paid to a senior executive on maternity leave, a reduction in employment insurance benefits attributable to income earned from another employer.

99. Notwithstanding section 98, the college shall pay compensation if the senior executive proves, by means of a letter to this effect from the employer who pays this regular salary, that the income earned from another employer is regular salary. Where the senior executive proves that only a portion of that income is regular salary, compensation payable shall be in proportion to that portion.

100. An employer who pays the regular salary referred to in section 99 must, at the senior executive's request, provide such a letter.

101. The total amounts received by a senior executive during her maternity leave as employment insurance benefits, compensation and salary may not exceed 93% of the salary paid by her employer or, where applicable, by her employers.

102. Compensation owing for the first 2 weeks shall be paid by the college within the 2 weeks following the beginning of the leave. Compensation owing after that date shall be paid every 2 weeks; in the case of a senior executive eligible for employment insurance benefits, the first installment shall only become payable 15 days after the college receives proof that the senior executive is receiving employment insurance benefits. For the purposes of this section, a statement of benefits, stub or a computerized information statement provided by HRDC to the college shall be accepted as proof.

103. A senior executive shall be entitled to paid leave upon the birth of his child, the duration of which shall not exceed 5 working days. He shall also be entitled to such leave if the child is stillborn and the birth occurs after the beginning of the 20th week preceding the due date. This paid leave may be discontinuous but must be taken between the beginning of the delivery and the 15th day following the mother's or the child's return home. One of the 5 days may be used for the baptism or the registration.

104. A senior executive who legally adopts a child, other than his or her spouse's child, shall be entitled to a leave of absence the duration of which shall not exceed 10 consecutive weeks provided that his or her spouse, employed in the public or parapublic sector, is not also on such a leave. During the adoption leave, the senior executive shall receive compensation equal to the salary he or she would have received had he or she remained at work. This leave must be taken following the child's placement order or an equivalent procedure in the case of an international adoption in accordance with the adoption plan.

105. A senior executive who legally adopts a child, other than his or her spouse's child, and who does not benefit from the leave for adoption prescribed in section 104 shall be entitled to a leave for a maximum period of 2 working days with pay.

106. A senior executive shall benefit, with a view to adopt a child, other than his or her spouse's child, from a leave without pay of a maximum duration of 10 weeks as of the date he or she assumes full legal responsibility for the child.

107. A senior executive who must travel outside Québec to adopt a child, other than his or her spouse's child, shall be entitled, for that purpose and upon written request to the college, to a leave without pay for the required travel time. Where the trip results in the senior executive obtaining actual custody of the child, the duration of the leave without pay shall not exceed 10 weeks in accordance with section 106. During the leave, the senior executive shall be entitled to the same benefits as those attached to leave without pay prescribed in this Chapter.

108. The leave for adoption provided for in section 104 may take effect on the date of the beginning of the leave without pay with a view to adopt where the duration of the latter shall not exceed a consecutive period of 10 weeks and where the senior executive so decides upon making the request provided for in section 106.

108.1 If, however, no adoption results following such leave with a view to adopt for which the senior executive received an allowance under section 104, the senior executive shall be deemed to have been on leave without pay and he or she shall repay the allowance to the college.

109. Where leave for adoption takes effect on the date of the beginning of the leave without pay, a senior executive shall be entitled only to the benefits prescribed for the leave for adoption.

110. For the purposes of applying the provisions respecting employment stability, a senior executive shall continue to accumulate experience and continuous service during maternity leave, adoption leave or leave without pay for an adoption.

A senior executive shall continue to participate in the group insurance plans, with the exception of salary insurance benefits, to receive the stand-by premium or the premium for regional disparities, where applicable, and to accumulate service for the purposes of acquiring vacation credit during a leave provided for in this Chapter that grants entitlement to compensation or a salary.

A senior executive on maternity leave under this Chapter shall continue to participate in the compulsory complementary insurance plans without paying her share of the premiums. The employer shall pay the full amount of the premium (both the employee's and the employer's share) for the duration of the leave. Moreover, the participant is exempted from contributing to any optional insurance plans during the same leave.

During a leave without pay, the senior executive shall continue to participate in the applicable basic health insurance plan and shall pay all the premiums and contributions required including the college's share. Moreover, the group insurance plans, with the exception of salary insurance benefits, shall continue to apply, provided that the senior executive so requests the college at the beginning of the leave and pays the full amount of the premiums.

111. Notwithstanding section 110, where a senior executive on maternity leave receives stand-by premiums or premiums for regional disparities, the total amounts received as employment insurance benefits, compensation, stand-by premiums or premiums for regional disparities may not exceed 95% of the amount comprised of salary, any lump sums attached to the annual increment, stand-by premiums and premiums for regional disparities.

112. The college and the senior executive shall agree, in advance, on the terms and conditions of the leave without pay for an adoption, maternity leave, paternity leave and adoption leave.

112.1 The college must send to the senior executive, during the fourth week preceding the termination of the maternity leave, a notice indicating the scheduled date of termination of the maternity leave.

Any senior executive who receives from the college the notice described above must report for work on the date of termination of the maternity leave, unless she extends the maternity leave as provided in Division III.

113. Upon the senior executive's return to work from a maternity leave, paternity leave, adoption leave or leave without pay for an adoption, he or she shall be reinstated in the duties he or she would have had, had he or she been at work, subject to the provisions of Chapter IV of this Regulation.

DIVISION III
EXTENDED MATERNITY, PATERNITY OR ADOPTION LEAVE

114. A leave without pay as extended maternity leave, paternity leave or adoption leave shall not exceed 2 years.

115. Subject to the provisions of Chapter IV, a senior executive who is absent from work without pay to extend a maternity, paternity or adoption leave must agree, in advance, with the college on the terms of his or her absence and on his or her eventual return to the college.".

3. The said Regulation is amended by adding, at the end, the following schedule:

"**SCHEDULE IV**
COMPENSATION FOR THE RECURRENT EFFECTS OF THE ACT RESPECTING THE CONDITIONS OF EMPLOYMENT IN THE PUBLIC SECTOR AND THE MUNICIPAL SECTOR (BILL 102)

1. The employer shall pay a lump sum corresponding to 0.83% of the salary received during the reference period of 1 October 1995 to 31 December 1999.

That lump sum, calculated proportionally to the period of participation in the insurance plans applicable under this Regulation, shall be paid to the following persons:

(1) any senior executive subject to this Regulation as at 31 December 1999 who continues to participate in the Civil Service Superannuation Plan (CSSP) or the Teachers Pension Plan (TPP) after that date without availing himself of his entitlement to be transferred to the Government and Public Employees Retirement Plan (GPERP) in respect of a non-unionizable employee under the provisions of the latter plan;

(2) any senior executive who, as at 1 January 2000, participated in the Pension Plan of Certain Teachers (PPCT) or in a supplemental pension plan (SPP) under the supervision of the Commission administrative des régimes de retraite et d'assurances (CARRA) and any senior executive who, during the reference period, participated in any of these plans but who has resigned, retired or died;

(3) any senior executive assigned to a unionizable position who, during the reference period, did not participate in the GPERP in respect of a non-unionizable employee but who continued to participate in the insurance plans applicable under this Regulation;

(4) any employee referred to in paragraph 3° who resigned, retired or died during the reference period.

Notwithstanding the first paragraph, the salary to be considered for a senior executive who participated in a leave plan with deferred salary during the reference period shall be the salary that he would have received had he not participated in the plan.

2. Any senior executive who participates in a supplemental pension plan under the supervision of the CARRA shall be entitled to a leave with pay the duration of which shall correspond to 0.83% of the number of days for which he was entitled to a salary, as a senior executive, for the period extending from 1 January to 31 December of the same year, without exceeding 2 days per year. However, no leave may be granted for any period before 1 January 2000.

Where the calculation of the number of days of leave yields a fraction of a day, this fraction shall be rounded off to a half-day if it is equal to or greater than 0.25 and to a full day if it is equal to or greater than 0.75.

This leave shall be used in accordance with the annual vacation plan in force at the college or shall be replaced in whole or in part by a lump sum if it has not been used during the 12 months following its acquisition. In that case, for each unused leave day, the lump sum shall correspond to 0.415% of the salary received during the year of acquisition in the capacity of senior executive or of the salary that the senior executive would have received had he not participated in the leave plan with deferred salary.

Where the senior executive has died, the employer shall pay an amount equal to the value of the acquired but unused days of leave, without exceeding 4 days.

3. Section 2 shall apply to any senior executive assigned to a unionizable position if he participates in a pension plan other than the GPERP in respect of a non-unionizable employee, the Pension Plan for Management (PPM) or the Retirement Plan for Senior Officials (RPSO).

In that case, section 2 shall apply from the date on which the senior executive starts to hold a unionizable position, if this date occurs after 31 December 1999, and shall continue to apply for any period during which the insurance plans provided for in this Regulation apply to the employee.".

4. This regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Municipal Affairs

Gouvernement du Québec

O.C. 1536-2001, 19 December 2001

Corrections to Order in Council 1045-2001 dated 12 September 2001 respecting the amalgamation of Ville de Matane, the municipalities of Petit-Matane and Saint-Luc-de-Matane and of Paroisse de Saint-Jérôme-de-Matane

WHEREAS, under Order in Council 1045-2001 dated 12 September 2001, Ville de Matane was constituted on 26 September 2001;

WHEREAS the Order in Council was made under section 125.11 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000;

WHEREAS, under section 59 of the Order in Council, the first general election was held on 25 November 2001;

WHEREAS, under section 125.30 of the Act respecting municipal territorial organization, enacted by section 143 of chapter 25 of the Statutes of 2001, the Government may, within six months following the first general election in the new municipality, amend any order made under section 125.27 of the Act, enacted by section 143 of chapter 25 of the Statutes of 2001;

WHEREAS it is expedient to amend Order in Council 1045-2001;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT Order in Council 1045-2001 dated 12 September 2001 be amended

(1) by inserting the following after section 8:

"8.1. Where, under one of the provisions of this Division, revenues from the city, the former Ville de Matane, the former Municipalité de Petit-Matane, the former Municipalité de Saint-Luc-de-Matane or the former Paroisse de Saint-Jérôme-de-Matane for a given fiscal year must be compared with revenues from the city for the next fiscal year, the revenues provided for in each of the budgets adopted for both fiscal years shall be taken into account.

Notwithstanding the foregoing, where a statement comparing the revenues provided for in the budget of the given fiscal year and the revenues that, according to a later forecast, will constitute the revenues of that fiscal year show the necessity to give an updated forecast of the budget forecasts, the updated forecasts are taken into account, provided that the statement be filed before the adoption of the city's budget for the next fiscal year. If several successive statements are filed, the last one shall be taken into account.";

(2) by substituting "16" for "14" in section 9;

(3) by inserting the following after subparagraph 2 of the second paragraph of section 10:

"(2.1) revenues taken into consideration in establishing the aggregate taxation rate and derived from compensations and modes of tariffing not referred to in subparagraph 2 of the first paragraph;

(4) by adding the following after the third paragraph of section 10:

"The rate specific to the category referred to in section 244.36 of the Act respecting municipal taxation does not constitute one of the rates of the general property tax referred to in the first paragraph and subparagraph 1 of the second paragraph. For the purposes of subparagraphs 2 and 3 of the second paragraph, the word "immovables" means business establishments where the business tax or the amount in lieu thereof is referred to.";

(5) by inserting the words "that shall be paid by the Crown in right of Canada or by one of its mandataries" after the word "Act" at the end of the second paragraph of section 11;

(6) by substituting the following for the third paragraph of section 14:

"If the city avails itself of the power provided for in section 10 and if, for any of the fiscal years provided for in that section, a surtax or a tax on non-residential immovables is imposed, the city must provide for all the necessary rules of concordance to obtain the same results, for the purposes of this section, as if the general property tax were imposed for the fiscal year, under section 244.29 of the Act respecting municipal taxation, with a rate specific to the category provided for in section 244.33 of that Act.";

(7) by substituting the words "last three" for the words "second and third" in the second paragraph of section 16;

(8) by substituting the words "last three" for the words "second and third" in the second paragraph of section 17;

(9) by inserting the words "that shall be paid by the Crown in right of Canada or by one of its mandataries" after the word "Act" at the end of the second paragraph of section 18;

(10) by substituting the words "last three" for the words "second and third" in the second paragraph of section 19;

(11) by adding the following after the first paragraph of section 20:

"For each of the fiscal years from 2002 to 2006, the city may, where under section 244.29 of the Act respecting municipal taxation, it imposes the general property tax with a rate specific to the category provided for in section 244.36 of that Act, set several such rates that differ according to the sectors; the same applies, where the city imposes the surtax on vacant land, for the rate of that surtax.";

(12) by striking out "does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and" in the fifth paragraph of section 22;

(13) by adding the following after the fifth paragraph of section 22:

"For the purposes of the first five paragraphs, the mention of any tax or surtax also means the amount in lieu of the tax or surtax that must be paid either by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, or by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries.";

(14) by substituting the following for section 33:

"33. For the first five fiscal years for which the city adopts a budget in respect of all its territory, a distinct special tax shall be imposed on the taxable immovables of each sector formed by the territory of the former Ville de Matane and the former Municipalité de Saint-Luc-de-Matane. The rate of that tax shall be determined, for each sector, by dividing the following amounts by the total of the taxable assessment amount of the sector according to the assessment roll in effect each year:

Former Ville de Matane

2002: $105, 093
2003: $91, 343
2004: $101, 499
2005: $113, 063
2006: $124, 128

Former Municipalité de Saint-Luc-de-Matane

2002: $11, 466
2003: $18, 588
2004: $17, 136
2005: $15, 369
2006: $13, 837

For those five fiscal years, a general property tax credit shall be granted on all the taxable immovables of each sector formed by the territory of the former Municipalité de Petit-Matane and of the former Paroisse de Saint-Jérôme-de-Matane.

The reduction of the general property tax rate related to that credit shall be established by dividing the following amounts by the total of the taxable assessment amount of that sector according to the assessment roll in effect each year:

Former Municipalité de Petit-Matane

2002: $74, 816
2003: $60, 585
2004: $63, 538
2005: $67, 011
2006: $70, 308

Former Paroisse de Saint-Jérôme-de-Matane

2002: $41, 743
2003: $49, 346
2004: $55, 098
2005: $61, 421
2006: $67, 656.

33.1. The property assessment rolls of the former municipalities of Saint-Luc-de-Matane and Petit-Matane, drawn up for the 2000, 2001 and 2002 fiscal years and the property assessment rolls of the former Ville de Matane and the former Paroisse de Saint-Jérôme-de-Matane, drawn up for the 1999, 2000 and 2001 fiscal years, shall constitute the property assessment roll of the city from the date of constitution of that city until 31 December 2001.

Notwithstanding section 119 of the Act respecting municipal territorial organization, no adjustment of the values to the assessment rolls referred to in this section is carried out for the 2001 fiscal year.

With respect to an entry on the assessment roll of the new city that precedes 1 January 2002, it is considered that for the purposes of establishing the actual value entered on that roll, the conditions in the property market respective to each of the property assessment rolls referred to in the first paragraph, have been taken into account, as they existed on 1 July of the second fiscal year that preceded the coming into force of those rolls.

For the purposes of determining the market conditions on that date, the information related to transfers of ownerships that occurred before and after that date may be taken into account.

The date of reference to the property market of each of the rolls referred to in the first paragraph, determined under the third paragraph, shall appear, where applicable, on any notice of assessment, tax account, notice of amendment to the roll or any assessor's certificate issued within the scope of the update of the roll.

The median proportions and comparative factors of the property assessment roll of the city for the 2001 fiscal year that must appear, where applicable, on any notice of assessment, tax account, notice of amendment to the roll or any assessor's certificate issued within the scope of the update of the roll are respectively those of the property assessment rolls referred to in the first paragraph.

33.2. The assessment rolls of the former municipalities of Saint-Luc-de-Matane and Petit-Matane, drawn up for the 2000, 2001 and 2002 fiscal years and the property assessment rolls of the former Ville de Matane and the former Paroisse de Saint-Jérôme-de-Matane, drawn up for the 2002, 2003 and 2004 fiscal years, shall constitute together the assessment roll of the city for the 2002, 2003 and 2004 fiscal years.

An adjustment to the values entered on the assessment rolls of the former municipalities of Saint-Luc-de-Matane and Petit-Matane drawn up for the 2000, 2001 and 2002 fiscal years and of the former Paroisse de Saint-Jérôme-de-Matane, drawn up for the 2002, 2003 and 2004 fiscal years shall be made as of 1 January 2002 by dividing those values by the median proportion of their respective assessment roll established for the 2002 fiscal year and by multiplying them by the median proportion of the assessment roll of the former Ville de Matane established for the 2002 fiscal year.

With respect to an entry on the assessment roll of the city that precedes the first assessment roll that the city shall have drawn up under section 14 of the Act respecting municipal taxation, it is considered that for the purposes of establishing the actual value entered on that roll, the conditions in the property market have been taken into account, as they existed on 1 July 2000.

For the purposes of determining the market conditions on that date, the information related to transfers of ownerships that occurred before and after that date may be taken into account.

1 July 2000 shall appear, where applicable, on any notice of assessment, tax account, notice of amendment to the roll or any assessor's certificate issued within the scope of the update of the roll.

The median proportion and the comparative factor of the city for the 2002, 2003 and 2004 fiscal years that must appear, where applicable, on any notice of assessment, tax account, notice of amendment to the roll or any assessor's certificate issued within the scope of the update of the roll shall be those established by the assessor of the former Ville de Matane for the 2002 fiscal year.

The city shall have the first three-year assessment roll drawn up by its assessor, in accordance with section 14 of the Act respecting municipal taxation, for the 2005, 2006 and 2007 fiscal years.

33.3. The assessor of the city is qualified, from the taking of effect of his contract as assessor, to perform all the acts required by the Act respecting municipal taxation and the regulations and by-laws made thereunder with respect to the assessment roll of the city.".

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 1537-2001, 19 December 2001

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Corrections to Order in Council 1201-2001 dated 10 October 2001 respecting the Amalgamation of Ville de Val-d'Or and the municipalities of Dubuisson, Sullivan, Vassan and Val-Senneville

WHEREAS Ville de Val-d'Or was constituted under Order in Council 1201-2001 dated 10 October 2001, effective 1 January 2002;

WHEREAS the Order in Council was made under section 125.11 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000;

WHEREAS, under section 35 of the Order in Council, the polling for the first general election took place on 2 December 2001;

WHEREAS, under section 125.30 of the Act respecting municipal territorial organization, enacted by section 143 of chapter 25 of the Statutes of 2001, the Government may, within six months following the first general election in the new municipality, amend any order made under section 125.27 of the Act, enacted by section 143 of chapter 25 of the Statutes of 2001;

WHEREAS it is expedient to amend Order in Council 1201-2001;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT Order in Council 1201-2001 dated 10 October 2001 be amended

1. by substituting "Vallée-de-l'Or" for "Val-d'Or" in section 5;

2. by substituting "99-47" for "1999-47" in paragraph 1 of section 19;

3. by striking out "2001-12," in paragraph 1 of section 19;

4. by adding ", Vassan" after "Val-Senneville" in the fourth paragraph of section 28;

5. by substituting "its termination date, without renewal, or on 31 December 2002, whichever is earlier" for "31 December 2002 or on any earlier date referred to in the agreement" in section 34;

6. by substituting "The council shall adopt" for "During the first sitting, the council must adopt" in the first paragraph of section 47;

7. by adding the following after the third paragraph of section 47:

"The treasurer or secretary-treasurer of a municipality referred to in section 4 who is not already required to carry out section 105.4 of the Cities and Towns Act (R.S.Q., c. C-19), article 176.4 of the Municipal Code of Québec (R.S.Q., c. C-27.1) or a similar provision of the municipality's charter is required to file, before the 2002 fiscal year budget of the city is adopted, at least the comparative statement on revenues provided for in the said section 105.4."; and

8. by inserting the following after section 47:

"47.1. From the time a majority of the candidates elected as council members in the general election of 2 December 2001 have been sworn in, the city council and the mayor may, in respect of the organization and administration of the city or in respect of any delegation of power to municipal officers, make any decision that lies, from 1 January 2002, within the duties or jurisdiction of the council and the mayor.

Decisions made under the first paragraph have effect from 1 January 2002."

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4772

Gouvernement du Québec

O.C. 1538-2001, 19 December 2001

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Corrections to Order in Council 1046-2001 dated 12 September 2001 respecting the amalgamation of Ville de Saint-Georges, Paroisse de Saint-Georges-Est, Municipalité d'Aubert-Gallion and Paroisse de Saint-Jean-de-la-Lande

WHEREAS, under Order in Council 1046-2001 dated 12 September 2001, Ville de Saint-Georges was constituted on 26 September 2001;

WHEREAS the Order in Council was made under section 125.11 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000;

WHEREAS, under section 11 of the Order in Council, the first general election was held on 25 November 2001;

WHEREAS, under section 125.30 of the Act respecting municipal territorial organization, enacted by section 143 of chapter 25 of the Statutes of 2001, the Government may, within six months following the first general election in the new municipality, amend any order made under section 125.27 of the Act, enacted by section 143 of chapter 25 of the Statutes of 2001;

WHEREAS it is expedient to amend Order in Council 1046-2001;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT Order in Council 1046-2001 dated 12 September 2001 be amended

(1) by substituting the following for section 25:

"25. For each of the first five full fiscal years following the fiscal year of the coming into force of this Order in Council, the city shall award annually an amount of $40,000 to the benefit of the sector formed by the territory of the former Municipalité d'Aubert-Gallion. That amount shall be used in accordance with section 18.";

(2) by substituting the following for section 31:

"31. As of the first fiscal year following the coming into force of this Order in Council, the city shall purchase a fire truck, improve the fire hall and facilities and the fire department communication system in the territory of the former Paroisse de Saint-Jean-de-la-Lande for an amount not exceeding $200,000. Any excess in capital expenditures, where applicable, will be charged to the taxable immovables of the territory of the former Paroisse de Saint-Jean-de-la-Lande.";

(3) by inserting the following after section 34:

"34.1. Where, under one of the provisions of this Division, revenues from the city or a municipality referred to in section 5 for a given fiscal year must be compared with revenues from the city for the next fiscal year, the revenues provided for in each of the budgets adopted for both fiscal years shall be taken into account.

Notwithstanding the foregoing, where a statement comparing the revenues provided for in the budget of the given fiscal year and the revenues that, according to a later forecast, will constitute the revenues of that fiscal year show the necessity to give an updated forecast of the budget forecasts, the updated forecasts are taken into account, provided that the statement be filed before the adoption of the city's budget for the next fiscal year. If several successive statements are filed, the last one shall be taken into account.";

(4) by inserting the following after subparagraph 2 of the second paragraph of section 36:

(2.1) revenues taken into consideration in establishing the aggregate taxation rate and derived from compensations and modes of tariffing not referred to in subparagraph 2 of the second paragraph;";

(5) by adding the following after the third paragraph of section 36:

"The rate specific to the category referred to in section 244.36 of the Act respecting municipal taxation does not constitute one of the rates of the general property tax referred to in the first paragraph and subparagraph 1 of the second paragraph. For the purposes of subparagraphs 2 and 3 of the second paragraph, the word "immovables" means business establishments where the business tax or the amount in lieu thereof is referred to.";

(6) by inserting the words "or that shall be paid by the Crown in right of Canada or by one of its mandataries" after the word "Act" at the end of the second paragraph of section 37;

(7) by substituting the following for the third paragraph of section 40:

"If the city avails itself of the power provided for in section 36 and if, for any of the fiscal years provided for in that section, a surtax or a tax on non-residential immovables is imposed, the city must provide for all the necessary rules of concordance to obtain the same results, for the purposes of this section, as if the general property tax were imposed for the fiscal year, under section 244.29 of the Act respecting municipal taxation, with a rate specific to the category provided for in section 244.33 of that Act.";

(8) by substituting the words "last three" for the words "second and third" in the second paragraph of section 42;

(9) by substituting the words "last three" for the words "second and third" in the second paragraph of section 43;

(10) by inserting the words "that shall be paid by the Crown in right of Canada or by one of its mandataries" after the word "Act" at the end of the second paragraph of section 44;

(11) by substituting the words "last three" for the words "second and third" in the second paragraph of section 45;

(12) by adding the following after the first paragraph of section 46:

"For each of the fiscal years from 2002 to 2006, the city may, where under section 244.29 of the Act respecting municipal taxation it imposes the general property tax with a rate specific to the category provided for in section 244.36 of that Act, set several such rates that differ according to the sectors; the same applies, where the city imposes the surtax on vacant land, for the rate of that surtax.";

(13) by striking out "does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and" in the fifth paragraph of section 48; and

(14) by adding the following after the fifth paragraph of section 48:

"For the purposes of the first five paragraphs, the mention of any tax or surtax also means the amount in lieu of the tax or surtax that must be paid either by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, or by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries.".

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4771

Gouvernement du Québec

O.C. 1539-2001, 19 December 2001

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Corrections to Order in Council 1012-2001 dated 5 September 2001 respecting Ville de Grand-Mère, Ville de Shawinigan and Ville de Shawinigan-Sud, Municipalité de Lac-à-la-Tortue, Village de Saint-Georges and the parishes of Saint-Gérard-des-Laurentides and Saint-Jean-des-Piles

WHEREAS, under Order in Council 1012-2001 dated 5 September 2001, Ville de Shawinigan is constituted as of 1 January 2002;

WHEREAS the Order in Council was made under section 125.11 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000;

WHEREAS, under section 93 of the Order in Council, the first general election was held on 25 November 2001;

WHEREAS, under section 125.30 of the Act respecting municipal territorial organization, enacted by section 143 of chapter 25 of the Statutes of 2001, the Government may, within six months following the first general election in the new municipality, amend any order made under section 125.27 of the Act, enacted by section 143 of chapter 25 of the Statutes of 2001;

WHEREAS it is expedient to amend Order in Council 1012-2001;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT Order in Council 1012-2001 dated 5 September 2001 be amended

(1) by adding "in section 78 or in section 91" at the end of the second paragraph of section 24;

(2) by inserting the following after section 24:

"24.1. Where, under one of the provisions of this Division, revenues from the city or a municipality referred to in section 4 for a given fiscal year must be compared with revenues from the city for the next fiscal year, the revenues provided for in each of the budgets adopted for both fiscal years shall be taken into account.

Notwithstanding the foregoing, where a statement comparing the revenues provided for in the budget of the given fiscal year and the revenues that, according to a later forecast, will constitute the revenues of that fiscal year show the necessity to give an updated forecast of the budget forecasts, the updated forecasts are taken into account, provided that the statement be filed before the adoption of the city's budget for the next fiscal year. If several successive statements are filed, the last one shall be taken into account.";

(3) by inserting the following after subparagraph 2 of the second paragraph of section 26:

"(2.1) revenues taken into consideration in establishing the aggregate taxation rate and derived from compensations and modes of tariffing not referred to in subparagraph 2 of the second paragraph;";

(4) by adding the following after the third paragraph of section 26:

"The rate specific to the category referred to in section 244.36 of the Act respecting municipal taxation does not constitute one of the rates of the general property tax referred to in the first paragraph and subparagraph 1 of the second paragraph. For the purposes of subparagraphs 2 and 3 of the second paragraph, the word "immovables" means business establishments where the business tax or the amount in lieu thereof is referred to.";

(5) by inserting the words "that shall be paid by the Crown in right of Canada or by one of its mandataries" after the word "Act" at the end of the second paragraph of section 27;

(6) by substituting the following for the third paragraph of section 30:

"If the city avails itself of the power provided for in section 26 and if, for any of the fiscal years provided for in that section, a surtax or a tax on non-residential immovables is imposed, the city must provide for all the necessary rules of concordance to obtain the same results, for the purposes of this section, as if the general property tax were imposed for the fiscal year, under section 244.29 of the Act respecting municipal taxation, with a rate specific to the category provided for in section 244.33 of that Act.";

(7) by substituting the words "last three" for the words "second and third" in the second paragraph of section 32;

(8) by substituting the words "last three" for the words "second and third" in the second paragraph of section 33;

(9) by inserting the words "that shall be paid by the Crown in right of Canada or by one of its mandataries" after the word "Act" at the end of the second paragraph of section 34;

(10) by substituting the words "last three" for the words "second and third" in the second paragraph of section 35;

(11) by adding the following after the first paragraph of section 36:

"For each of the fiscal years from 2002 to 2006, the city may, where under section 244.29 of the Act respecting municipal taxation, it imposes the general property tax with a rate specific to the category provided for in section 244.36 of that Act, set several such rates that differ according to the sectors; the same applies, where the city imposes the surtax on vacant land, for the rate of that surtax.";

(12) by striking out "does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and" in the fifth paragraph of section 38;

(13) by adding the following after the fifth paragraph of section 38:

"For the purposes of the first five paragraphs, the mention of any tax or surtax also means the amount in lieu of the tax or surtax that must be paid either by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, or by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries.";

(14) by substituting the following for the first paragraph of section 78:

"78. Subject to section 91, the expenses related to any debt incurred by any municipality referred to in section 4 shall continue to be financed by the revenues derived exclusively from the territory of the municipality or from a portion of that territory. Any surplus from such municipality shall remain to the exclusive benefit of the inhabitants and ratepayers of the territory of that municipality or a part of that territory. To determine if the financing charge or surplus benefit covers only one part of the territory, the rules that apply on 31 December 2001 respecting the financing of the expenses related to the debt or source of revenue that produced the surplus shall be taken into account.

Where the expenses related to any debt incurred by any municipality referred to in section 4, for the 2001 fiscal year, were not financed by the use of a source of revenue specific for that purpose, the city may continue to finance them by using revenues unreserved for other purposes from the territory of the municipality. The same applies where those expenses were financed, for that fiscal year, by the use of revenues from a tax imposed for that purpose on all the taxable immovables located on the territory.

If it avails itself of the power provided for in the second paragraph with respect to a debt, the city may not, for purposes of establishing the tax burden provided for in section 26, charge to the revenues from taxation specific to non-residential sectors that come from the territory in question a percentage of the financing of the expenses related to that debt greater than the percentage corresponding to the quotient obtained by dividing the total of those revenues by the revenues provided for in subparagraphs 1 to 7 of the fifth paragraph of section 91 and derived from that territory. Where the tax burden is established for the 2002 fiscal year or a subsequent fiscal year, the revenues of the preceding fiscal year shall be taken into consideration, for the purposes of that division.

For the purposes of the third paragraph, the revenues of a fiscal year shall be those provided in the budget adopted for that fiscal year. Notwithstanding the foregoing, where a statement comparing the revenues provided for in the budget and the revenues that, according to a subsequent forecast, will constitute the revenues of that fiscal year show the necessity to give an updated forecast of the budget forecasts, the updated forecasts are taken into account, provided that the statement be filed before the adoption of the city's budget for the next fiscal year. If several successive statements are filed, the last one shall be taken into account.

For the purposes of the third paragraph, "revenues of taxation specific to non-residential sectors" mean the revenues composed of

(1) the revenues derived from business taxes;

(2) the revenues derived from the surtax or tax on non-residential immovables;

(3) the revenues derived from the general property tax that are not taken into consideration in the establishment of the aggregate taxation rate where, under section 244.29 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), several rates of that tax are set;

(4) the revenues derived from the amount in lieu of a tax referred to in any of paragraphs 1 to 3 that must be paid, either by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, or by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries, with the exception, where the amount stands in lieu of the general property tax, of revenues that would be taken into consideration in the establishment of the aggregate taxation rate if it were the tax itself.";

(15) by substituting "Are deemed to constitute expenses related to any debt of any municipality referred to in section 4 and financed by revenues derived from the entire territory of the municipality the" for the word "The" at the beginning of the second paragraph of section 78;

(16) by substituting the words "that municipality" for the words "a municipality subject to this amalgamation" in the second paragraph of section 78;

(17) by substituting the words ". The same applies for the" for the words "shall continue to burden the taxable immovables located in the part of the territory of the city that corresponds to the territory of that municipality. The" in the second paragraph of section 78;

(18) by substituting "referred to in section 4" for "referred to in the first paragraph" in the second paragraph of section 78;

(19) by striking out the words "shall continue to burden the taxable immovables located in the part of the territory of the city that corresponds to the territory of that municipality" in the second paragraph of section 78;

(20) by substituting the words "actuarial liability referred to in the sixth paragraph" for the words "actuarial liability referred to in the second paragraph" in the third paragraph of section 78;

(21) by substituting the words "any liability referred to in the sixth paragraph" for the words "any liability referred to in the second paragraph" in the third paragraph of section 78;

(22) by substituting "Are deemed to constitute a surplus or expenses related to any debt of any municipality referred to in section 4, respectively, the" for "The" in the fourth paragraph of section 78;

(23) by striking out the words "shall continue to be credited to or to burden, as the case may be, all or part of the taxable immovables of the sector formed by the territory of that municipality" in the fourth paragraph of section 78;

(24) by adding the following after the sixth paragraph of section 81:

"The property assessment roll of the unorganized territories of Municipalité régionale de comté du Centre-de-la-Mauricie, drawn up for the 2001, 2002 and 2003 fiscal years, is also part, for the purposes of the first six paragraphs, of the property assessment roll of the city for the 2002 and 2003 fiscal years.";

(25) by striking out the first sentence of the second paragraph of section 82;

(26) by substituting "on the earliest date between the date provided for its end, without any renewal, and 31 December 2002" for "on 31 December 2002" at the end of section 89;

(27) by substituting the word "for" for the words "for the taxable immovables located in" in the second paragraph of section 90;

(28) by substituting "Notwithstanding the foregoing, any such decision may not cover what is deemed to constitute such expenses, under any of the last three paragraphs of section 78. The following expenses also may not" for "The following expenses may not" in the second paragraph of section 91;

(29) by substituting "to 7" for "and 4" in the third paragraph of section 91;

(30) by substituting "in accordance with section 78" for "by the use of any source of revenue specified for that purpose imposed on the part of the territory that corresponds to that of the municipality" in the fourth paragraph of section 91;

(31) by inserting the words "and that are taken into consideration in establishing the aggregate taxation rate of the municipality" after the word "taxation" in subparagraph 4 of the fifth paragraph of section 91;

(32) by inserting "or from the application of the Act respecting duties on transfers of immovables (R.S.Q., c. D-15.1)" after the word "transfer" in subparagraph 8 of the fifth paragraph of section 91;

(33) by substituting the words "The council shall adopt" for the words "At the first meeting, the council shall adopt" in the first paragraph of section 103;

(34) by adding the following after the third paragraph of section 103:

"The treasurer or secretary-treasurer of a municipality referred to in section 4 who is not already required to apply section 105.4 of the Cities and Towns Act (R.S.Q., c. C-19), article 176.4 of the Municipal Code of Québec (R.S.Q., c. C-27.1) or a similar provision of the charter of the municipality is required to file, before the adoption of the city's budget for the 2002 fiscal year, at least the comparative statement related to the revenues provided by section 105.4.";

(35) by substituting "23 to 39" for "25 to 35" in section 113; and

(36) by inserting the following after section 122:

"122.1. Notwithstanding sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., c. C-19), the council may negotiate with the holder of any assessment contract in effect on 1 January 2002 for a municipality which the city succeeds in order to enter into a unique contract respecting the assessment of the immovables of the entire territory of the city. The contract may not provide for a term extending beyond 31 December 2006.".

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 1540-2001, 19 December 2001

Corrections to Order in Council 1044-2001 dated 12 September 2001 respecting the amalgamation of Ville de Saint-Jérôme, Ville de Bellefeuille, Ville de Saint-Antoine and Ville de Lafontaine

WHEREAS, under Order in Council 1044-2001 dated 12 September 2001, Ville de Saint-Jérôme is constituted as of 1 January 2002;

WHEREAS the Order in Council was made under section 125.11 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000;

WHEREAS the Government made certain corrections to Order in Council 1044-2001 dated 12 September 2001 by Order in Council 1171-2001 dated 3 October 2001 and Order in Council 1355-2001 dated 14 November 2001;

WHEREAS, under section 81 of the Order in Council, the first general election was held on 25 November 2001;

WHEREAS, under section 125.30 of the Act respecting municipal territorial organization, enacted by section 143 of chapter 25 of the Statutes of 2001, the Government may, within six months following the first general election in the new municipality, amend any order made under section 125.27 of the Act, enacted by section 143 of chapter 25 of the Statutes of 2001;

WHEREAS it is expedient to amend Order in Council 1044-2001;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT Order in Council 1044-2001 dated 12 September 2001, amended by Order in Council 1171-2001 dated 3 October 2001 and Order in Council 1355-2001 dated 14 November 2001, be further amended

(1) by inserting the following after section 14:

"14.1. Where, under one of the provisions of this Division, revenues from the city or a municipality referred to in section 4 for a given fiscal year must be compared with revenues from the city for the next fiscal year, the revenues provided for in each of the budgets adopted for both fiscal years shall be taken into account.

Notwithstanding the foregoing, where a statement comparing the revenues provided for in the budget of the given fiscal year and the revenues that, according to a later forecast, will constitute the revenues of that fiscal year show the necessity to give an updated forecast of the budget forecasts, the updated forecasts are taken into account, provided that the statement be filed before the adoption of the city's budget for the next fiscal year. If several successive statements are filed, the last one shall be taken into account.";

(2) by inserting the following after subparagraph 2 of the second paragraph of section 16:

"(2.1) revenues taken into consideration in establishing the aggregate taxation rate and derived from compensations and modes of tariffing not referred to in subparagraph 2 of the second paragraph;";

(3) by adding the following after the third paragraph of section 16:

"The rate specific to the category referred to in section 244.36 of the Act respecting municipal taxation does not constitute one of the rates of the general property tax referred to in the first paragraph and subparagraph 1 of the second paragraph. For the purposes of subparagraphs 2 and 3 of the second paragraph, the word "immovables" means business establishments where the business tax or the amount in lieu thereof is referred to.";

(4) by inserting the words "that shall be paid by the Crown in right of Canada or by one of its mandataries" after the word "Act" at the end of the second paragraph of section 17;

(5) by substituting the following for the third paragraph of section 20:

"If the city avails itself of the power provided for in section 16 and if, for any of the fiscal years provided for in that section, a surtax or a tax on non-residential immovables is imposed, the city must provide for all the necessary rules of concordance to obtain the same results, for the purposes of this section, as if the general property tax were imposed for the fiscal year, under section 244.29 of the Act respecting municipal taxation, with a rate specific to the category provided for in section 244.33 of that Act.";

(6) by substituting the words "last three" for the words "second and third" in the second paragraph of section 22;

(7) by substituting the words "last three" for the words "second and third" in the second paragraph of section 23;

(8) by inserting the words "that shall be paid by the Crown in right of Canada or by one of its mandataries" after the word "Act" at the end of the second paragraph of section 24;

(9) by substituting the words "last three" for the words "second and third" in the second paragraph of section 25;

(10) by adding the following after the first paragraph of section 26:

"For each of the fiscal years from 2002 to 2006, the city may, where under section 244.29 of the Act respecting municipal taxation it imposes the general property tax with a rate specific to the category provided for in section 244.36 of that Act, set several such rates that differ according to the sectors; the same applies, where the city imposes the surtax on vacant land, for the rate of that surtax.";

(11) by striking out "does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and" in the fifth paragraph of section 28;

(12) by adding the following after the fifth paragraph of section 28:

"For the purposes of the first five paragraphs, the mention of any tax or surtax also means the amount in lieu of the tax or surtax that must be paid either by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, or by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries.";

(13) by inserting the following after section 67:

"67.1. The property assessment rolls of Ville de Bellefeuille, Ville de Saint-Jérôme and Ville de Lafontaine, drawn up for the 2002, 2003 and 2004 fiscal years, and the property assessment roll of Ville de Saint-Antoine, drawn up for the 2001, 2002 and 2003 fiscal years constitute the property assessment roll of the city for the 2002, 2003 and 2004 fiscal years.

Notwithstanding section 119 of the Act respecting municipal territorial organization, no adjustment of the values to the rolls is carried out.

With respect to an entry on the property assessment roll of the city that precedes the first roll that the city shall have drawn up under section 14 of the Act respecting municipal taxation, it is considered that for the purposes of establishing the actual value entered on that roll, the conditions in the property market have been taken into account, as they existed on 1 July 2000.

For the purposes of determining the market conditions on that date, the information related to transfers of ownerships that occurred before and after that date may be taken into account.

1 July 2000 shall appear, where applicable, on any notice of assessment, tax account, notice of amendment to the roll or any assessor's certificate issued within the scope of the update of the roll.

The median proportion and the comparative factor of the property assessment roll of the city for the 2002, 2003 and 2004 fiscal years that must appear, where applicable, on any notice of assessment, tax account, notice of amendment to the roll or any assessor's certificate issued within the scope of the update of the roll shall be established respectively to 100 and 1.

The city shall cause the first property assessment roll to be drawn up by its assessor, in accordance with section 14 of the Act respecting municipal taxation, for the 2005, 2006 and 2007 fiscal years.

The assessor of the city is qualified, from the effective date of his contract, to perform all the acts required by the Act respecting municipal taxation and the regulations and by-laws made thereunder with respect to the property assessment roll of the new Ville de Saint-Jérôme." ;

(14) by substituting "municipality shall be terminated on the earliest date between the date provided for its end, without any renewal, and 31 December 2002" for "municipality shall be terminated on 31 December 2002." at the end of section 71 ;

(15) by substituting the word "for" for the words "for the taxable immovables located in" in the second paragraph of section 72 ;

(16) by substituting the words "The council shall adopt" for the words "At the first meeting, the council shall adopt" in the first paragraph of section 92 ; and

(17) by adding the following after the third paragraph of section 92 :

"The treasurer or secretary-treasurer of a municipality referred to in section 4 who is not already required to apply section 105.4 of the Cities and Towns Act (R.S.Q., c. C-19), or a similar provision of the charter of the municipality is required to file, before the adoption of the city's budget for the 2002 fiscal year, at least the comparative statement related to the revenues provided by section 105.4.".

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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Parliamentary Committee

Committee on Institutions

General consultation

Draft Bill entitled «An Act respecting the Québec correctional system»

The Committee on Institutions will hold public hearings beginning on 19 February 2002 in pursuance of a general consultation on the draft bill entitled «An Act respecting the Québec correctional system». Individuals and organizations who wish to express their views on this matter must submit a brief to the committees secretariat not later than 5 February 2002.

The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief. Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 25 copies.

Briefs, correspondence, and requests for information should be addressed to: Mr. Christian A. Comeau, Clerk of the Committee on Institutions, édifice Pamphile-Le May, 1035, rue des Parlementaires, 3e étage, Québec (Québec) G1A 1A3.

Telephone: (418) 643-2722 Facsimile: (418) 643-0248
E-Mail: ccomeau@assnat.qc.ca

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Committee on Social Affairs

General consultation

Draft Bill entitled "Québec Health Card Act"

The Committee on Social Affairs has been instructed to hold public hearings beginning on 19 February 2002 in pursuance of a general consultation on Draft Bill entitled "Québec Health Card Act".

Individuals and organizations who wish to express their views on this matter must submit a brief to the above Committee. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief.

Briefs must be received by the committees secretariat not later than 5 February 2002. Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 25 copies.

Briefs, correspondence, and requests for information should be addressed to: Me Denise Lamontagne, Clerk of the Committee on Social Affairs, édifice Pamphile-Le May, 1035, rue des Parlementaires, 3e étage, Québec (Québec) G1A 1A3.

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Index Statutory Instruments

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