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Summary

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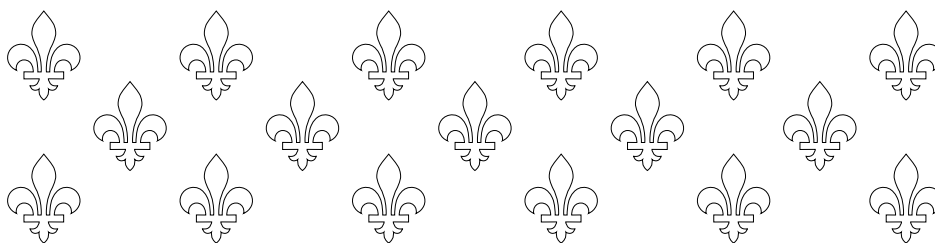
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NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 9

(2003, chapter 14)

**An Act respecting the consultation of
citizens with respect to the territorial
reorganization of certain municipalities**

Introduced 17 June 2003

Passage in principle 16 December 2003

Passage 17 December 2003

Assented to 18 December 2003

**Québec Official Publisher
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EXPLANATORY NOTES

This bill grants the citizens of certain municipalities the right to express their opinion on the changes imposed since 2000 in municipal territorial organization. Citizens will thus be allowed to opt for the preservation of their current municipality or the reconstitution of their former municipality or, in the case of a sector detached from the territory of a municipality that has not ceased to exist, the return of the sector to that territory.

The bill sets out a mechanism for the consultation of the citizens of each sector in the municipality. It provides that they may request that a referendum poll be held by signing a register for that purpose. At least 10% of the qualified voters of a sector will have to request the holding of a referendum poll in order for a referendum poll to be held in the sector.

The bill further provides that where a referendum poll is to be held in a sector, the Minister of Municipal Affairs, Sports and Recreation must first commission an impact study on the costs and consequences of the territorial reorganization in respect of which the poll is to be held. The contents of the study must be made available by the Minister. However, if, in the Minister's opinion, the study carried out before the registration process answers the purpose, the Minister is not required to have another study conducted.

Under the bill, the number of affirmative votes in a referendum poll must be greater than the number of negative votes and equal to or greater than 35% of the number of persons whose names are registered on the referendum list for the sector in order for the answer to the referendum question to be considered affirmative. The Minister is empowered to establish a transition committee for every municipality whose territory includes one or more sectors where the answer given by the qualified voters is deemed to be affirmative. The bill establishes certain controls applicable to such sectors during the transitional period.

The bill also enacts rules governing the apportionment of the expenses arising from the consultation process between the Government and the ratepayers who required a referendum poll to be held.

The bill gives an overview of the rules to be established in order to set up the regime that will apply after the reorganization of a city, in the event of an affirmative response to the referendum question. Essentially, the municipalities resulting from a reorganization will remain related in order to preserve the urban agglomeration made up of the territory of the current municipality. Therefore, under the bill, one of the related municipalities will be responsible for exercising certain powers of collective interest in the agglomeration as a whole. To that end, it will act through an urban agglomeration council made up of representatives of all the related municipalities, each of which shall have a say in the council's decision-making process proportional to the relative size of its population.

The bill also gives an overview of the rules to be established to ensure the transition involved in such a reorganization. These transitional rules will deal with the personnel and the assets and liabilities of the current municipality.

Lastly, the bill amends various Acts to strike out the provisions related to non-voluntary municipal amalgamations and to adapt certain elements of those provisions to the context of voluntary amalgamations. It expressly or implicitly amends the constituting acts of certain municipalities created by the recent mergers in order to extend to 20 years the duration of any transitional regime whose purpose is to limit the variation in the fiscal burden of the ratepayers in the different sectors of the territory of those municipalities.

LEGISLATION AMENDED BY THIS BILL :

- Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);
- Charter of Ville de Lévis (R.S.Q., chapter C-11.2);
- Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting municipal courts (R.S.Q., chapter C-72.01);

- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, chapter 27).

Bill 9

AN ACT RESPECTING THE CONSULTATION OF CITIZENS WITH RESPECT TO THE TERRITORIAL REORGANIZATION OF CERTAIN MUNICIPALITIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

OBJECT AND INTERPRETATION

1. The object of this Act is to grant the citizens of certain municipalities the right to express their opinion on the changes imposed since 2000 in municipal territorial organization.

That right will allow citizens to opt for the preservation of their municipality and its territory or the reconstitution of their municipality with the territory it had before ceasing to exist or, in the case of a sector detached from the territory of a municipality that has not ceased to exist, the return of the sector to that territory.

Except where the territory of the municipality is formed of parts of the territories of two or more existing municipalities, the option whereby a municipality is reconstituted will result in the application of the rules set out in Chapter IV on the sharing of powers.

2. In this Act,

(1) “former municipality” means any local municipality that ceased to exist upon the constitution of a city;

(2) “central municipality” means the local municipality resulting from the reorganization of a city and that is

(a) the city whose territory is reduced following the reorganization, except in the cases set out in subparagraphs *b* and *c*;

(b) the reconstituted municipality designated by the Government, if the Government considers that the city referred to in subparagraph *a* is not able to assume the responsibilities entrusted to a central municipality by this Act; or

(c) if the city no longer exists following the reorganization, the reconstituted municipality whose territory corresponds to the territory of the former

municipality with the largest population among the municipalities that ceased to exist upon the constitution of the city, except where the reorganization concerns Ville de Gatineau or Ville de Cookshire-Eaton, in which case the former municipality to be taken into account is Ville de Hull or Ville de Cookshire;

(3) “reconstituted municipality” means a municipality constituted following a referendum poll held under Division IV of Chapter II;

(4) “body”, in a provision specifying that it is a body of a local municipality, means any mandatory body of the municipality, within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), any other body otherwise under the authority of the municipality, or any supramunicipal body, within the meaning of that section, whose territory includes the territory of the municipality;

(5) “reorganization”, in respect of a city, means all the acts provided for in an Act or statutory instrument, such as the constitution of a reconstituted municipality, the transfer of part of a territory to the territory of another municipality that has not ceased to exist, and changes to the territory of the city, to give effect to the results of the referendum polls held in that territory under Division IV of Chapter II;

(6) “city” means any municipality constituted by the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), Ville de Mont-Tremblant, constituted by Order in Council 1294-2000 dated 8 November 2000, and any municipality constituted by an order under the Act respecting municipal territorial organization (R.S.Q., chapter O-9) following

(a) an authorization under section 125.2 of that Act in respect of a territory corresponding to all or any part of the territory of the municipality; or

(b) a study by the Commission municipale du Québec under the first paragraph of section 125.5 of that Act in respect of a territory corresponding to all or any part of the territory of the municipality.

The central municipality and any other local municipality resulting from the reorganization of a city are related municipalities where, immediately before the reorganization, their territories were situated entirely within the territory of the city.

CHAPTER II

CONSULTATION OF QUALIFIED VOTERS

DIVISION I

GENERAL AND INTERPRETATIVE PROVISIONS

3. Except in the name of an Act, the word “Act” in a provision of this chapter means the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

4. The registration process and the referendum poll to be held under Divisions II and IV are governed by the provisions of Title II of the Act and by any other related provision of that Act, with the necessary modifications including those resulting from this Act.

5. For the purposes of this chapter and the provisions referred to in section 4, the sector concerned is

(1) any part of the territory of the city that corresponds to the whole territory of a former municipality;

(2) the combination of parts of the territory of the city and of any other existing municipality that corresponds to the whole territory of a former municipality; or

(3) any part of the territory of the city that was transferred to that territory from the territory of another existing municipality by the Act or order having constituted the city.

DIVISION II

REGISTRATION PROCESS

6. Every city shall hold a registration process for each sector concerned that is included in whole or in part in its territory.

The objective of the process is to allow qualified voters whose names are entered on the referendum list of the sector concerned to request that a referendum poll be held on the subject of the consultation.

For the purposes of the process, 1 March 2004 is the date of reference that is referred to in the provisions to which section 4 refers and that is used to identify those who are qualified voters.

For those purposes, every natural person who is not a qualified voter solely because the person is not of full age on that date, but who will be of full age on 2 May 2004, is deemed to be a qualified voter.

7. The referendum list of the sector concerned shall be drawn up and revised and shall come into force for the purposes of the registration process.

Notwithstanding the second paragraph of section 526.1 of the Act, if a qualified voter entitled to be entered on the referendum list of the sector concerned as the sole owner of an immovable or the sole occupant of a business establishment is a natural person, the qualified voter may exercise that right even if the city has not received the writing required under that paragraph.

Notwithstanding the third paragraph of that section, an application by a legal person for entry on another referendum list is not valid for the referendum list provided for in the first paragraph.

The public notice provided for in section 527 of the Act must contain no mention of the entry of a person referred to in the second paragraph and must set out the content of the third paragraph.

8. In order for the referendum list of the sector concerned to be drawn up and revised and to come into force for the purposes of the registration process,

(1) the fourth paragraph of section 526.1, the first paragraph of section 527, the fifth paragraph of section 528, section 529 and the first paragraph of section 560 of the Act, as well as the provisions of the Act referred to in the first paragraph of section 561 of the Act, apply as if the date set for the referendum poll were 2 May 2004;

(2) the first paragraph of section 560 of the Act applies as if the day on which the date of the referendum poll is determined were 8 March 2004, and the second paragraph of that section does not apply;

(3) not later than 8 March 2004, the chief electoral officer shall send the clerk or the secretary-treasurer of the city the list of electors whose names are entered on the permanent list of electors for the sector concerned on 1 March 2004, as if the chief electoral officer had received a request under section 100 of the Act by virtue of the reference in section 561 of the Act.

Notwithstanding the fourth paragraph of that section 100, the chief electoral officer assumes the costs of producing the list. The list must also contain the particulars relating to the persons referred to in the fourth paragraph of section 6 of this Act whose names would be entered on the permanent list of electors on 1 March 2004 for the sector concerned if they were of full age on that date.

9. In addition to changes made to the referendum list to reflect the situation on 1 March 2004, changes may be made during the revision of the list, for the purposes of the registration process, to ensure that the names of persons are not entered on the list if, under the first paragraph of section 523 of the Act, those persons cannot request the holding of a referendum poll because at the time of making such a request, they no longer meet the requirements that

would qualify them as voters entitled to have their names entered on the referendum list of the sector concerned.

In addition, a change may be made during the revision to take into account the fact that a person who qualifies as a voter under the first paragraph

(1) has, since 1 March 2004, changed domiciles in the sector concerned ; or

(2) has, where the person is a qualified voter in two or more capacities, experienced a change, since 1 March 2004, in the capacity in which, under section 531 of the Act, the person must be entered on the list.

In addition to the object set out in sections 127 to 130 of the Act by virtue of the reference in section 561 of the Act, the object of an application for striking off or correction may be to pursue the objective mentioned in either of the first and second paragraphs. That object must be mentioned in the public notice and in every document required under sections 125 and 126 of the Act by virtue of the reference in section 561.

On the basis of the changes made to the permanent list of electors, the chief electoral officer may advise the clerk or the secretary-treasurer of the city, in due time, of the fact that a person mentioned in a document sent to the clerk or the secretary-treasurer under section 100 or 100.1 of the Act by virtue of the reference in section 561 of the Act has died or been placed under curatorship. That information shall be processed, for revision purposes, as if it were referred to in that section 100.1. The chief electoral officer may also, on the basis of the changes made to the permanent list of electors, advise the clerk or the secretary-treasurer, in due time, of any other fact relevant to the pursuit of the objectives mentioned in the first two paragraphs ; that information may be used for the purposes of section 127 of the Act.

The board of revisors shall not strike out or refuse to enter the name of a person for the reason set out in the first paragraph unless it is satisfied that the person will not be qualified to request the holding of a referendum poll at any time during the period during which the register is to be open for the sector concerned, as determined at the time the board makes its decision.

10. For the purpose of exercising the right to receive copies of the referendum list and of the abstract of changes, free of charge, section 564 of the Act applies even where the referendum question has not yet been defined. In such a situation, the qualified voters who are in favour of the reorganization of the city and those who are opposed constitute the two groups referred to in that section.

An application under the second paragraph of that section to have a representative designated for either of the two groups may be made at any time after 8 March 2004.

To be valid, the application must be supported by a minimum number of qualified voters entitled to have their names entered on the referendum list of

the sector concerned. That number is either 100 or the number that corresponds to 10% of the population of the former municipality whose territory constitutes that sector, whichever is lower. If the number has a decimal fraction, the decimal fraction is disregarded and the number is increased by 1.

To support the application, a person must enter his or her name, address and capacity on the writing by which the application is made and affix his or her signature under those particulars. The second paragraph of section 533 of the Act applies to the entry of the address.

If two or more valid applications are made for the same group, the clerk or secretary-treasurer shall appoint the persons proposed as representatives of the group and each of them has the right set out in section 564 of the Act.

Any person who receives a copy of the referendum list or of the abstract of changes under that section must undertake, in a writing given to the clerk or the secretary-treasurer, to comply with the rules set out in sections 659 and 659.1 of the Act concerning the use and communication of the information contained in such a document.

11. As soon as practicable after the coming into force of the referendum list of the sector concerned, the clerk or the secretary-treasurer of the city shall certify in writing the number of qualified voters whose names are entered on the list and send a copy of the certificate to the Minister of Municipal Affairs, Sports and Recreation and the chief electoral officer.

12. The register shall be open in each sector concerned in a spacious, easily accessible place.

The chief electoral officer shall issue directives for determining the number and location of places where the register is to be open, based on the number of qualified voters entered on the referendum list of the sector concerned or on the size of that sector. The directives must take into account the fact that the register is to be open during five days rather than only one. This obligation does not limit the scope of the powers conferred on the chief electoral officer by section 516.1 of the Act.

The chief electoral officer may permit the register to be open elsewhere than in the sector concerned if, in the opinion of the chief electoral officer, there is no appropriate place to open the register in the sector concerned. The chief electoral officer may also authorize a departure from any of the directives issued if, in the opinion of the chief electoral officer, it is impossible to comply with it.

13. The register shall be open for five consecutive days, including at least one Saturday or one Sunday.

The Government shall fix the date of the first day. It may fix a different day for each city. The date fixed must be between 2 May and 15 June 2004;

however, the Government may fix a date later than 15 June 2004 if the situation demands it.

The Government shall define the question that will be submitted to voters if a referendum poll is held in the sector concerned.

Not later than the twentieth day before the first day the register is open, the Minister shall advise the city and the chief electoral officer, in writing, of the date fixed and of the text of the question as defined.

14. The public notice prescribed by section 539 of the Act must be addressed to the qualified persons whose names are entered on the referendum list of each sector concerned and must contain the following particulars in respect of each such sector:

- (1) the text of the referendum question;
- (2) the right of the persons for whom it is intended to request that a referendum poll be held by entering their name, address and capacity, together with their signature, in a register open for that purpose;
- (3) the number of requests required for a referendum poll to be held;
- (4) where and when the register will be open for registration; and
- (5) where and when the results of the registration process will be announced.

The third, fourth and fifth paragraphs of that section do not apply to the notice.

15. Where the sector concerned is the territory of a former municipality that was recognized under section 29.1 of the Charter of the French language (R.S.Q., chapter C-11), the text of the referendum question that is to accompany the register and be posted up under section 543 of the Act must be in French and English.

16. In addition to the first paragraph of section 523 of the Act, the second and third paragraphs of that section and section 219 of the Act apply, with the necessary modifications, to the right of a qualified voter to request the holding of a referendum poll as if that right were the right to vote.

The requirements set out in either of the second and third paragraphs of section 523 of the Act are deemed to be mentioned, in the same manner as the requirements set out in the first paragraph of that section, in the third paragraph of section 545, and in the first and second paragraphs of section 547 of the Act.

17. An identity verification panel, as provided for in section 545.1 of the Act, must be established in each place where the register is open for registration.

18. Sections 546 and 546.1 of the Act do not apply.

19. The only persons who may be present at the place where the register is open are

(1) the clerk or the secretary-treasurer of the city, any representative of the chief electoral officer, and the secretary of the borough concerned, if any, as well as any other person responsible for the register or any person assisting that person ;

(2) the members of the identity verification panel ;

(3) any person whose services are required by the clerk or the secretary-treasurer of the city by virtue of the person's powers in matters of maintaining order in that place ;

(4) any person who comes to enter the required personal particulars in the register, for the time required to enter them ; and

(5) any person who comes to have his or her identity verified and any person accompanying the person to attest to the person's identity, for the time required for the verification.

20. As soon as practicable after the certificates required under section 555 of the Act have been drawn up for all the sectors concerned included in whole or in part in the territory of the city, the clerk or the secretary-treasurer shall forward a copy of the certificates to the Minister and to the chief electoral officer.

21. Notwithstanding section 553 of the Act, a referendum poll must be held in a sector concerned if the number of requests reaches 10% of the qualified voters whose names are entered on the referendum list of that sector.

However, in the case of a sector concerned that corresponds to the territory of either of the former municipalities of Ville de L'Île-Dorval and Municipalité de Lac-Tremblant-Nord, a poll must be held if the number of requests reaches the number applicable under subparagraph 1 or 2 of the first paragraph of that section.

For the purposes of the first two paragraphs, a qualified voter who was allowed to make a request although his or her name was not entered on the referendum list is not counted among the qualified voters whose names are entered on the list, notwithstanding the third paragraph of section 523 of the Act.

22. Where the territory of the city includes one or more boroughs, the clerk or the secretary-treasurer of the city, in cooperation with the secretary of any borough included in whole or in part in the sector concerned, must exercise the functions incumbent upon the clerk or the secretary-treasurer in organizing

and holding the registration process for that sector, including the establishment, revision and coming into force of the referendum list.

That cooperation shall consist at the very least in the clerk or the secretary-treasurer consulting the borough secretary before performing an act provided for in the Act in the exercise of his or her functions. The clerk or the secretary-treasurer may determine how they will cooperate beyond that minimum.

23. Sections 70.1 and 71 of the Act apply, with the necessary modifications, in respect of acts to be performed by the clerk or the secretary-treasurer of the city in exercising the functions incumbent upon the clerk or the secretary-treasurer in organizing and holding the registration process, including the establishment, revision and coming into force of the referendum list.

DIVISION III

IMPACT STUDY AND CITIZEN INFORMATION

24. The Minister may commission a study pertaining to the consequences and the estimated costs of what forms the subject of the consultation for any city before the registration process. The study must make distinctions for each sector concerned included in whole or in part in the territory of the city.

The second and third paragraphs of section 25 and sections 27 to 29 apply to such a study.

25. The Minister shall, in respect of every sector concerned where a referendum poll is to be held, commission a study on the consequences and estimated costs of what forms the subject of the referendum. If a referendum poll is to be held in more than one sector concerned included in whole or in part in the territory of the same city, a single study shall be conducted in respect of that city and shall make distinctions for each sector.

The study shall pertain to any aspect of the reorganization that affects the sector, as determined by the Minister.

If the subject of the referendum is the constitution of a municipality, the study shall include an estimate of the physical, human and financial resources necessary to enable the reconstituted municipality to exercise its powers with due regard for the framework established in either of Chapters IV and V if applicable. The study shall also contain an estimate of the transition costs and of the impact of the new municipal administration on tax accounts in the reconstituted municipality.

The obligation to commission a study in respect of a sector after the registration process does not apply if a study on the same subjects was conducted for that sector before the registration process and is considered sufficient by the Minister.

26. As soon as practicable after receipt of the copy of the certificate forwarded under section 20 in respect of the sector concerned, the Minister shall designate the person responsible for the study in accordance with the Public Administration Act (R.S.Q., chapter A-6.01). The study must be completed within 60 days after the person is designated.

The Minister may grant additional time if the person shows that the study cannot be completed within the time allotted.

Notwithstanding sections 58 to 61 of the Public Administration Act, the Minister may make the person who conducted a study on the same subjects in respect of the same sector before the registration process responsible for the study, without any competitive bidding.

27. Insofar as the person responsible for the study considers it useful for the purposes of his or her mandate, the person may require any local municipality having jurisdiction in all or part of the sector concerned or any body thereof to furnish any information or document belonging to them concerning

- (1) the financial situation of the municipality or body ; or
- (2) the staff or any person in the employ of the municipality or body.

The first paragraph also applies in respect of information and documents relating to a pension plan held by any administrator of such a plan or by any public body exercising a responsibility under the law in respect of such a plan.

28. Every council member, officer or employee of a municipality or of any body thereof or of a person referred to in the second paragraph of section 27 shall cooperate with the person responsible for the study.

No person may prohibit its officers or employees from cooperating in the study with the person responsible for the study, or take or threaten to take any disciplinary measure against them for having cooperated with that person.

Section 123 of the Act respecting labour standards (R.S.Q., chapter N-1.1) applies, with the necessary modifications, to any officer or employee who believes he or she has been the victim of an act prohibited by the second paragraph.

29. Sections 27 and 28 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

The person responsible for the study and his or her employees are required to ensure the confidentiality of the information obtained under those sections.

30. Not later than the thirtieth day before the date on which the referendum poll is to be held, the Minister shall make the contents of the study available by any mode of publication the Minister determines.

As far as practicable, the Minister shall make the contents of all the studies available on the same date.

DIVISION IV

REFERENDUM POLL

31. The Government shall fix the date of the referendum poll.

The same date shall be fixed for all referendum polls unless circumstances require the Government to fix another date for a particular referendum poll. Where that is the case, if a referendum poll is to be held in two or more sectors concerned included in whole or in part in the territory of the same city, the same date shall be fixed for all such sectors.

The Minister shall inform the city and the chief electoral officer in writing of the date fixed.

32. The date fixed for the referendum poll must be a Sunday occurring in the period beginning 30 days after the day on which the date is fixed by the Government.

33. For the purposes of the referendum poll, 1 March 2004 is the date of reference that is referred to in the provisions to which section 4 refers, no new referendum list of the sector concerned shall be drawn up and, unless the chief electoral officer considers that the length of the period between the registration process and the poll does not justify it, the list that was used for the registration process shall again be revised.

Section 560 of the Act does not apply and, if there is a second revision, the reference in the first paragraph of section 561 of the Act applies only to the provisions relating to the revision and coming into force of the list of electors.

The public notices provided for in sections 527 and 529 of the Act shall not be given again.

34. During the second revision, a qualified voter who is a natural person and who is entitled to have his or her name entered on the referendum list of the sector concerned as the sole owner of an immovable or the sole occupant of a business establishment may exercise that right, notwithstanding the second paragraph of section 526.1 of the Act, even if the city has not received the writing required under that paragraph.

Notwithstanding the third paragraph of that section, an application by a legal person for entry on another referendum list is not valid for the purposes of the second revision.

For those purposes, every natural person who is not a qualified voter solely because the person is not of full age on 1 March 2004, but who will be of full age on the day set for the poll, is deemed to be a qualified voter.

35. Section 9 applies, with the necessary modifications, in respect of the second revision.

Among those modifications, a reference to a voter's not being qualified to request the holding of a referendum poll means the voter cannot vote, and a reference to the period during which the register is open means the period consisting of the days fixed for the advance poll and the poll.

36. The representative of a group of qualified voters who, under section 564 of the Act, is entitled to receive, free of charge, copies of the referendum list and of the abstract of changes resulting from the second revision is not the one designated under section 10 of this Act.

Only the person, if any, named under the regulation provided for in section 149 of this Act may be so entitled. The same applies to the right to make an application under section 570 of the Act to have a representative of the group designated in each polling station or a poll runner designated in each voting place where there is a polling station.

The sixth paragraph of section 10 of this Act applies to the person so named.

37. An advance poll shall be held on the seventh day preceding the date of the referendum poll.

38. The chief electoral officer is responsible for the organization and holding of the referendum poll. The chief electoral officer has the powers and duties assigned to a municipality or its clerk or secretary-treasurer by Title II of the Act.

The chief electoral officer may direct the clerk or the secretary-treasurer of the city to perform, under the authority of the chief electoral officer, any act that comes under the first paragraph.

39. No agreement under section 659.2 of the Act pertaining to the testing of new methods of voting can be applied to the referendum poll.

40. As soon as practicable after the coming into force of the referendum list of the sector concerned, the chief electoral officer shall certify in writing the number of qualified voters whose names are entered on the list and send a copy of the certificate to the Minister.

41. For the purposes of paragraph 1 of section 575 of the Act, the referendum question to be printed on each ballot paper is the question defined by the Government under the third paragraph of section 13.

Where the sector concerned is the territory of a former municipality that was recognized under section 29.1 of the Charter of the French language (R.S.Q., chapter C-11), the particulars which are to appear on the obverse (front) of the ballot paper under section 575 of the Act must be in French and English.

42. The public notice provided for in section 572 of the Act shall contain the following particulars :

(1) when the polling station or stations will be open for the advance poll and for the referendum poll ;

(2) the text of the referendum question ;

(3) the minimum number of affirmative votes required to reach the number corresponding to 35% of the number of qualified voters whose names are entered on the referendum list ;

(4) where the polling station or stations will be located for the advance poll and for the referendum poll and, if there is to be more than one polling station, indications to determine in which polling station a person whose name is entered on the referendum list may vote ; and

(5) when the addition of votes will begin and where it will take place.

The third, fifth and sixth paragraphs of that section do not apply to the notice.

43. The answer given to the referendum question by qualified voters is deemed to be affirmative where the poll results show that the number of affirmative votes is greater than the number of negative votes and is equal to or greater than 35% of the number of qualified voters whose names are entered on the referendum list of the sector concerned.

For the purposes of the first paragraph, a qualified voter who was allowed to vote although his or her name was not entered on the referendum list is not counted among the qualified voters whose names are entered on the list, notwithstanding the third paragraph of section 523 of the Act.

44. Section 577 of the Act does not apply.

45. The additions of votes shall begin during the evening of or on the day following the day of the referendum poll.

The chief electoral officer shall communicate the results of the addition of votes, as soon as they are known, to the Minister, to the city and, where the sector concerned is described in paragraph 2 of section 5, to any other municipality referred to in that paragraph.

The chief electoral officer shall make sure that the results are communicated to all parties concerned on the same day.

46. The chief electoral officer is not required to request a summary counting of votes in case of a tie, under sections 567 and 254 of the Act, unless such a counting is reasonably likely to so change the results of the addition of the votes that the majority defined in section 43 of this Act may be achieved.

47. The chief electoral officer shall draw up a statement of the final results of the referendum poll as prescribed by section 578 of the Act.

In addition to or in lieu of tabling the statement as prescribed in that section, the chief electoral officer shall forward a copy to the Minister, to the city and, where the sector concerned is described in paragraph 2 of section 5, to any other municipality referred to in that paragraph.

The chief electoral officer shall make sure that all parties concerned receive their copy of the statement on the same day.

CHAPTER III

TRANSITION AND COST SHARING

DIVISION I

ADVANCE GENERAL ELECTION

48. In the case of a city whose territory includes, in whole or in part, at least one sector concerned where the answer given to the referendum question is deemed to be affirmative, the first general election following the referendum poll shall be held, in anticipation of the reorganization of the city, in every local municipality that is to continue to exist with a different territory or that is to be constituted.

49. The Government may fix the polling date for the advance general election.

Otherwise, the poll shall be held on 6 November 2005.

50. With regard to the advance general election, the Government may establish rules on any matter governed by the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) or on any other matter related to an election that is the subject of provisions in the constituting Act or the charter of the city or the other existing municipality concerned.

The Minister shall consult the chief electoral officer before recommending the making of an order under the first paragraph.

The rules established by the Government may depart from any provision of an Act or a statutory instrument pertaining to a matter referred to in the first paragraph.

DIVISION II

TRANSITION COMMITTEE

51. The Government may establish a transition committee in respect of any city whose territory includes, in whole or in part, one or more sectors concerned where the answer given to the referendum question is deemed to be affirmative. The number of members of the transition committee, including a chair, shall be determined in the order.

If the territory of the city includes, in whole or in part, more than one sector that meets the condition set out in the first paragraph, the Government may establish more than one transition committee.

52. The transition committee is a legal person and a mandatary of the State.

The property of the transition committee forms part of the domain of the State, but the performance of the committee's obligations may be levied against its property.

The transition committee binds none but itself when it acts in its own name.

The transition committee has its head office at the place determined by the Minister. Notice of the location or of any change in location of the head office must be published in the *Gazette officielle du Québec* and in a newspaper circulated in the territory of the city.

53. The powers exercised by the transition committee as regards contract and physical resources management are not subject to sections 58 to 61 of the Public Administration Act (R.S.Q., chapter A-6.01).

54. The chair and the other members of the transition committee shall be designated by the Minister.

The Minister shall fix the remuneration, allowances and other conditions of employment of the chair and the other members.

55. No person may be a member of the transition committee who

(1) holds a position with the council of a local municipality whose territory either includes all or part of the sector concerned that is within the purview of the transition committee or is to be enlarged by the transfer of that sector following the referendum poll; or

(2) is a candidate for a position referred to in subparagraph 1.

No person who was a member of the transition committee may be elected in the general election held, in anticipation of the reorganization, in the city or reconstituted municipality whose territory corresponds to the sector concerned that was within the purview of the transition committee.

Where following the referendum poll, the sector concerned that was within the purview of the transition committee is transferred from the territory of the city to the territory of another existing local municipality, the second paragraph applies as if the existing local municipality were a reconstituted municipality.

The disqualification of a person as a candidate in a general election also applies to a by-election, held in the same municipality, during the two-year period that follows the end of the person's term as a member of the transition committee.

Such a person may not be hired by the municipality to hold a position referred to in the second paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19) or the first paragraph of article 267.0.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) before the expiry of that period.

56. The transition committee may adopt internal management by-laws establishing its rules of operation.

57. No writing binds the transition committee unless it is signed by the chair or, to the extent determined in the internal management by-laws, by a member of the committee's personnel.

The transition committee may allow, subject to the conditions and on the documents it determines in its internal management by-laws, that a signature be affixed by means of an automatic device or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair.

58. The minutes of a meeting of the transition committee, approved by the committee and certified by the chair or a member of the committee's personnel so authorized by the internal management by-laws, are authentic, as are documents and copies emanating from the committee or forming part of its records if signed or certified by any such person.

59. The Minister shall appoint the secretary of the transition committee and determine the secretary's remuneration and other conditions of employment.

The secretary shall attend the meetings of the transition committee. The secretary shall keep the registers and have custody of the documents of the committee. The secretary shall exercise any other responsibility that the committee determines.

The secretary is responsible for access to the transition committee's documents.

If the secretary is unable to act, the transition committee may replace the secretary temporarily by appointing another person to that function. One of the members of the committee may also act in the place of the secretary if the secretary is unable to act.

60. The transition committee may hire the employees required for the exercise of its responsibilities, and determine their conditions of employment. The committee may also obtain the expert services it considers necessary.

61. No judicial proceedings may be brought against the members or employees of the transition committee by reason of an official act done in good faith in the exercise of their functions.

Sections 604.6 to 604.10 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, in respect of the members and employees of the transition committee as if the Government were the municipality referred to in those sections.

The first two paragraphs also apply in respect of the other transition committee representatives, particularly the persons referred to in the second paragraph of section 68 and in section 73.

62. The Government may, on the terms and conditions it determines, grant the transition committee any sum of money it considers necessary for its operation.

A decision by the transition committee to take out a loan must be approved by the Minister. Any such loan is contracted at the interest rate and under the other terms mentioned in the approval.

63. The transition committee is a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

64. The mandate of the transition committee ends on the date that precedes the date of the reorganization, unless another date is set by the Government.

At the end of its mandate, the transition committee shall be dissolved and its assets and liabilities treated in the same manner as those of the city that are related to the exercise of a power referred to in Division II of Chapter IV.

65. The mission of the transition committee is to participate, together with the administrators and employees of the city or any other existing municipality and with any persons elected in advance in the reconstituted municipality, in the establishment of the conditions most conducive to facilitating the transition between the successive municipal administrations in the sector concerned that is within the purview of the transition committee.

66. The decisions of the transition committee shall be made at meetings of the committee.

The quorum at meetings of the committee is the majority of its members.

67. Subject to the second paragraph of section 72, the transition committee shall, during its term, provide the citizens of any local municipality having jurisdiction in all or part of the sector concerned that is within the purview of the committee with any information it considers relevant to keep them informed on the carrying out of its mission.

The Minister may issue directives to the committee in that respect.

68. The transition committee may form any sub-committee for the examination of particular matters, determine its mode of operation and designate its members, including the person who is to chair the sub-committee.

A person who is not a member of the committee may be designated as a member of a sub-committee.

69. The chair of the transition committee may entrust to one or more members of the committee or, where applicable, of a sub-committee the exercise of certain functions or the examination of any matter the chair indicates.

70. To the extent that the transition committee considers it expedient within the scope of its mandate, it may require any local municipality having jurisdiction in all or part of the sector concerned that is within the purview of the committee, or a body of that municipality, to furnish any information or documents belonging to the municipality or the body concerning

(1) the financial situation of the municipality or the body;

(2) the staff or any person in the employ of the municipality or the body.

The first paragraph also applies in respect of information and documents relating to a pension plan held by an administrator of such a plan or by a public body which by law exercises a responsibility in respect of such a plan.

71. Every council member, officer or employee of a municipality or of a body thereof or of a person referred to in section 70 shall cooperate with the transition committee.

No person may prohibit such officers or employees from cooperating with the transition committee within the scope of its mandate, or take or threaten to take a disciplinary measure against them for having cooperated with the committee.

Section 123 of the Act respecting labour standards (R.S.Q., chapter N-1.1) applies, with the necessary modifications, to any officer or employee who believes he or she has been the victim of an act prohibited by the second paragraph.

72. Sections 70 and 71 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

The members of the transition committee or a sub-committee and the employees of the committee or sub-committee are required to ensure the confidentiality of the information obtained under sections 70 and 71.

73. The transition committee may, where it considers it necessary for the exercise of its responsibilities, use the services of an officer or employee of a municipality referred to in section 70 or a body thereof. The committee may designate the officer or employee whose services are necessary. The committee and the employer shall agree on the amounts to be paid by the committee for the use of the services. However, the employer shall place the designated officer or employee at the disposal of the committee as of the time indicated by the committee, notwithstanding the absence of an agreement on the amounts to be paid.

Failing an agreement, the Minister may designate a conciliator at the request of the committee or the employer to assist the parties in reaching an agreement. The conciliator shall act as if he or she had been designated under section 468.53 of the Cities and Towns Act (R.S.Q., chapter C-19), and section 469 of that Act applies, if appropriate, with the necessary modifications.

The officers and employees seconded to the committee remain in the employ of the municipality or the body, as the case may be, are remunerated by their employer and are governed by the same conditions of employment during the secondment.

74. The transition committee shall hire and remunerate the election officers prescribed by the rules made under or the provisions referred to in section 50 for the purposes of the general election to be held under section 48 in any local municipality whose territory, following the reorganization of the city, is to correspond to the sector concerned that is within the purview of the committee.

For the purposes of the election, the committee shall

(1) designate the person who is to act as the returning officer of the election; and

(2) exercise the powers and responsibilities assigned to a municipality or a municipal council by the rules or provisions referred to in the first paragraph.

75. Where the rules or provisions provide that the territory of a municipality must be divided into electoral districts for the election or a by-election held before the next general election, the transition committee, in cooperation with the chief electoral officer, shall divide the territory into electoral districts.

Before coming into force, such a division must be approved by the Minister.

76. The order made under section 51 may modify the transition committee's obligations under sections 74 and 75.

77. The transition committee shall examine any other matter or carry out any other mandate the Minister may entrust to the committee within the scope of its mission.

78. The transition committee shall report to the Minister on its activities at the end of its mandate or when required by the Minister.

The committee shall also give the Minister any information the Minister may require concerning its activities.

DIVISION III

COST SHARING

79. The Government shall reimburse the city for all expenses incurred to organize and hold the registration process, including those incurred to draw up and revise the referendum list for the purposes of that process.

If the expenses were not reimbursed before the reorganization of the city, the Government shall pay to the central municipality resulting from the reorganization an amount corresponding to those expenses. The said amount must be used exclusively for the financing of expenditures relating to the exercise of a power referred to in Division II of Chapter IV.

80. The costs related to acts carried out under Division III of Chapter II shall be borne by the Government.

81. A reconstituted municipality whose territory corresponds to a sector concerned all or part of which was included in the territory of the city immediately before the constitution of the municipality shall reimburse the city and the Government for all expenses incurred by the city and the chief electoral officer, respectively, to organize and hold the referendum poll in that sector, including those incurred for the second revision of the referendum list for the purposes of the poll.

An existing local municipality whose territory was enlarged by the transfer of the sector concerned following a referendum poll is required to reimburse the city and the Government pursuant to the first paragraph.

If the city no longer exists following a reorganization, each municipality that would otherwise have been required to reimburse the expenses referred to in the first paragraph to the city, with the exception of the central municipality, shall pay to the central municipality an amount corresponding to those expenses. The said amount must be used exclusively for the financing of expenditures relating to the exercise of a power referred to in Division II of Chapter IV.

The expenditure by a municipality referred to in the second paragraph to make the reimbursement or the payment, as the case may be, shall be financed by revenues derived exclusively from the sector concerned in which the poll was held.

82. The expenses incurred by the city to organize and hold a referendum poll whose outcome was negative, including those incurred for the second revision of the referendum list, shall be financed by revenues derived exclusively from the sector concerned in which the referendum poll was held.

If one part of the sector is in the territory of the city and another is in the territory of another local municipality, the expenses shall be apportioned between the two parts of the sector in proportion to the number of requests for the holding of the referendum poll that were received during the registration process from each part of the sector. The aliquot share relating to the part of the sector that is in the territory of the other municipality shall be paid to the city by that municipality.

83. The city shall reimburse the Government for all expenses incurred by the chief electoral officer to organize and hold a referendum poll whose outcome was negative, including those incurred for the second revision of the referendum list.

Section 82 applies, with the necessary modifications, to the financing of that reimbursement.

84. A reconstituted municipality shall reimburse the Government for the sums of money allocated to the transition committee established in respect of the sector concerned and those allocated for the carrying out of its mandate.

If the transition committee was established in respect of two or more sectors concerned to which the territories of two or more reconstituted municipalities correspond, the sums referred to in the first paragraph shall be apportioned between those municipalities on the basis of their respective standardized property values for the first full fiscal year after they come into existence.

An existing local municipality whose territory was enlarged by the transfer of the sector concerned following a referendum poll is required to reimburse the Government pursuant to the first paragraph. Section 82 applies, with the necessary modifications, to the financing of the reimbursement.

85. The Minister shall send each municipality that is required to reimburse the Government under either of sections 81, 83 or 84 a demand for payment containing a statement of the expenses to be reimbursed.

86. The Minister may, with the agreement of any municipality that is party to a dispute arising from the cost sharing provided for in this division, submit the matter to the Commission municipale du Québec for arbitration.

Prior to arbitration, the Commission may proceed pursuant to Division III.1 of the Act respecting the Commission municipale (R.S.Q., chapter C-35).

DIVISION IV

CONTROLS REGARDING THE ADMINISTRATION OF CERTAIN SECTORS

87. Sections 88 and 89 shall apply to any sector concerned where the answer given to the referendum question is deemed to be affirmative.

They shall apply as of the day following the day on which results of the addition of votes showing a number of affirmative votes greater than the number of negative votes and equal to or greater than 35% of the number of qualified voters whose names are entered on the referendum list of the sector are communicated to the local municipality having jurisdiction over all or part of the sector. If, however, such a majority is not reached according to the addition of votes but is reached according to the statement of the final results of the referendum poll, they shall apply as of the day on which the municipality receives a copy of that statement.

They shall cease to apply on the day on which

(1) in keeping with the final results of the referendum poll, jurisdiction over all or part of the sector is transferred to the reconstituted municipality whose territory corresponds to the sector or to the other local municipality into whose territory the sector is transferred; or

(2) the municipality referred to in the second paragraph receives a copy of the statement of the final results of the referendum poll showing a number of affirmative votes equal to or less than the number of negative votes, or less than 35% of the number of qualified voters whose names are entered on the referendum list of the sector.

88. Any decision of the municipality referred to in the second paragraph of section 87 or a body of that municipality giving rise to an expense chargeable to the ratepayers of the sector must, to come into force, be approved by the Minister.

Where a transition committee is established in respect of the sector, the Minister's power of approval is exercised by the transition committee for the duration of its term.

Approval is not required where the share of the expense chargeable to the ratepayers of the sector is under 25%.

89. The municipality referred to in the second paragraph of section 87 or a body of that municipality shall not, without the Minister's authorization, alienate an immovable located in the sector or a movable worth over \$10,000 that is principally used by the residents or ratepayers of the sector or for the administration of the sector.

The Minister may, before approving or rejecting an application for authorization, request the opinion of the competent transition committee.

CHAPTER IV

SHARING OF POWERS

DIVISION I

OBJECT AND INTERPRETATION

90. Divisions II and IV state rules for the sharing of powers among related municipalities. Such rules may be prescribed by legislation to reorganize a city or any statutory instrument under that legislation.

Division III states principles to be used as the basis for establishing rules for the exercise of certain powers by a related municipality. Such rules may be prescribed by the legislation referred to in the first paragraph or any statutory instrument under that legislation.

91. For the purposes of those divisions, "municipal body" has the meaning assigned by section 307 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

DIVISION II

URBAN AGGLOMERATION POWERS

§1. — *General provisions*

92. The matters and subjects referred to in this division concern all the related municipalities resulting from the reorganization of a city. Powers pertaining to these matters and subjects may be designated as "urban agglomeration powers".

Only the central municipality, to the exclusion of the other related municipalities, may act on these matters and subjects.

For the purposes of the acts that may be performed with respect to these matters and subjects, the central municipality has jurisdiction over its own territory and over the territories of all the other related municipalities.

If a provision of an Act or a statutory instrument under that Act concerning such a matter or subject refers to the population of a municipality, the population of the central municipality is deemed to be the total population of all the related municipalities for the purposes of the provision.

93. If the infrastructures and equipment that form a system consist both of infrastructures and equipment over which the central municipality has exclusive jurisdiction under this division and infrastructures and equipment over which a related municipality has jurisdiction under other legislative provisions, the central municipality may, by by-law and subject to section 104, establish rules so that the exercise of jurisdiction over the latter infrastructures and equipment does not affect the former infrastructures and equipment in such a way as to significantly reduce the leeway of the central municipality in exercising its jurisdiction over them.

Every related municipality must comply with the rules established in such a by-law that is in force.

The power conferred in the first paragraph applies in particular to residual materials, water supply, water purification and thoroughfares.

This power is deemed part of the central municipality's exclusive jurisdiction over the matter to which the infrastructures and equipment concerned are related.

§2. — *Matters concerning all the related municipalities*

94. The following matters concern all the related municipalities :

- (1) property assessment ;
- (2) municipal watercourses ;
- (3) the components of public security, namely,
 - (a) civil protection, fire protection and police services unless immediately before the reorganization, police services are provided to the city by the Sûreté du Québec ;
 - (b) the 9-1-1 emergency centre ;
 - (c) the development, adoption and implementation of the civil protection plan and the fire safety cover plan ;
- (4) the municipal court ;

(5) social housing and assistance intended specifically for the homeless, to the extent specified in section 95 ;

(6) residual materials disposal and reclamation and the development, adoption and implementation of a residual materials management plan ;

(7) water supply and water purification, to the extent specified in section 96 or 97 ;

(8) passenger transportation ;

(9) the management of the thoroughfares of the arterial road system of the related municipalities, to the extent specified in section 98 ;

(10) the components of economic development, namely,

(a) the promotion of the territory of a related municipality, including the promotion of tourism, when it is done outside the territory and does not fall under the jurisdiction of a metropolitan community ;

(b) tourist services in the territory of a related municipality ;

(c) local development centres, conference centres, ports and airports, to the extent specified in section 99 ;

(d) industrial parks and railway sidings, to the extent specified in sections 100 and 101 ;

(e) assistance intended specifically for a business, to the extent specified in sections 102 and 103 ;

(11) premises or facilities for the dumping of snow removed from the territory of two or more related municipalities ;

(12) arts councils whose creation is expressly provided for or permitted by the charter or constituting act of a related municipality ; and

(13) if the city succeeded a regional county municipality or an urban community, any other matter over which the regional county municipality or urban community exercised jurisdiction under a legislative provision.

95. The central municipality's exclusive jurisdiction over social housing applies, subject to the power of a regional county municipality to provide for certain aspects of social housing financing under article 681.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) or the obligation of the Communauté métropolitaine de Montréal to do so under section 153 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01).

96. If the population of a city immediately before the reorganization is equal to or greater than 100,000, the central municipality's exclusive jurisdiction over water supply and water purification does not apply to the truly local mains of the city's waterworks or sewer system.

The central municipality shall, by by-law and subject to section 104, establish the rules to be used to identify those mains.

This power is deemed part of the central municipality's exclusive jurisdiction over water supply and water purification.

97. If the population of a city immediately before the reorganization is less than 100,000, the central municipality's exclusive jurisdiction over water supply and water purification exists only if, immediately before the city was constituted, jurisdiction over this matter was exercised under an agreement between former municipalities. The central municipality's exclusive jurisdiction applies only to infrastructures and equipment covered by such an agreement and those replacing them.

If none of the territories of the former municipalities party to the agreement are included in the central municipality's territory, the central municipality does not have exclusive jurisdiction over water supply and water purification.

For the purposes of the first and second paragraphs, a pooling of infrastructures and equipment through the assumption of a power by a regional county municipality is considered to be a pooling of infrastructures and equipment under an agreement.

98. The central municipality shall, by by-law and subject to section 104, set the rules to be used to identify which thoroughfares form the arterial road system of the related municipalities.

This power is deemed part of the central municipality's exclusive jurisdiction over the management of those thoroughfares.

99. Where the central municipality's exclusive jurisdiction over local development centres includes the power to determine the number of such centres in all the territories of related municipalities and to define the territory in which each centre has jurisdiction, the central municipality exercises this power by by-law, subject to section 104.

The central municipality's exclusive jurisdiction over a port or airport applies only if the main vocation of the port or airport is neither to serve recreational craft nor to provide access to an immovable for the owner of the immovable, a person residing or working in or on that immovable or a visitor or client.

100. An industrial park is any group of immovables forming an identifiable whole on the territory of a municipality and consisting of

(1) land acquired under the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), another Act or a statutory instrument under an Act whose object is to allow a municipality or a body thereof to provide businesses with immovables for industrial, para-industrial or research purposes, including technology ;

(2) any improvements to the land referred to in subparagraph 1 ; and

(3) buildings or other structures on the land referred to in subparagraph 1.

The central municipality's exclusive jurisdiction over an industrial park includes, depending on whether or not the park is in the central municipality's territory, the obligation to use or the right to obtain a sum determined under the third paragraph to finance expenditures related to the exercise of a power referred to in this division.

The sum is the balance of the revenue derived from the presence of the industrial park for a fiscal year, except revenue from a tax or other method of financing imposed by the central municipality to finance expenditures related to the exercise of a power referred to in this division, once the following have been excluded :

(1) that which must by law be used, for the fiscal year, to discharge commitments made in respect of the park ; and

(2) that which is taken into consideration in establishing the aggregate taxation rate of a municipality.

The decision to alienate or lease an immovable included in an industrial park, in the exercise of the central municipality's exclusive jurisdiction over the park, shall be made by by-law, subject to section 104.

101. The central municipality may prescribe, by by-law and subject to section 104, that the management of an existing industrial park not be part of its exclusive jurisdiction over industrial parks.

This power is deemed part of that jurisdiction.

102. The central municipality's exclusive jurisdiction over assistance intended specifically for a business applies in the manner specified in the second and third paragraphs as regards a tax credit.

The central municipality may grant a credit reducing the amount of any tax it levies to finance expenditures resulting from the exercise of a power referred to in this division.

No related municipality, including the central municipality, may grant a credit reducing the amount of another tax.

103. The central municipality may, by by-law and subject to section 104,

(1) specify what constitutes and what does not constitute assistance intended specifically for a business ;

(2) prescribe that a type of assistance it specifies not be part of its exclusive jurisdiction as provided in this division, even if the type of assistance specified is intended specifically for a business.

This power is deemed part of the central municipality's exclusive jurisdiction over assistance intended specifically for a business.

104. As soon as practicable after the adoption of a by-law referred to in the first paragraph of section 93, the second paragraph of section 96, section 98, the first paragraph of section 99, the fourth paragraph of section 100, or section 101 or 103, a certified copy of the by-law shall be sent to the Minister.

A related municipality may inform the Minister of its objection to the by-law within 30 days after its adoption. A certified copy of the resolution setting out the objection shall be sent simultaneously to the Minister and every other related municipality within the 30-day period.

Once the 30-day period has expired, if no objection has been filed with the Minister, the by-law may be published to meet the publication requirement for its coming into force. If an objection has been filed, the by-law must be approved by the Minister.

A by-law provided for in section 101 may be published or approved, as the case may be, only once a resolution expressing the concerned municipality's agreement has been adopted by the council that would have the authority to make decisions concerning the management of the industrial park referred to in the by-law should the by-law come into force.

§3. — *Equipment, infrastructures and activities of collective interest*

105. In the case of the reorganization of a city named in column A of the schedule and in respect of the equipment listed in column B of the schedule opposite the name of the city, the subjects referred to in the second paragraph concern all the related municipalities.

The power to establish rules on such subjects as the management of equipment, the financing of related expenditures and the sharing of related revenue is part of the central municipality's exclusive jurisdiction. Related revenue must be shared equitably on the basis of the respective participation of the related municipalities in financing these expenditures.

The Minister may amend the schedule by order. However, the Minister's power to do this with respect to a city ceases as of the reorganization of the city.

106. The central municipality may amend the list pertaining to it in keeping with the conditions prescribed in the second paragraph. This power is deemed part of its exclusive jurisdiction over the subjects referred to in this subdivision.

Equipment may be included in the list if the following three conditions are met :

- (1) the equipment belongs to a related municipality or a body thereof;
- (2) it is appropriate that the related expenditures be financed jointly or the related revenue be shared by at least two related municipalities; and
- (3) the equipment is not referred to in a by-law in force under section 681.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), an agreement or order in force under Division IV.1 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) or Schedule V to the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01), or a by-law in force under Division V of Chapter I of that Act or Division VI of Chapter III of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02).

The condition prescribed in subparagraph 2 of the second paragraph is met when the equipment is relatively well-known, unique in all the related municipalities or widely used by citizens or ratepayers of a related municipality although not situated in its territory.

The central municipality resulting from the reorganization of a city that is not named in the schedule may, in keeping with the conditions prescribed in the second paragraph, designate any equipment for which it intends to avail itself of the power under the second paragraph of section 105. That designation is considered to be the amendment provided for in the first paragraph of this section, and any equipment so designated is deemed to be included in a list in the schedule opposite the name of the city.

107. The resolution by which the central municipality may amend the list must prescribe appropriate transitional terms and conditions regarding any subject referred to in section 105 in relation to equipment added to or removed from the list.

To come into force, the resolution must be approved by the Minister.

If equipment is removed from the list, the Minister's approval may be given only once a resolution expressing the concerned municipality's agreement has been adopted by the council that would have the authority to make decisions concerning a subject referred to in this subdivision in relation to that equipment should the resolution of the central municipality come into force.

108. Sections 105 to 107 apply, with the necessary modifications, to an infrastructure or activity, particularly to the provision of assistance for the purpose of carrying out a project.

The activity of a municipality or body thereof may be covered by those sections even without the thing in relation to which the activity is carried on necessarily being the municipality's or body's project.

DIVISION III

EXERCISE OF URBAN AGGLOMERATION POWERS

109. For the purpose of exercising a power referred to in Division II, the central municipality shall have an additional deliberative body.

This deliberative body shall be a joint council of representatives from all the related municipalities, including the central municipality.

It may be designated as the "urban agglomeration council".

110. The number of representatives of a related municipality on the joint council shall be in approximately the same proportion to the total number of members as the population of the related municipality is to the total population of all the related municipalities.

Every related municipality is entitled to have a representative on the joint council even if not warranted by its relative demographic weight under the first paragraph.

If, because of the application of the second paragraph, one or more related municipalities are entitled to significantly greater representation on the joint council than warranted by their respective relative demographic weight, additional votes and fractions of votes shall be assigned to any representative of a related municipality with significantly less representation than warranted by its relative demographic weight. In this way, the proportionality between the population of the municipality and the say of the municipality's representatives in the decision-making process shall be achieved through a combination of the number of representatives and the number of votes they are assigned.

111. The mayor of a related municipality is by virtue of office the representative or one of the representatives of the municipality on the joint council.

If the municipality is entitled to one or more additional representatives, the mayor shall designate them from among the members of the municipal council.

112. Any power of the central municipality referred to in Division II that requires an act by a deliberative body shall be exercised by the joint council.

For a decision to be made by the joint council, a majority of the votes cast on a proposal must be in favour of it and no objection to the proposal must be made by the central municipality's representatives. An objection to a proposal is considered to have been made

(1) when a municipality has only one representative and that representative votes against the proposal; and

(2) when a municipality has more than one representative and, depending on whether the mayor votes against the proposal or not, the votes cast by the representatives of the municipality are tied or a majority of these votes are against the proposal.

Despite any legislative provision, the executive committee of the central municipality has no power or obligation of a decision-making nature with respect to the exercise of a power referred to in Division II. Such a power shall be exercised and such an obligation fulfilled by the joint council in the place of the executive committee.

113. To finance expenditures related to the exercise of a power referred to in Division II, the joint council may levy any tax or impose any method of financing that may be levied or imposed by a local municipality.

Those expenditures include those related to the remuneration of joint council members or, in the case of joint council members who are also on the regular council of the central municipality, to that portion of their remuneration attributable to the exercise of such a power.

The joint council's decision to levy a tax or impose a method of financing shall be made by a by-law to which section 104 applies.

114. Documents of the central municipality that contain both matters requiring a decision by the joint council and matters requiring a decision by the regular council of the municipality, particularly the budget and the program of capital expenditures, must be divided accordingly.

115. At a meeting of the council of any related municipality, including the regular council of the central municipality, the mayor

(1) shall inform the council of the matters that are to be considered at a future meeting of the joint council;

(2) shall set out the positions the mayor intends to take on the matters mentioned in subparagraph 1 and discuss those positions with the other members present; and

(3) shall report on the decisions made by the joint council at previous meetings.

DIVISION IV

MISCELLANEOUS PROVISIONS RESPECTING URBAN AGGLOMERATION POWERS

116. The sole fact that a municipality is granted a power under Division II does not bind the municipality to exercise that power or to exercise that power itself.

The sole fact that a municipality is granted a power under Division II does not prevent a regional county municipality from assuming that power.

117. If immediately before the reorganization, a power referred to in Division II was exercised by a municipal body other than the city under an agreement entered into by the city, the agreement shall be maintained as if all the related municipalities were party to it, the central municipality shall succeed to the rights and obligations of the city that were stipulated in the agreement and the acts the central municipality performs by virtue of this succession shall be deemed performed in the exercise of the power referred to in Division II.

118. The central municipality shall not exercise a power referred to in Division II if, immediately before the reorganization, a municipal body other than the city exercised the power in respect of the city and the power is neither temporary nor revocable.

A power is deemed revocable if it is exercised by a body established by the city which may be dissolved by order or at the sole request of the city.

The first paragraph shall not apply during the period in which, under the law as it stood immediately before the reorganization, the city and the other municipal body simultaneously exercise jurisdiction over the same matter, particularly the land use planning and development plan.

119. Decision-making related to the performance of acts inherent in or accessory to the exercise of a power is deemed part of the power.

Such acts include :

- (1) the making of an agreement or any other form of contract ;
 - (2) the imposition of a method of financing and the inclusion of an item in the budget or in the program of capital expenditures ;
 - (3) the allocation of human or physical resources ;
 - (4) the taking of other administrative measures or the setting of standards ;
- and

(5) the response to the assumption of a power by a regional county municipality.

CHAPTER V

EFFECT OF CITY REORGANIZATION ON PERSONNEL, AND SHARING OF ASSETS AND LIABILITIES

DIVISION I

OBJECT AND INTERPRETATION

120. Divisions II and III state principles to be used as the basis for establishing the rules both for dealing with the effect of the reorganization of a city on personnel and for sharing the assets and liabilities of the city. Such rules may be prescribed by legislation on city reorganization or any statutory instrument under that legislation.

A rule may depart from a principle, however, when it is impossible to respect the principle or when respecting the principle would result in an inappropriate rule.

A person who has to recommend the adoption of a rule referred to in the first paragraph or who is called upon to anticipate its effects, particularly a transition committee or the person responsible for a study on the consequences and estimated costs of reorganization, must take into account both the principle on which the rule should normally be based and the possibility of departing from the principle as provided for in the second paragraph.

121. Even if Divisions II and III expressly refer only to cases in which a new local municipality resulting from the reorganization of the city is a reconstituted municipality whose territory is entirely situated within that of the city before reorganization, the principles put forward also apply, with the necessary modifications, to cases where

(1) a new local municipality is a reconstituted municipality whose territory is formed of parts of the territory of the city and of another local municipality that existed before the reorganization;

(2) a part of the territory of the city is transferred to the territory of another local municipality that existed before the reorganization.

DIVISION II

EFFECT OF CITY REORGANIZATION ON PERSONNEL

122. An officer or employee of the city remains or becomes, as the case may be, an officer or employee of the central municipality.

However, such a person may be transferred to a related municipality other than the central municipality, in keeping with the rules set out in this division.

123. No officer or employee of the city may suffer a salary reduction, be laid off or dismissed simply as a result of the reorganization of the city.

No officer or employee of the city who is transferred to a related municipality other than the central municipality may suffer a salary reduction simply as a result of the transfer.

A person referred to in the first or second paragraph does not lose seniority or any employment benefits. The person also continues to be a member of the same pension plan as before the reorganization.

124. For city personnel, the reorganization is deemed to constitute the alienation of an undertaking in favour of the central or the related municipality, as the case may be.

However, a collective agreement transferred to the new employer shall expire on its expiry date or six months after the reorganization, whichever comes first.

The second paragraph does not apply to a collective agreement transferred to the central municipality if the central municipality is not a reconstituted municipality.

125. Within the time set by the Minister, the transition committee, in conjunction with the city and any association of employees certified under the Labour Code (R.S.Q., chapter C-27), must establish the rules and procedure for transferring employees represented by the association to a related municipality other than the central municipality.

The committee, the city and the association may also agree on conditions of employment incidental to the transfer.

The Minister may grant additional time at the request of the committee, the city or a certified association.

If no transition committee has jurisdiction over the sector concerned that constitutes the territory of the related municipality other than the central municipality, the duties and powers of such a committee are assigned to a person designated by the Minister for that purpose.

Where applicable, the persons elected in advance in a related municipality other than the central municipality must be consulted on the matters referred to in the first two paragraphs.

126. An agreement reached under section 125 cannot provide for conditions of employment that entail for a related municipality other than the central

municipality higher costs than those entailed by the conditions of employment applicable before the transfer.

The rules and procedure referred to in that section are provisions on the application of the reassignment process provided for in the applicable conditions of employment or, if there is no such process, provisions that allow employees to be assigned a position or a place of employment.

127. If an agreement is not reached on all the matters referred to in section 125 within the time set by the Minister, the Minister shall inform the Minister of Labour.

128. The Minister of Labour shall refer the disagreement to a mediator-arbitrator, set a time within which the disagreement must be settled, and notify the parties.

The Minister may, if necessary, appoint a mediator-arbitrator for each disagreement or set of disagreements.

129. Before proceeding with arbitration, the mediator-arbitrator must attempt to bring the parties to agree on the matters referred to in section 125 on which no agreement has been reached.

The mediator-arbitrator must proceed with arbitration on the matters on which no agreement was reached before or during mediation if, in the mediator-arbitrator's opinion, there is no likelihood of the parties reaching an agreement within a reasonable time. In such a case, the mediator-arbitrator shall inform the parties and the Minister of Labour.

130. Subject to sections 128, 129, 131 and 133 to 135 of this Act, sections 76 and 77, the first paragraph of sections 79 and 80 and sections 81 to 89, 91, 91.1, 93, 139 and 140 of the Labour Code (R.S.Q., chapter C-27) apply to the arbitration, with the necessary modifications.

131. The mediator-arbitrator shall proceed with arbitration upon examination of the record.

The mediator-arbitrator may, if necessary, hold arbitration hearings.

132. The parties may at any time agree on a matter on which there has been disagreement.

The agreement is recorded in the arbitration award, which may not amend it.

133. The mediator-arbitrator shall set the rules and procedure for the transfer of employees represented by a certified association to a related municipality other than the central municipality. The mediator-arbitrator shall

also determine the rights of recourse of an employee who believes he or she has been wronged by the application of the rules or procedure.

The mediator-arbitrator may also rule on any condition of employment that the mediator-arbitrator believes is incidental to the transfer of the employee.

The award may not provide conditions of employment that entail for the related municipality other than the central municipality higher costs than those entailed by the conditions of employment applicable before the transfer.

134. The mediator-arbitrator must render the award within the time set by the Minister of Labour.

If it is warranted by exceptional circumstances, the Minister may determine and grant an extension at the request of the mediator-arbitrator.

135. The arbitration award is binding on the city, the central municipality, the other related municipality and the associations certified to represent any of their employees, as well as on the transition committee or the person designated under the fourth paragraph of section 125.

If a collective agreement is in force, the award operates to amend it. If the renewal of the collective agreement is being negotiated, the provisions of the award are deemed to form part of the last collective agreement, as of the date on which the award takes effect. If a first collective agreement is being negotiated, the provisions of the award amend the applicable conditions of employment.

136. The transition committee or the person designated under the fourth paragraph of section 125 shall draw up a plan for the transfer of officers and employees who are not represented by a certified association to a related municipality other than the central municipality, as well as the procedure relating to the rights of and remedies available to an officer or employee who believes he or she has been wronged by the application of the transfer plan.

The committee or the person must send the Minister of Municipal Affairs, Sports and Recreation any plan drawn up under the first paragraph for approval. The Minister may approve the plan with or without changes.

Once approved, a plan applies to the city, the central municipality and the other related municipality.

137. The transition committee or the person designated under the fourth paragraph of section 125 must consult any association created to defend and promote the rights and interests of the officers and employees of the city who are not represented by a certified association on the transfer plan and the procedure relating to the rights and remedies referred to in section 136.

DIVISION III

SHARING OF ASSETS AND LIABILITIES

§1. — *Interpretation*

138. For the purpose of this division, the words “debt” and “surplus” also mean whatever the city’s constituting act or charter equates with a debt, particularly in the expression “expenditures related to a debt”, or with a surplus.

§2. — *Debts*

139. The debts of the city that existed immediately before the reorganization and that were contracted by a former municipality whose territory corresponds to that of a reconstituted municipality become the debts of the latter. The expenditures related to those debts shall continue to be financed by revenues derived exclusively from that territory or a part of it, as the case may be.

However, if the financing rules applicable to such a debt immediately before the reorganization state that the expenditures related to the debt are financed by revenues derived from the territory of several former municipalities, the debt remains or becomes a debt of the central municipality, as the case may be. The joint council of the central municipality shall establish the share of the expenditures payable by each related municipality concerned, so that the financing rules continue to apply until the debt expires.

140. The debts of the city that existed immediately before the reorganization, that were not contracted by a former municipality, and that are related to property, services or activities within an area of jurisdiction referred to in Division II of Chapter IV remain or become the debts of the central municipality, as the case may be.

The joint council of the central municipality shall establish the share of the expenditures related to those debts payable by each related municipality concerned, so that the financing rules applicable to each debt immediately before the reorganization continue to apply.

The joint council may change the rules.

141. The debts of the city that existed immediately before the reorganization, that were not contracted by a former municipality, and that are related to property, services or activities within an area of jurisdiction that is not referred to in Division II of Chapter IV remain or become the debts of the central municipality, as the case may be.

The expenditures related to such a debt are financed by a contribution from the related municipality that benefits from the property, service or activity from which the debt derives. That municipality may be determined on the

basis of the territory on which the property is located or used, the service is provided or the activity is carried on.

If a number of municipalities benefit, each one must contribute to the financing of the expenditures related to the debt, in proportion to the benefit it receives.

If it is not possible to determine which municipality benefits, the financing rules applicable to the debt immediately before the reorganization are used to establish the share payable by each related municipality.

§3. — *Assets*

142. Any property the city owns immediately before the reorganization that is related to the exercise of a power over a matter referred to in subdivision 2 of Division II of Chapter IV remains or becomes the property of the central municipality, as the case may be.

If the central municipality alienates the property, the proceeds of the alienation or, where applicable, the part of the proceeds that exceeds the amount of the debt related to that property is shared among the related municipalities in proportion to the participation of each in the financing of the expenditures related to that debt.

143. Any property the city owns immediately before the reorganization that is related to the exercise of a power that is not referred to in Division II of Chapter IV remains or becomes, as the case may be, the property of the related municipality

(1) on whose territory the property is located, if the property is an immovable;

(2) whose territory, before the reorganization, received a service for which the property was used, if the property is a movable.

However, in determining to which municipality a property belongs after the reorganization, special situations that existed before the city was constituted must be taken into account, such as:

(1) an immovable that was located on the territory of a former municipality other than the municipality to which it belonged;

(2) a vehicle that belonged to a former municipality other than the one whose territory it served before the reorganization.

144. A compensatory amount is calculated for a reconstituted municipality if all the following conditions are filled:

(1) before the reorganization, the city alienated property that belonged to the former municipality whose territory has become the territory of the reconstituted municipality;

(2) the alienated property was related to the exercise of a power that is not referred to in Division II of Chapter IV, or was the immovable that housed the office of the former municipality;

(3) a debt related to the alienated property existed at the time the city was constituted and still exists at the time of the reorganization, and the expenditures related to it were financed, immediately before the reorganization, by revenues derived exclusively from the territory of the former municipality or a part of it;

(4) the proceeds of the alienation

(a) were not used to finance expenditures related to the debt on the alienated property;

(b) were not used directly to improve infrastructures or equipment located on the territory of the former municipality and related to the exercise of a power that is not referred to in Division II of Chapter IV; and

(c) were not added to the former municipality's accumulated surplus for the exclusive benefit of the residents and ratepayers of the territory of that municipality.

The compensatory amount is equal to the lesser of the proceeds of the alienation and the balance of the debt.

Each related municipality, including the reconstituted municipality for which the compensation is established, shall pay part of the compensatory amount. The part to be paid by each is based on the standardized real estate value of each related municipality.

§4. — *Deficits, surpluses and other amounts available or receivable*

145. The unpaid balance, as it existed immediately before the reorganization, of a deficit whose related expenditures must be financed by revenues derived exclusively from the territory of a former municipality or a part of that territory becomes a deficit of the reconstituted municipality whose territory corresponds to that of the former municipality.

The unspent balance, as it existed immediately before the reorganization, of a surplus that is for the exclusive benefit of the residents and ratepayers of the territory of a former municipality or a part of that territory becomes a surplus of the reconstituted municipality whose territory corresponds to that of the former municipality.

146. A deficit or surplus of the city that is not referred to in section 145 and that existed immediately before the reorganization remains or becomes a deficit or surplus of the central municipality, as the case may be.

The central municipality shall cover the deficit or use the surplus in the exercise of its powers under Division II of Chapter IV.

147. Section 146 applies, with the necessary modifications, to any fund of the city that existed immediately before the reorganization.

However, a fund created specifically for the exercise of a power that is not referred to in Division II of Chapter IV preserves its original purpose.

When such a fund is made up of revenues derived exclusively from the territory that will become the territory of a reconstituted municipality, the monies that were in the fund immediately before the reorganization and have not yet been appropriated become that municipality's monies.

If the revenues used to create such a fund derive exclusively from the territory of former municipalities at least one of which is to become the territory of a reconstituted municipality, particularly when the fund was created by the council of a borough made up of such territories, such a reconstituted municipality is entitled to part of the monies referred to in the third paragraph. That part is equal to the fraction of the total standardized real estate value of the territories concerned that is attributable to that municipality's territory.

148. An amount to which a city is entitled under a government program designed to encourage amalgamations, and that is to be paid after the reorganization, shall be paid to the central municipality.

The central municipality shall use this amount in the exercise of its powers under Division II of Chapter IV.

CHAPTER VI REGULATIONS

149. The Government may, in respect of a consultation under Chapter II, make regulations establishing rules relating to all or some of the matters forming the subject of Chapter XIII and Chapter XIV of Title I of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), concerning the financing and control of expenses and the disclosure of contributions.

Such a regulation may also contain penal or other provisions with respect to acts such as those to which the provisions of Titles III and IV of that Act apply.

The Minister shall present a draft of such a regulation to the Government after receiving a recommendation in that regard from the chief electoral officer.

150. The Government may, in respect of a consultation under Chapter II, make regulations establishing a tariff of the remuneration or expense allowances which the following persons are entitled to receive in respect of duties performed in the course of the consultation:

(1) any person performing duties under Chapter IV of Title II of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);

(2) clerks or secretary-treasurers or any member, secretary or revising officer of a board of revisors performing duties under Chapter V of Title II of that Act; and

(3) any referendum officer performing duties under Chapter VI of Title II of that Act.

The second paragraph of section 580, with the necessary modifications, and section 585 of that Act apply in respect of such a regulation. The Regulations Act (R.S.Q., chapter R-18.1) does not apply in respect of such a regulation.

CHAPTER VII

LEGISLATIVE AMENDMENTS

151. Section 137 of the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) is amended by replacing “2011” by “2021”.

152. Section 148 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended by replacing “2011” by “2021”.

153. Section 135 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended by replacing “2011” by “2021”.

154. Section 198 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing “2011” by “2021”.

155. Section 176 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing “2011” by “2021”.

156. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting the following section after section 73.2:

“73.3. Any officer or employee performing duties within the scope of the powers exercised by the council of a borough recognized under section 29.1 of the Charter of the French language (chapter C-11) is, for the purposes of

sections 20 and 26 of that Charter, deemed to be an officer or employee of the borough.”

157. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following article after article 165.1 :

“**165.2.** Any officer or employee performing duties within the scope of the powers exercised by the council of a borough recognized under section 29.1 of the Charter of the French language (chapter C-11) is, for the purposes of sections 20 and 26 of that Charter, deemed to be an officer or employee of the borough.”

158. Section 18.1 of the Municipal Courts Act (R.S.Q., chapter C-72.01) is amended by striking out the second paragraph.

159. Section 18.3 of the said Act is amended by striking out “, subject to the provisions of section 18.4,” in the first and second lines of the first paragraph.

160. Section 18.4 of the said Act is repealed.

161. Section 86 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting the following after “amalgamation” in the second paragraph: “pertaining in particular to

(1) the creation, for municipal administration purposes, of one or more boroughs, the creation and composition of the council responsible for the administration of a borough, the determination of the number of members on the council of each borough or of a formula to establish that number, which may be different in each borough, the procedure to be used to designate the chair of a borough council, the remuneration of the chair and other council members, the participation of the latter in the pension plan of elected municipal officers and the mode of financing of the council ;

(2) the division of the territory of the municipality into electoral districts for the purposes of all general elections subsequent to the first, the election of the council of the municipality and, if applicable, of a borough ;

(3) the division of the territory into wards or the possibility for the municipality of dividing its territory into wards and, if applicable, the composition, functioning and powers of a ward council ;

(4) the creation, composition, functioning and powers of an executive committee ;

(5) the sharing of the powers granted by an Act to the municipality between the council of the municipality and any borough council ;

(6) rules relating to labour relations, in particular as regards the sharing of the powers and responsibilities in respect of officers and employees between the council of the municipality and any borough council ; and

(7) in the case of a municipality resulting from the amalgamation of all the municipal territories in the territory of a given regional county municipality, rules enabling the municipality to succeed to the rights and obligations of the regional county municipality, the officers and employees of the regional county municipality to be governed by section 122 and the municipality to be considered as a regional county municipality for the purposes of certain legislative provisions.”

162. The said Act is amended by inserting the following section after section 86 :

“36.1. Where the applicant municipality is recognized under the second paragraph of section 29.1 of the Charter of the French language (chapter C-11), the application referred to in section 86 may also stipulate the following conditions :

(1) the creation of a borough or group of boroughs whose territory corresponds exactly to that of the municipality ;

(2) the fact that any borough referred to in paragraph 1 is deemed to be recognized under the second paragraph of section 29.1 of the Charter of the French language and that the third paragraph of that section applies to the borough, with the necessary modifications.”

163. Section 96 of the said Act is amended by adding the following paragraph after the second paragraph :

“The Minister may not propose an amendment whose object is to withdraw one of the conditions stipulated pursuant to section 86.1.”

164. Section 108 of the said Act is amended by replacing the third paragraph by the following paragraph :

“The order may, in addition to the conditions stated in section 86.1, set out any condition applicable to the amalgamation pertaining in particular to

(1) the creation, for municipal administration purposes, of one or more boroughs, the creation and composition of the council responsible for the administration of a borough, the determination of the number of members on the council of each borough or of a formula to establish that number, which may be different in each borough, the procedure to be used to designate the chair of a borough council, the remuneration of the chair and other council members, the participation of the latter in the pension plan of elected municipal officers and the mode of financing of the council ;

(2) the division of the territory of the municipality into electoral districts for the purposes of all general elections subsequent to the first, the election of the council of the municipality and, if applicable, of a borough;

(3) the division of the territory into wards or the possibility for the municipality of dividing its territory into wards and, if applicable, the composition, functioning and powers of a ward council;

(4) the creation, composition, functioning and powers of an executive committee;

(5) the sharing of the powers granted by an Act to the municipality between the council of the municipality and any borough council;

(6) rules relating to labour relations, in particular as regards the sharing of powers and responsibilities in respect of officers and employees between the council of the municipality and any borough council; and

(7) in the case of a municipality resulting from the amalgamation of all the municipal territories in the territory of a given regional county municipality, rules enabling the municipality to succeed to the rights and obligations of the regional county municipality, the officers and employees of the regional county municipality to be governed by section 122 and the municipality to be considered as a regional county municipality for the purposes of certain legislative provisions.”

165. Section 110 of the said Act is amended by adding the following paragraph at the end:

“The Government may amend the order at the request of the municipality not later than 12 months from the date set for the first general election.”

166. Section 114 of the said Act is amended by adding the following paragraph after the second paragraph:

“Where all of the applicant municipalities were recognized under the second paragraph of section 29.1 of the Charter of the French language (chapter C-11), the municipality is deemed to be likewise recognized.”

167. Divisions IX and X of Chapter IV of Title II of the said Act are repealed.

168. Section 214.3 of the said Act is amended by adding the following paragraph after the second paragraph:

“Notwithstanding the first paragraph, the conditions contained in an order under section 108 that pertain to a subject mentioned in any of subparagraphs 1 to 7 of the third paragraph of that section or in section 86.1 are not limited to a transitional duration.”

169. Sections 14 and 14.1 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, chapter 27) are repealed.

CHAPTER VIII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

170. Notwithstanding the provisions of an Act or statutory instrument or a clause of a contract whereby a person employed by a former municipality or by a regional county municipality or an urban community that ceased to exist upon the constitution of a city cannot, during a certain period, be employed by a city or otherwise enter into a contract with a city to provide services to the city, the person may be hired to provide during that period services related to the consultation to be held under Chapter II in the territory of the city.

171. A reconstituted municipality, whose territory corresponds to that of a former municipality that was recognized under section 29.1 of the Charter of the French language (R.S.Q., chapter C-11), is deemed so recognized until the Government withdraws such recognition, at its request, in application of this section.

172. The territory of a reconstituted municipality remains included, if applicable, in that of a regional county municipality or a metropolitan community.

173. The period during which the provisions of any order referred to in the second paragraph that require or authorize a municipality resulting from an amalgamation to comply with rules ensuring the transition towards standardized taxation throughout its territory and providing that during the transition period, the terms of various methods of financing, in particular the rate of the general property tax, are to vary according to the territories of the municipalities that ceased to exist at the time of the amalgamation, is extended to cover the first 20 fiscal years during which the municipality exists.

The first paragraph applies to every original or amending order made under the Act respecting municipal territorial organization (R.S.Q., chapter O-9) following an authorization or study provided for in section 125.2 or 125.5 of that Act.

The Government may amend an order so as to formalize an implicit amendment resulting from the application of the first two paragraphs.

174. Any municipality to which an extension provided for in section 173 or resulting from any of sections 151 to 155 applies must ensure that the transition towards standardized taxation throughout its territory is carried out in a regular, progressive manner.

To that end, if the municipality intends to avail itself of the entire period of the extension, it must spread the reduction of the differences that exist, according to the territories of the municipalities that ceased to exist upon the amalgamation, in the terms of various methods of financing, in particular the rate of the general property tax, proportionately among the fiscal years remaining in that period.

175. Every act performed under a provision repealed by section 160, 167 or 169 remains valid and, if applicable, continues to produce its effects.

Notwithstanding the first paragraph, any study under section 125.5 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) that is in progress on 18 December 2003 shall end on that date.

176. The Government retains the power granted it by the second paragraph of section 125.30 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) as it read before 18 December 2003 as if section 125.27 of that Act had not been repealed.

177. The Minister of Municipal Affairs, Sports and Recreation is responsible for the administration of this Act.

178. This Act comes into force on 18 December 2003.

SCHEDULE
(Section 105)

EQUIPMENT, INFRASTRUCTURES AND ACTIVITIES OF
COLLECTIVE INTEREST

A - CITIES

Ville de Beauharnois

B - EQUIPMENT, INFRASTRUCTURES AND
ACTIVITIES

*Equipment and infrastructures of the
municipality or a body of the municipality:*

Aréna André-Richard
Bibliothèque Dominique-Julien
Community centre of Beauharnois
Parc archéologique
Municipal swimming pool of Beauharnois

Ville de Gatineau

*Equipment and infrastructures of the
municipality or a body of the municipality:*

Centre culturel du Vieux-Aylmer and
Auberge Symmes
Connor Building
Aréna Guertin
Théâtre de l'Île
Economuseum
Galerie Montcalm
Salle Jean-Dèsprez
Maison de la Culture
Centre régional de danse, de musique et
d'histoire de l'Outaouais

*Subjects of activities exercised by the
municipality or a body of the municipality:*

Bal de neige
Grands feux du Casino
Tulip Festival
Intercultural events
Twilight concerts
Hot Air Balloon Festival
Rendez-vous de la BD
Art Image
Festival du film
Buckingham en fête
National Holiday
Fleurs de Macadam
Parc de l'Imaginaire

L'Imagier
 Musée d'Aylmer
 Voie navigable du lac Leamy
 Galerie d'art d'Aylmer
 Académie de danse de l'Outaouais
 Axe-Néo7
 Association des auteurs de l'Outaouais
 québécois
 Daimon
 École de musique de l'Outaouais
 Outaouais Festival of Sacred Music
 Ponticello Concerts
 Culturiades
 Salon du livre
 Société d'histoire de l'Outaouais
 Théâtre Dérives urbaines
 Théâtre lyrique de Hull
 Chœur classique de l'Outaouais
 Orchestre des concerts symphoniques de
 Gatineau
 Chœur de l'Île
 Canada Day
 L'Art dans l'Outaouais

Municipalité de Lac-Etchemin *Equipment and infrastructures of the
 municipality or a body of the municipality:*

Aréna Simon-Nolet
 Éco-parc des Etchemins

Municipalité de Lacolle *Equipment and infrastructures of the
 municipality or a body of the municipality:*

Centre communautaire Léodore-Ryan
 Parc rue Dumoulin

*Subjects of activities exercised by the
 municipality or a body of the municipality:*

École Saint-Joseph library
 La Piste du lièvre bicycle trail

Ville de La Tuque *Equipment and infrastructures of the
 municipality or a body of the municipality:*

Complexe culturel Félix-Leclerc
 Municipal library
 Municipal social centre
 Municipal campground

	Parc des Chutes de la petite rivière Bostonnais Parc Saint-Louis Cascades d'eau Parc des Érables Parc Saint-Eugène Stade de baseball Sévère-Scarpino Municipal ski centre Colisée municipal Bicycle trail Municipal airport
Municipalité des Îles-de-la-Madeleine	<i>Equipment and infrastructures of the municipality or a body of the municipality :</i> Regional swimming pool <i>Subjects of activities exercised by the municipality or a body of the municipality :</i> Corporation culturelle Arrimage Programme Villes et villages d'art et de patrimoine
Ville de Lévis	<i>Equipment and infrastructures of the municipality or a body of the municipality :</i> L'Anglicane and Maison Louise-Carrier Bibliothèque centrale de Lévis Parcours des Anses and network of bicycle trails Maison des aînés et Centre de jour Fort de la Martinière Parc des Chutes-de-la-Chaudière Parc de la rivière Etchemin Centre de plein air (downhill skiing and mountain biking) Aquaréna Stade Georges-Maranda Lévis public market <i>Subjects of activities exercised by the municipality or a body of the municipality :</i> Festivent Ville en Arts Aquarellistes de la nature Orchestre symphonique des jeunes Québec City Marathon Triathlon

National Holiday
 Grand prix cycliste de Beauce
 BSR national Pee-Wee hockey tournament
 Lévis international Atom hockey tournament
 Chaudière-Etchemins provincial Pee-Wee
 hockey tournament

Ville de Longueuil

*Equipment and infrastructures of the
 municipality or a body of the municipality:*

Parc régional de Longueuil
 Frayère Rivière-aux-Pins
 Rivière Saint-Jacques
 Musée Marcil
 Parc Marie-Victorin
 Port de plaisance Réal-Bouvier
 Place Charles-Le Moyne
 Métro Building
 Métro parking
 Îles de Boucherville ferry
 La Riveraine bicycle trail (along the river)
 Voie cyclable du fleuve Saint-Laurent
 Seaway dam
 Parc du Pont Champlain
 Parc de la voie maritime
 Route verte (long route and walkway 116)
 Île Charron
 Halte des motorisés
 Montréal-Longueuil ferry
 Longueuil-Île Charron ferry
 Complexe multi-sport Jean-Béliveau

*Subjects of activities exercised by the
 municipality or a body of the municipality:*

Centre sportif Édouard-Montpetit
 Club d'aviron de Boucherville
 Orchestre symphonique de Longueuil

Ville de Magog

*Equipment and infrastructures of the
 municipality or a body of the municipality:*

Merry street community centre
 Omerville community centre
 Centre culturel Azur
 Parc de l'Est
 Parc de la baie de Magog, Pointe Merry
 Memphrémagog municipal library
 Plage des Cantons

Marais de la rivière aux Cerises
Intermunicipal bicycle trail network (Route verte)
Boat ramp, rivière Magog

Subjects of activities exercised by the municipality or a body of the municipality:

Traversée internationale du lac Memphrémagog
Fête des vendanges des Cantons de l'Est
Fête des neiges de Magog
Tri-Memphré
Visa-Art
Estiv' Art
Atom Pee Wee national hockey tournament
Pro-Bass fishing tournament
Plein air de chasse et pêche fishing tournament
Maison des jeunes
Canada Day
National Holiday
Parc multifonctionnel La Ruche
Créatio
Société d'histoire de Magog
Vieux clocher de Magog
Musée international d'art naïf Yvon-M. Daigle

Ville de Matane

Equipment and infrastructures of the municipality or a body of the municipality:

Matane marina
Théâtre d'été Le-Barachois
Stade Fournier
Pavillon de la Cité
Parc des Îles de Matane

Subjects of activities exercised by the municipality or a body of the municipality:

Carrousel en tournée
Kaméléart
Polyvalente de Matane gymnasiums
École Zénon-Souci gymnasium

Ville de Mont-Joli

Equipment and infrastructures of the municipality or a body of the municipality:

Norjoli and Saint-Joseph outdoor rinks
Bibliothèque Jean-Louis-Desrosiers
Terrains de balle Gérald-Deschênes
Soccer field
Tennis de Mont-Joli
Sentiers Raymond-Pearson
Bicycle trail

Subjects of activities exercised by the municipality or a body of the municipality:

École Le Mistral gymnasium
École Saint-Joseph gymnasium
Activities for young people in downtown Mont-Joli
Maison des jeunes
École populaire de musique du Bas-Saint-Laurent
Association de baseball mineur de Mont-Joli
Club de tennis de Mont-Joli
Club de soccer de Mont-Joli
Club de hockey de Mont-Joli
Sport-étude football
Académie de guitare
Salon de la culture

Ville de Mont-Laurier

Equipment and infrastructures of the municipality or a body of the municipality:

Parc des Draveurs
Alix street soccer fields

Subjects of activities exercised by the municipality or a body of the municipality:

Parc linéaire Le P'tit train du Nord
Concerts in the Parc des Draveurs
École d'art et des métiers d'art du Québec

Ville de Montréal

Equipment and infrastructures of the municipality or a body of the municipality:

Aréna Maurice-Richard
Bibliothèque centrale de Montréal
Centre de tennis Jarry
Centre d'histoire de Montréal

Chapelle historique du Bon Pasteur
Complexe sportif Claude-Robillard
Atwater and Jean-Talon markets
Pointe-à-Callière museum
Lachine museum
Parc Angrignon
Parc du Mont-Royal
Parc Jarry
Parc Jean-Drapeau
Parc Lafontaine
Parc Maisonneuve
Parc René-Lévesque
Phonothèque
Promenades Bellerive

*Subjects of activities exercised by the
municipality or a body of the municipality:*

Culture Montréal
Cité des Arts du cirque
Tour de l'Île
Bureau du cinéma
Monitoring of industrial effluent discharge
Observatoire de la culture and Forum
permanent de la culture et des
communications
Enhancement of Old Montréal
Development of the downtown core
Festival du monde arabe
Urban revitalization of the South-West, Ville-
Marie, Montréal-Nord and Lachine (Saint-
Pierre neighbourhood) sectors
Requalification for redevelopment purposes
of large urban sites such as railroad yards,
obsolete or deserted industrial sites,
abandoned railway rights of way and other
obsolete industrial zones (requalification
includes decontaminating, demolishing or
relocating harmful businesses and preparing
sites for reintegration in the urban setting)
Major urban development works, particularly
in the business centre, such as the Quartier
international de Montréal, the Société du
Havre and the Quartier des spectacles
Island planning and development bodies
Old Brewery Mission
Welcome Hall
Rue des femmes
Refuge des jeunes
Tandem Montréal

Coup de cœur francophone
 Festival international Nuits d'Afrique
 Francofolies de Montréal
 Just for laughs
 Montréal High Lights Festival
 Présence autochtone — terres en vue
 Biennale Les coups de théâtre
 Fringe
 Shakespeare in the Park Repercussion
 Theatre
 Biennale FIND
 Chamber Music Festival
 Festival international de jazz
 MEG (Montréal électronique Groove)
 Off festival de jazz
 World Film Festival
 Montreal Jewish Film Festival
 FCNM
 Les 400 coups
 Rendez-vous du cinéma québécois
 Vues d'Afrique
 Journée des musées
 Festival interculturel du conte (biennal)
 Festival international de littérature
 Salon du livre de Montréal
 Carifiesta
 Divers/Cité
 Canada Day
 National Holiday
 St. Patrick's Day
 Bureau des affaires internationales
 Bureau des relations intergouvernementales
 Sports elite and regional, national and
 international sports competitions

Ville de Mont-Tremblant

Equipment and infrastructures of the municipality or a body of the municipality:

Aréna de Mont-Tremblant
 Boivin street soccer field
 Parc du Centenaire
 Parc des Voyageurs
 Parc Daniel-Lauzon
 Plage du lac Mercier
 Mont-Tremblant municipal library
 Couvent municipal library
 Place de la Gare

Subjects of activities exercised by the municipality or a body of the municipality:

Polyvalente Curé-Mercure gymnasium and
palestra
École Fleur-Soleil tennis courts
Saint-Jovite football field
Parc Fleur-Soleil
Domaine Saint-Bernard

Ville de Québec

Equipment and infrastructures of the municipality or a body of the municipality:

Parc des berges de la rivière Saint-Charles
Corridor des cheminots and Corridor du
littoral bicycle trails
Baie de Beauport
Place d'Youville outdoor skating rink and
stage
Stade municipal de Québec
Parc de la plage Jacques-Cartier
Parc de la Chute Kabir-Kouba
Parc du Coteau Sainte-Genève
Vélodrome Louis-Garneau
Anneau de glace Gaétan-Boucher
Sainte-Foy public market
Old Port market
Bibliothèque Gabrielle-Roy
Centre d'interprétation de la vie urbaine
(CIVU)
Temple Wesley, Salle de l'Institut canadien
Palais Montcalm
Îlot des Palais
Morrin College
Moulin des Jésuites
Réserve naturelle des Marais-du-Nord
Camping municipal de Beauport
Parc nautique de Cap-Rouge
Base de plein air de Sainte-Foy
Expo-cité
Maison Hamel-Bruneau
Maison Léon-Provencher

Subjects of activities exercised by the municipality or a body of the municipality:

Commissariat aux relations internationales
Domaine de Maizerets and Arboretum
Secrétariat de l'organisation des villes du
patrimoine mondial de l'UNESCO

Québec Winter Carnival
 Challenge Bell
 Fêtes Envol et Macadam
 Festival de musique ancienne
 Festival de musiques sacrées de Québec
 Québec City Summer Festival
 National Holiday
 Canada Day
 Fêtes de la Nouvelle-France
 Grand prix cycliste de Beauce
 Québec City Marathon
 Festival Le Grand rire Bleue
 Fall Fest
 Événement Pêche en ville
 Plein art
 Salon international du livre de Québec
 Société sports internationaux
 International Pee-Wee hockey tournament
 Québec City International Festival of
 Military Bands
 Orchestre symphonique de Québec
 Les Violons du Roy
 Société de l'Opéra de Québec
 Carrefour international de théâtre
 Les Images du Nouveau-Monde
 Québec Air Show
 Transat Québec–Saint-Malo
 Théâtre du Trident
 Ex Machina
 Centre de diffusion des Gros Becs
 2005 Floralties
 2005 World Police and Fire Games
 Tour de France à Québec
 Société du 400^e anniversaire de la Ville de
 Québec

Ville de Rimouski

*Equipment and infrastructures of the
municipality or a body of the municipality:*

Bibliothèque Lisette-Morin
 Colisée de Rimouski
 Parc Beauséjour
 Centre civique de Rimouski theater
 Multipurpose pavilion
 Maison Lamontagne

Subjects of activities exercised by the municipality or a body of the municipality:

Musée régional de Rimouski
Musée de la mer de Pointe-au-Père
Rimouski International Jazz Festival
Rimouski en blues
Carrousel international du film de Rimouski
Festival d'automne de Rimouski
Orchestre symphonique de l'Estuaire

Ville de Rivière-Rouge

Equipment and infrastructures of the municipality or a body of the municipality:

Parc Liguori-Gervais
Parc Sainte-Véronique softball field
Camping de Sainte-Véronique municipal beach
Maison des jeunes Carrefour Jeunesse Desjardins

Subjects of activities exercised by the municipality or a body of the municipality:

Sentiers de ski de fond des 6 Cantons (cross-country skiing club)
Centre d'exposition de la Gare
Off-road vehicle trails (Club Iroquois de Labelle, Rivière-Rouge sector)

Ville de Rouyn-Noranda

Equipment and infrastructures of the municipality or a body of the municipality:

Théâtre du Cuivre
Maison Dumulon and Russian Orthodox Church

Subjects of activities exercised by the municipality or a body of the municipality:

Aquatic program
Centre d'exposition de Rouyn-Noranda
Festival international du cinéma en Abitibi-Témiscamingue

Ville de Saguenay

Equipment and infrastructures of the municipality or a body of the municipality:

Pyramide des Ha! Ha!
Théâtre du Palais municipal

La Pulperie
Musée du Fjord
Centre national d'exposition CNE
Salle Pierrette-Gaudreault (Centre de
production des arts de la scène)
Palais des Sports
Centre Georges-Vézina
Stade Richard-Desmeules
Centre de ski Mont-Fortin
Rivière à Mars (Bec-Scie and fishing)
Centre de ski Mont-Bélu
Golf de Port-Alfred
Centre de ski de fond Le Norvégien
Palestre Johnny-Gagnon
Sainte-Anne port area and bridge
Parc de la Rivière-aux-Sables
Parc du Bassin
Route verte
Camping de Jonquière
Agésilas-Lepage wharf and linear park
Village de sécurité routière
Parc Rivière-du-Moulin

*Subjects of activities exercised by the
municipality or a body of the municipality:*

Corporation du Parc régional du Lac-
Kénogami
Jonquière en neige
Carnaval souvenir de Chicoutimi
Pee-Wee tournament
Festival de musique du Royaume du
Saguenay–Lac-Saint-Jean
Regard sur la relève du cinéma québécois
Course Michel-Barrette
Festival des Montgolfières
Festival international des Rythmes du monde
Challenge Saguenay
Rendez-vous musical de Laterrière
Festival international des arts de la
marionnette
Jonquière en musique
Salon du livre
Spectacle La Fabuleuse histoire d'un
royaume
Festival des musiques de création
Spectacle Québec Issime
Spectacle Ecce Mundo
Snowmobile clubs
Motoquad clubs

Club de gymnastique Sagym inc.
 Club de gymnastique Jako de Jonquière
 Club des Comètes
 Les Gaillards de Jonquière, Le Paramédic
 de Jonquière, Les Élites de Jonquière, les
 Saguenéens de Chicoutimi and les Voyageurs
 de Jonquière sports clubs
 Coopérative de développement culturel
 (Théâtre du Saguenay)
 Société historique du Saguenay
 Orchestre symphonique du Saguenay–Lac-
 Saint-Jean
 Atelier de musique de Jonquière
 Prisme Culturel
 École de musique et de solfège
 Académie de ballet du Saguenay
 École de danse Florence-Fourcaudot
 Harmonie du Saguenay
 Café-théâtre Côté-Cour
 Théâtre La Rubrique
 Théâtre CRI
 Galerie Séquence
 Société d'art lyrique du Royaume
 Théâtre Les Amis de Chiffon
 Producson
 Société de développement culturel Québec
 Issime
 Ensemble folklorique Farandoles
 Centre de pêche blanche
 Société de généalogie du Saguenay–Lac-
 Saint-Jean

Ville de Sainte-Agathe-
des-Monts

*Equipment and infrastructures of the
municipality or a body of the municipality:*

Rivière-du-Nord dam
 Tessier and Major municipal beaches
 Centre sportif de Sainte-Agathe-des-Monts
 Place Lagny
 Parc des Campeurs
 Bibliothèque Gaston-Miron
 Salle communautaire Le Bel Âge

*Subjects of activities exercised by the
municipality or a body of the municipality:*

Maison des jeunes
 Hiver en Nord
 Féria picturale du Québec

Ville de Sainte-Marguerite —
Estérel

*Equipment and infrastructures of the
municipality or a body of the municipality:*

Polydor-Gauthier municipal wharf
Skating oval (lac Masson and lac Dupuis)
Municipal library

Ville de Saint-Georges

*Equipment and infrastructures of the
municipality or a body of the municipality:*

Centre culturel Marie-Fitzbach
Centre sportif Lacroix-Dutil
Parc Sartigan
Domaine de la Seigneurie (Parcs de l'Île,
Veilleux and des Sept-Chutes)
Centre de ski de Saint-Georges
Municipal parks and theme playgrounds
(Parc de rouli-roulant and Parc du Centre
sportif)

*Subjects of activities exercised by the
municipality or a body of the municipality:*

Centre d'art de Saint-Georges (Les Journées
de la Culture and Les Journées du Conte
extracurricular activities)
Cultural activities and events such as
georgian summer recitals and cafés-concerts
Minor hockey, figure skating, minor soccer
and junior tennis organizations
Scouts and guides troops, Army and Air
Force cadets
Chorale Rossignol
Grand prix cycliste de Beauce
Les Amants de la scène
Air Show
Art symposium
Fêtes de Saint-Georges
National Holiday
Saint-Jean parade
Canada Day
Course de tacots Optimiste
Festival de sculptures sur neige
Fête du secteur Saint-Jean-de-la-Lande
Fête du secteur Aubert-Gallion
Saint-Georges-Est sector cross-country ski
tour
Gala de l'Ordre du mérite
Festival de blues

	Fishing festivals (Pêche en herbe, Pêche en ville and Fête nationale de la pêche) Family bicycle tours
Ville de Saint-Jean-sur-Richelieu	<i>Equipment and infrastructures of the municipality or a body of the municipality:</i> Complexe sportif Claude-Raymond Stade Richard-Lafontaine Centre de plein air urbain Ronald-Beauregard L'Axe Vallée-des-Forts bicycle trail Montérégiade II bicycle trail Musée régional du Haut-Richelieu (market building) Pavillon Mille-Roches (summer theatre) <i>Subjects of activities exercised by the municipality or a body of the municipality:</i> Cabaret theatre Théâtre des Deux Rives Montérégiade I bicycle trail Grand prix Karting Festival des Montgolfières National Holiday Canada day Rencontre des arts Symposium d'art du Haut-Richelieu Festival d'Halloween Fêtes patrimoniales Action Art Actuel Coopérative de solidarité artistique et culturelle Ballet classique du Haut-Richelieu Télévision du Haut-Richelieu Amis du canal de Chambly Centre d'interprétation du milieu écologique (CIME) Cercle philharmonique Ligue d'impro CLIC Club d'athlétisme Saint-Jean olympique Club de natation du Haut-Richelieu École de gymnastique du Haut-Richelieu Soccer Haut-Richelieu Club de judo du Haut-Richelieu Association de moto-tourisme du Haut-Richelieu Club de ski Okiok

Ville de Saint-Jérôme

Equipment and infrastructures of the municipality or a body of the municipality:

Aréna Melançon

Aréna Jacques-Locas

Sports centre

Bibliothèque Marie-Antoinette-Foucher
(Saint-Jérôme)

Bibliothèque Marie-Antoinette-Foucher
(Bellefeuille)

Bibliothèque Marie-Antoinette-Foucher
(Saint-Antoine)

Ville de Saint-Pie

Equipment and infrastructures of the municipality or a body of the municipality:

Pavillon des loisirs

Subjects of activities exercised by the municipality or a body of the municipality:

Municipal library

Ville de Salaberry-de-Valleyfield

Equipment and infrastructures of the municipality or a body of the municipality:

Public market (51, Hébert street)

Parc Delpha-Sauvé

Centre Garneau

Centre Saint-Eugène

Parc des Îles

Îles des patriotes

Subjects of activities exercised by the municipality or a body of the municipality:

Bibliothèque Armand-Frappier

Albert-Dumouchel hall

Skate Park (rue Grande-Île et Anderson)

Régates internationales de Valleyfield

Festival équestre de Valleyfield

Moisson du Sud-Ouest

Ville de Shawinigan

Equipment and infrastructures of the municipality or a body of the municipality:

Aréna Jacques-Plante

Aréna Gilles-Bourassa

Aréna de Grand-Mère

Aréna de Saint-Georges-de-Champlain

Station de plein air Val-Mauricie
 Centre des arts de Shawinigan
 Centre de la culture de Grand-Mère
 Parc des Chutes

Subjects of activities exercised by the municipality or a body of the municipality:

Les Cataractes de Shawinigan
 Classique internationale de canots de la Mauricie inc.
 Fête de la Saint-Jean-Baptiste de Grand-Mère
 Festival d'été de Shawinigan
 Grand prix de motoneige
 La Cité de l'Énergie

Ville de Sherbrooke

Equipment and infrastructures of the municipality or a body of the municipality:

Bibliothèque Éva-Senécal
 Stade Amédée-Roy
 Palais des Sports
 Parc Sylvie-Daigle
 Parc Jacques-Cartier
 Beckett Woods
 Expo-Sherbrooke building
 Plage Blanchard
 Historical and tourist sites (Domaine Howard, excluding hothouses)
 Webster and South Wellington parking lots
 Centre Julien-Ducharme
 Centre d'animation culturelle
 Granada theatre
 Mont Bellevue (outdoor centre)

Subjects of activities exercised by the municipality or a body of the municipality:

Centre récréatif de Rock Forest
 Centre culturel de l'Université de Sherbrooke
 Week-ends Labatt Bleue
 Tournoi Yvon Pif Dépatie
 Fête du Lac des Nations (Parc Jacques-Cartier)
 International Bantam hockey tournament
 Challenge sur glace Damafro
 National Holiday (Parc Jacques-Cartier)
 Canada Day (Parc Jacques-Cartier)
 Faucheurs de marguerites
 Concerts Place de la Cité

	L'International de cinéma Concerts symphoniques de Sherbrooke Salon des métiers d'art Musée Uplands Musée de la Nature et des Sciences Musée des Beaux-Arts Société d'histoire de Sherbrooke C.H.A.R.M.E.S. Mont Bellevue (winter operation) Petit théâtre de Sherbrooke Cité des Rivières Festival des traditions du monde
Ville de Sutton	<i>Equipment and infrastructures of the municipality or a body of the municipality:</i> Centre culturel communautaire John-Sleeth Western street municipal swimming pool Western street park and playground <i>Subjects of activities exercised by the municipality or a body of the municipality:</i> École Sutton gymnasium École Sutton library Parc d'environnement naturel de Sutton
Ville de Terrebonne	<i>Equipment and infrastructures of the municipality or a body of the municipality:</i> Aréna de Terrebonne Centre de la Côte Boisée Île-des-Moulins Maison de Pays Trans-Terrebonne bicycle trail Terrebonne football field Théâtre du Vieux Terrebonne
Ville de Thetford Mines	<i>Equipment and infrastructures of the municipality or a body of the municipality:</i> Parc Notre-Dame Centre Mario-Gosselin Station des arts La Bicyclable Maison de la culture

Subjects of activities exercised by the municipality or a body of the municipality:

Salle Dussault
Polyvalente swimming pool
Thrift shop

Ville de Trois-Rivières

Equipment and infrastructures of the municipality or a body of the municipality:

Parc portuaire
Le Flambeau
Colisée de Trois-Rivières
Aréna Jean-Guy-Talbot
Centre sportif de Trois-Rivières-Ouest
Stade Fernand-Bédard
Exhibition park swimming pool
Industrial building
Hippodrome
Salle J.-Antonio-Thompson
Maison de la culture
Centre d'expositions sur l'industrie des pâtes et papiers
Bibliothèque Gratien-Lapointe
Parc de l'Île Saint-Quentin
Manoir de Tonnancourt
Manoir Niverville
Maison Hertel-de-la-Fresnière

Subjects of activities exercised by the municipality or a body of the municipality:

Cultural development agreement
Grand Prix de Trois-Rivières
Agricultural fair
Complexe sportif Les Estacades
Université du Québec à Trois-Rivières
Musée québécois de la culture populaire
Société protectrice des animaux de la Mauricie inc.
Orchestre symphonique de Trois-Rivières inc.
Corporation du Parc des Chenaux
Festival de l'Art vocal
Mondial des Amuseurs publics
Festival de la Poésie
Festival de danse Encore
Salon du Livre
Salon national d'histoire et de patrimoine
Summer events

Ville de Val-d'Or

Equipment and infrastructures of the municipality or a body of the municipality:

Complexe Lucien-Cliche swimming pool

Subjects of activities exercised by the municipality or a body of the municipality:

Agreement on recreation with the
Commission scolaire de l'Or et des Bois

Tour cycliste de l'Abitibi

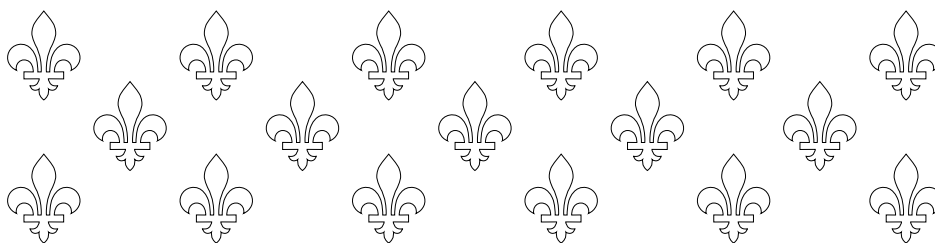
Festival d'humour Provigo

Centre d'exposition de Val-d'Or

Cité de l'Or

Société d'histoire et de généalogie de Val-
d'Or

Centre de musique et de danse



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 30

(2003, chapter 25)

**An Act respecting bargaining units
in the social affairs sector and amending
the Act respecting the process of
negotiation of the collective agreements
in the public and parapublic sectors**

Introduced 11 November 2003

Passage in principle 10 December 2003

Passage 17 December 2003

Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

This bill introduces a union representation system applicable to associations of employees and institutions in the social affairs sector whose negotiation process is governed by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors. In addition, it amends that Act to introduce into the social affairs sector the negotiation of matters defined as necessarily being the subject of clauses negotiated and agreed at the local or regional level.

The bill first sets out the general rules applicable to certifying an association of employees to represent employees in an institution in the social affairs sector. To that end, the bill establishes the bargaining units that may be constituted on the basis of four classes of personnel. It specifies that only one association of employees may be certified to represent the employees of a bargaining unit in an institution and that only one collective agreement may be applicable to the employees in that bargaining unit.

Under the bill, a mechanism is established for the certification of an association of employees to represent the employees included in a bargaining unit following an integration of activities, an amalgamation of institutions or a partial transfer of activities. The bill sets out the special terms according to which the parties, following the certification of the new association of employees, must negotiate the matters defined as being the subject of clauses negotiated and agreed at the local or regional level.

The bill contains transitional provisions and empowers the Minister to determine when those provisions will be applicable to institutions.

Finally, the bill amends legislative provisions concerning certain health professionals to whom the Act does not apply and enacts final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Hospital Insurance Act (R.S.Q., chapter A-28);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting health services and social services (R.S.Q., chapter S-4.2).

Bill 30

AN ACT RESPECTING BARGAINING UNITS IN THE SOCIAL AFFAIRS SECTOR AND AMENDING THE ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

INTRODUCTORY PROVISIONS

1. This Act introduces a union representation system applicable to associations of employees and institutions in the social affairs sector whose process of negotiation is governed by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2).

To that end, this Act establishes classes of personnel according to which bargaining units are to be constituted, and limits their number. It also provides for a mechanism by which an association of employees may be certified to represent the employees included in a bargaining unit following an integration of activities, an amalgamation of institutions, or a partial transfer of activities from one institution to another. Finally, it sets out the special terms according to which the parties, following the certification of the new association of employees, must negotiate the matters defined as being the subject of clauses negotiated and agreed at the local or regional level.

2. The provisions of the Labour Code (R.S.Q., chapter C-27) apply, with the necessary modifications, to the extent that they are not inconsistent with the provisions of this Act.

3. When the Commission des relations du travail is seized of a petition, it may rule on any question relating to the application of this Act and the Labour Code. It may designate a labour relations officer to perform any function assigned to the officer by this Act, on the conditions the Commission determines.

DIVISION II

UNION REPRESENTATION SYSTEM

§1. — *General rules*

4. The bargaining units in any institution in the social affairs sector must be constituted according to the following classes of personnel:

- (1) nursing and cardio-respiratory care personnel, as defined in section 5;
- (2) paratechnical personnel and auxiliary services and trades personnel, as defined in section 6;
- (3) office personnel and administrative technicians and professionals, as defined in section 7;
- (4) health and social services technicians and professionals, as defined in section 8.

5. The class of nursing and cardio-respiratory care personnel comprises employees whose practice is governed by the Nurses Act (R.S.Q., chapter I-8), employees who are members of the Ordre professionnel des infirmières et infirmiers auxiliaires du Québec and employees assigned to nursing and cardio-respiratory care, and who hold employment under one of the job titles listed in Schedule 1.

6. The class of paratechnical personnel and auxiliary services and trades personnel comprises employees whose job consists in performing semi-skilled tasks to provide functional support, generally to health and social services professionals or technicians, and employees whose job consists in providing manual auxiliary services or pursuing skilled or semi-skilled trades that may require a qualification certificate, and who hold employment under one of the job titles listed in Schedule 2.

7. The class of office personnel and administrative technicians and professionals comprises employees whose job consists in performing a set of administrative, professional, technical or routine tasks and who hold employment under one of the job titles listed in Schedule 3.

8. The class of health and social services technicians and professionals comprises employees whose job consists in providing health services or social services to users or in carrying out professional or technical work as part of such services, and who hold employment under one of the job titles listed in Schedule 4.

9. A bargaining unit may not include more than one class of personnel listed in section 4 and may only include employees whose home base is in the territory of a single regional board.

Only one association of employees may be certified to represent the employees of a bargaining unit in an institution and only one collective agreement may be applicable to all the employees in that bargaining unit.

10. It is the duty of the Commission des relations du travail, on being seized of a petition, to rule on the class of personnel to which a job title is related when the validity of the job title has been recognized by agreement between unions and management at the national level and the job title is not listed in any of Schedules 1 to 4.

Once a year, the Commission sends the Minister of Health and Social Services a list of the job titles to be added to those in Schedules 1 to 4, following decisions rendered by the Commission. The Minister publishes the list in the *Gazette officielle du Québec*. The Minister of Justice ensures that the list of job titles is updated in the schedules in the Revised Statutes of Québec, based on the published list.

11. Subject to section 94, a petition relating to the certification of an association of employees to represent the employees of an institution in the social affairs sector is only granted in accordance with this subdivision.

§2. — *Determination of a new bargaining unit following an integration of activities or an amalgamation of institutions*

12. For the purposes of this subdivision, a reference in section 13, paragraph 1 of section 14, paragraph 2 of section 15, subparagraph 3 of the second paragraph of section 16 or the first paragraph of section 17, 18 or 19 to a certified association of employees or to an association of employees that is certified is also a reference, with the necessary modifications, to an association of employees having filed, within the time specified in the Labour Code, a petition for certification to represent employees that is still pending on the day preceding the date of integration or amalgamation.

13. If the Minister ascertains that an integration of activities under section 330 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) or an amalgamation of institutions under section 323 of that Act will involve one or more institutions in which there is a certified association of employees, the Minister notifies the Commission des relations du travail, indicating the names of the institutions and the date set for the integration or amalgamation.

The same applies if a private institution under agreement acquires the undertaking of another private institution and integrates the activities of the other institution with its own activities or amalgamates with the other institution.

14. Each institution concerned draws up a status report on union representation as it exists in the institution on the day preceding the date set for the integration or amalgamation. This status report includes

(1) a description of each existing bargaining unit and the name of the association of employees certified to represent the employees in that bargaining unit;

(2) the names, addresses, social insurance numbers, job titles and job title numbers of all the employees in the institution, including employees who are on leave without pay and employees who are on a recall or standby list to the extent that the latter performed work during the 12 months before the date of the integration or amalgamation, identifying employees who

(a) are included in a bargaining unit referred to in paragraph 1;

(b) do not belong to any bargaining unit because there is no association of employees certified to represent those employees.

15. On the day preceding the date set for the integration or amalgamation, each institution concerned

(1) sends the Minister the information referred to in paragraph 1 of section 14;

(2) sends each of the associations of employees referred to in paragraph 1 of section 14 only the information referred to in paragraph 2 of that section that concerns employees included in a class of personnel who belong to a bargaining unit for which the association is certified, but not the employees' addresses or social insurance numbers.

16. Within 30 days after the date of integration or amalgamation and based on the information referred to in paragraph 2 of section 14, the integrating institution or the new institution resulting from the amalgamation identifies any new bargaining unit corresponding to a class of personnel for which an association of employees may eventually be certified in the institution, and prepares a list of the employees to be included in that bargaining unit, with their job titles, addresses or social insurance numbers.

On or before the expiry of those 30 days, the institution

(1) posts the information required under the first paragraph and a copy of all the information required under section 14, but not the employees' addresses and social insurance numbers, for 20 days at the usual places for posting information in the institution;

(2) sends the information required under the first paragraph to the Commission des relations du travail, using an information technology medium determined by the Commission, and informs the Commission, for each class of employees, of the number of employees represented by a certified association of employees, the number of employees not so represented, and the date on which the period for posting the information ends;

(3) sends each association of employees referred to in paragraph 1 of section 14 only the information referred to in subparagraph 2 that concerns a class of personnel for which the association is already certified as regards some of the employees to be included in the new bargaining unit, but not the employees' addresses or social insurance numbers.

17. With respect to a new bargaining unit in the integrating institution or the new institution resulting from the amalgamation, an association of employees referred to in paragraph 1 of section 14 may file a petition with the Commission des relations du travail applying for certification to represent the employees to be included in the new bargaining unit, if that association is already certified for some of those employees.

The petition for certification is filed with the Commission on or before the eightieth day after the date of integration or amalgamation. A petition filed outside the prescribed time is refused, unless the Commission believes circumstances warrant granting the association of employees an extension, which may not however exceed 20 days.

A copy of the petition is served on the integrating institution or the new institution resulting from the amalgamation, which posts it at the usual places for posting information in the institution.

If the petition is filed by an association of employees that is not certified but is referred to in section 12, the association indicates the Commission's record number that refers to its petition for certification.

18. The associations of employees referred to in paragraph 1 of section 14 may form an employee-associations group to apply for certification to represent the employees to be included in a new bargaining unit if one of those associations is already certified for some of those employees. An employee's membership in an association of employees that is a member of such a group constitutes membership in the group.

For the purposes of this Act and the Labour Code, such an employee-associations group is deemed to be an association of employees.

19. The associations of employees referred to in paragraph 1 of section 14 may agree to designate one of their number to represent the employees to be included in a new bargaining unit if each of those associations is already certified for some of those employees.

If the associations filed a petition for certification in accordance with section 17, they may agree to have one of their number certified to represent the employees to be included in a new bargaining unit, or to merge into a single association to represent those employees.

The agreements are evidenced in writing.

An agreement under the first paragraph is sent to the Commission des relations du travail before the expiry of the 80-day time limit for filing a petition specified in the second paragraph of section 17 or any extension granted by the Commission under that paragraph. An agreement under the second paragraph is sent to the Commission des relations du travail within 10 days after the expiry of the applicable time limit.

20. Upon receipt of one or more petitions filed under section 17, the Commission des relations du travail proceeds as follows, subject to section 21:

(1) if the Commission concludes that the petitioning association is the only association to have filed a petition to represent the employees to be included in a new bargaining unit, it certifies the association, indicating the class of personnel included in the new bargaining unit;

(2) if the Commission concludes that the petitioning association, in keeping with the first paragraph of section 19, has obtained the agreement of all the associations of employees referred to in that paragraph that it represent the employees to be included in a new bargaining unit, the Commission certifies the association, indicating the class of personnel included in the new bargaining unit;

(3) if the Commission concludes that all the petitioning associations agree, in keeping with the second paragraph of section 19, to have one of their number certified to represent the employees to be included in a new bargaining unit, it certifies the association, indicating the class of personnel included in the new bargaining unit;

(4) if the Commission concludes that all the petitioning associations agree, in keeping with the second paragraph of section 19, to merge into a single association of employees, it certifies the association of employees resulting from the merger, indicating the class of personnel included in the new bargaining unit;

(5) if the Commission concludes that there is more than one association petitioning to represent the employees to be included in a new bargaining unit, it orders the holding of a vote for the employees of the bargaining unit and certifies the association of employees that obtains the greatest number of votes, indicating the class of personnel included in the new bargaining unit.

21. In all cases where at least 40% of the employees in a bargaining unit in the process of being constituted were not represented by an association of employees referred to in paragraph 1 of section 14 on the day preceding the date of integration or amalgamation, the Commission des relations du travail, before granting an association of employees certification under section 20, ascertains the will of the employees who will be included in a new bargaining unit to be represented by an association of employees, by ordering a vote by secret ballot.

The vote may be held simultaneously with a vote under paragraph 5 of section 20.

22. Only an employee duly entered on the list required under the first paragraph of section 16 may participate in a vote ordered by the Commission des relations du travail under paragraph 5 of section 20 or section 21, up to one vote per class of personnel to which the employee belongs. To that end, within two days after a request by an association of employees referred to in subparagraph 3 of the second paragraph of section 16, the Commission communicates the address of an employee who will be included in a bargaining unit for which the association of employees filed a petition for certification in accordance with section 17.

The only rules governing the conduct of the vote are those determined by the Commission for the purposes of this Act. The vote may be held by mail or in any other manner the Commission considers appropriate.

23. If, on the expiry of the time limit specified in the second paragraph of section 17, no petition has been filed with the Commission des relations du travail by an association of employees entitled to do so for a class of personnel, the Commission notifies the integrating institution or the new institution resulting from the amalgamation, and the Minister.

Within 30 days after receipt of that notice, the institution may bring the matter before the Commission by means of a petition for the revocation of the association's certification. If the institution fails to act within that time, the Minister may bring the matter before the Commission for the same purpose.

24. Upon receipt of a petition filed under the second paragraph of section 23, the Commission des relations du travail revokes the certification of the association of employees that represented the employees included in a bargaining unit that existed in the institution on the day preceding the date of integration or amalgamation.

25. The Commission des relations du travail renders its decision concerning a petition filed under section 17 within 150 days after the date on which the petition was filed.

The president of the Commission may extend that time limit if the president believes circumstances warrant it.

26. The decision of the Commission des relations du travail is sent to the association of employees newly certified under section 20 and, where applicable, to each of the other petitioning associations, to the association whose accreditation is revoked under section 24, to the integrating institution or the new institution resulting from the amalgamation, and to the Minister.

27. The newly certified association of employees is subrogated by operation of law in all the rights and obligations resulting from a collective agreement to which a certified association of employees it replaces was a party.

28. The Commission des relations du travail puts an end to the processing of any other petition that is pending on the date of the integration or amalgamation if it is of the opinion that the petition concerns all or some of the employees of a single class of personnel and has the same subject or the same purposes as the petition filed under section 17 or the second paragraph of section 23.

§3. — Determination of a new bargaining unit following a partial transfer of activities to another institution

29. Each institution affected by a partial transfer of activities from one institution to another notifies the Commission des relations du travail of the date set for the transfer when it involves the transfer of one or more employees who hold employment under a job title for which there exists either

(1) an association of employees certified to represent the employees in the transferring institution or the receiving institution; or

(2) an association that filed, within the time specified in the Labour Code, a petition, which is still pending, for certification to represent the employees in the transferring institution or the receiving institution.

30. Where the names of the employees transferred from the transferring to the receiving institution are known, following the application of the bumping or lay-off procedure set out in their collective agreement, each institution referred to in section 29 draws up a status report on union representation as it exists in the institution on the date of the partial transfer of activities for all the employees in that institution affected by the partial transfer of activities. The status report includes

(1) a description of each existing bargaining unit affected by the partial transfer of activities and the name of the association of employees referred to in section 29;

(2) the names, addresses, social insurance numbers, job titles and job title numbers of all the employees affected by the partial transfer of activities, including employees who are on leave without pay and employees who are on a recall or standby list to the extent that the latter performed work during the 12 months before the date of the partial transfer of activities, and who, in the case of the transferring institution, are transferred, or, in the case of the receiving institution, hold employment under a job title that is related to a class of personnel in which the transferred employees also hold employment under a job title related to that class, identifying employees who

(a) are included in the bargaining unit referred to in paragraph 1;

(b) do not belong to any bargaining unit because there is no association of employees certified to represent employees in their class of personnel.

31. Subject to the second paragraph of section 32, when an association of employees as defined in section 29 is the only association certified or having applied for certification, it becomes the new association of employees certified in the receiving institution to represent the employees to be included in a new bargaining unit. The same applies when the association is the one, among two or more associations of employees as defined in section 29, that represents an absolute majority of the employees to be included in a new bargaining unit.

When there are two or more associations of employees as defined in section 29 and none of them represents an absolute majority of the employees to be included in a new bargaining unit, a vote is held to determine which association will be certified.

32. It is the duty of the Commission des relations du travail, on a petition by a certified association of employees as defined in section 29, to rule on any question relating to the application of section 31 and, if required, to hold a vote and certify the association that obtains the greatest number of votes.

In all cases where at least 40% of the employees in a bargaining unit in the process of being constituted were not represented by an association of employees as defined in section 29 on the date of the partial transfer of activities, the Commission, before granting an association of employees certification under section 31, ascertains the will of the employees who will be included in a new bargaining unit to be represented by an association of employees, by holding a vote.

The vote may be held simultaneously with a vote under the second paragraph of section 31.

The Commission determines the collective agreement that applies to all the employees in the receiving institution represented from then on by the newly certified association of employees.

33. The seniority accumulated by an employee in an institution is recognized up to one year per period of 12 months, and the employee is included on the seniority list according to the provisions of the collective agreement determined in accordance with the fourth paragraph of section 32.

With respect to employees who were not represented by a certified association of employees, seniority is deemed to have been accumulated according to the provisions of the collective agreement referred to in the first paragraph.

The resulting seniority lists are posted within 30 days after the date of certification of the new association of employees. The periods for posting information and the seniority correction procedures set out in the collective agreement referred to in the first paragraph apply.

34. For the purposes of this subdivision, sections 15, 16, 17, 22 to 24 and 26 to 28 apply, with the necessary modifications.

DIVISION III

DETERMINATION OF CLAUSES NEGOTIATED AND AGREED AT THE LOCAL OR REGIONAL LEVEL

35. From the date of certification of a new association of employees following an integration of activities or an amalgamation of institutions, the integrating institution or the new institution resulting from the amalgamation and the association of employees newly certified under section 20 negotiate the matters defined as being the subject of clauses negotiated and agreed at the local or regional level by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors.

The parties have 24 months from the date on which the new association of employees is certified to agree on those clauses. Failing agreement within those 24 months on a matter that is the subject of clauses negotiated and agreed at the local or regional level, the institution must, in the ensuing 10 days, request the Minister of Labour to appoint a mediator-arbitrator to settle the disagreement, informing the association of employees of the request.

However, failing agreement, the parties may, during the first 12 months, jointly request the Minister of Labour to appoint a mediator-arbitrator to settle the disagreement. On the expiry of the first 12 months, either of the parties may make such a request to the Minister of Labour in the ensuing 12 months, informing the other party of the request.

36. Except where the certification of an association of employees is revoked under section 24, and despite section 9, the collective agreement of each certified association of employees referred to in paragraph 1 of section 14, in force on the day before the date on which the new association of employees is certified, and the local arrangements that relate to it continue to apply for employees covered by each of those collective agreements. The integrating institution or the new institution resulting from the amalgamation and the newly certified association of employees may, however, agree to apply the collective agreement of the newly certified association of employees and the local arrangements relating to it to all the employees included in the new bargaining unit.

From the date on which the new association of employees is certified, the collective agreement of the newly certified association of employees and the local arrangements that relate to it apply to employees who were not represented by a certified association of employees on the day preceding the date of integration or amalgamation.

As of the date of coming into force of an agreement relating to a matter negotiated and agreed at the local or regional level, the clauses negotiated and

agreed at the national level and the local arrangements regarding that matter cease to apply. The institution and the newly certified association of employees may agree to bring the clauses negotiated and agreed at the local or regional level into force on different dates.

The new clauses negotiated and agreed at the national level after the date on which the new association of employees is certified take effect on the date set out in those clauses. The local arrangements relating to the clauses of the previous collective agreement, which are replaced by the new clauses, cease to apply on that date.

37. The seniority accumulated by an employee in an institution before the date on which the clauses negotiated and agreed at the local or regional level come into force is recognized up to one year per period of 12 months.

With respect to employees that were not represented by a certified association of employees, seniority is deemed to have been accumulated according to the provisions of the collective agreement of the newly certified association of employees.

Seniority lists must be posted within 30 days after the date of the end of the pay period that includes the date of coming into force of the clauses negotiated and agreed at the local or regional level. The periods for posting information and the seniority correction procedures set out in the collective agreement determined for the newly certified association of employees under section 36 apply.

However, the institution and the newly certified association of employees may agree to a date for integrating seniority lists that is earlier than the date provided in the third paragraph for matters negotiated and agreed at the local or regional level that are the subject of an agreement.

38. Sections 59, 60 and 61 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors apply, with the necessary modifications, to the clauses negotiated and agreed at the local or regional level and to the agreements arising from them.

When an agreement is filed with the Commission des relations du travail in accordance with section 61 of that Act, the Commission notifies the Minister, indicating the names of the parties and the bargaining unit concerned.

39. If, in accordance with section 35, a request for the appointment of a mediator-arbitrator is made to the Minister of Labour, the parties may jointly recommend a person to the Minister for appointment as mediator-arbitrator.

As soon as possible, the Minister of Labour appoints the person recommended as mediator-arbitrator or, if no joint recommendation is made, a person whose name appears on a list prepared for that purpose after consultation with the Minister of Health and Social Services.

40. The mediator-arbitrator endeavours to bring the parties to settle their disagreement. For that purpose, the mediator-arbitrator meets with the parties and, in case of failure or refusal to attend a meeting, gives them an opportunity to present their views.

41. If a disagreement subsists 60 days after the appointment of the mediator-arbitrator, the latter rules on the matters yet to be agreed on. Without delay, the mediator-arbitrator requests the association of employees and the institution to give the mediator-arbitrator, within 30 days after the request and in the specified manner,

(1) a list of the matters that they have agreed on, accompanied by the wording they propose for their implementation;

(2) a list of the matters yet to be agreed on;

(3) their final offer to settle the matters referred to in subparagraph 2.

The final offer must be accompanied by the wording proposed for its incorporation into the new collective agreement.

At the end of the 30-day period mentioned in the first paragraph or as soon as the mediator-arbitrator has received the parties' final offers, the mediator-arbitrator sends each party the other party's final offer. The mediator-arbitrator convenes the parties to a mediation meeting within the time set by the mediator-arbitrator. If there are matters yet to be agreed on at the end of the meeting, the mediator-arbitrator must allow the parties present to present their views with respect to the criteria set out in the second paragraph of section 42.

42. Within 40 days after the meeting provided for in the third paragraph of section 41, the mediator-arbitrator selects either the final offer of the association of employees or that of the institution to settle the matters that have not been agreed on.

The offer selected by the mediator-arbitrator must not entail additional costs for the implementation of the matters concerned and must ensure the provision of client services.

If, in the opinion of the mediator-arbitrator, neither of the offers presented meet those criteria, the mediator-arbitrator modifies the offer selected in order to meet them.

43. If one of the parties does not give the mediator-arbitrator a final offer in accordance with subparagraph 3 of the first paragraph of section 41, the mediator-arbitrator selects the final offer of the other party.

44. The decision of the mediator-arbitrator must be drawn up so that it can serve as the collective agreement between the association of employees and the institution. It must contain the wording referred to in subparagraph 1 of the

first paragraph of section 41 and the wording of the final offer selected by the mediator-arbitrator, corrected, if need be, to meet the criteria set out in the second paragraph of section 42.

Sections 59 and 60 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors apply, with the necessary modifications, to decisions rendered under this section by the mediator-arbitrator.

45. The mediator-arbitrator sends a copy of the decision to the parties within the time specified in the first paragraph of section 42. Within five days after the expiry of that time, the mediator-arbitrator files the decision with one of the offices of the Commission des relations du travail.

Upon receipt of the decision of the mediator-arbitrator, the Commission notifies the Minister, indicating the names of the parties and the bargaining unit concerned.

46. The decision of the mediator-arbitrator constitutes the collective agreement applicable between the association of employees and the institution for the matters concerned. It comes into force on the date of its filing in duplicate, or the filing of two true copies, with one of the offices of the Commission des relations du travail.

The decision may not be the subject of negotiations before the expiry of a period of two years, unless the parties decide to amend it before then.

Certain provisions of the decision may take effect on a date subsequent to its coming into force; the effective date must be specified in each case.

47. The decision of the mediator-arbitrator only has effect with respect to the association of employees and the institution concerned. It may not be raised as a precedent in any other arbitration proceedings arising from this Act; the mediator-arbitrator, at the request of a party or *ex officio*, dismisses any application or claim based on such a decision.

48. For the purposes of this Act, the mediator-arbitrator is vested with the powers provided for in section 76, the first paragraph of section 80, and sections 81 to 88, 91 and 91.1 of the Labour Code, with the necessary modifications.

49. The fees and expenses connected with the appointment and exercise of the functions of the mediator-arbitrator are borne jointly and equally by the institution and the certified association of employees. The amount of the fees and expenses is established in accordance with the rules prescribed in a regulation under section 103 of the Labour Code.

50. Once the clauses defined as being the subject of negotiations at the local or regional level have been negotiated and agreed or determined by the mediator-arbitrator in accordance with this division, the negotiation of the replacement, amendment, addition or repeal of such clauses must be in conformity with the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors.

51. If, during the period for determining the clauses negotiated and agreed at the local or regional level specified in this division, an institution is affected by an integration of activities or an amalgamation of institutions, negotiation of the clauses and mediation or arbitration to settle a disagreement on the final offers must cease immediately.

From the date on which the new association of employees is certified following the integration or amalgamation, the matters defined as being the subject of clauses negotiated and agreed at the local or regional level are again negotiated, in accordance with this division, by the integrating institution or the new institution resulting from the amalgamation and the new certified association of employees.

DIVISION IV

AMENDING PROVISIONS

HOSPITAL INSURANCE ACT

52. Section 3 of the Hospital Insurance Act (R.S.Q., chapter A-28) is amended

(1) by adding “Such an agreement may be entered into with any body representing clinical biochemists or medical physicists.” at the end of the first paragraph;

(2) by inserting “, clinical biochemists or medical physicists” after “pharmacists” in the first and fifth lines of the second paragraph.

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

53. Section 36 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended

(1) by replacing “A management negotiating committee and seven management negotiating subcommittees” in the first paragraph by “A management negotiating committee”;

(2) by replacing the second and third paragraphs by the following paragraph:

“The management negotiating committee shall consist of persons appointed by the Minister of Health and Social Services and of persons appointed by the groups of institutions.”

54. Section 37 of the said Act is amended

(1) by striking out “to which the majority of the institutions of a class belongs and” in the second line;

(2) by replacing “of such class” in the third line by “of the institutions”.

55. Section 38 of the said Act is amended

(1) by striking out “and the members of each subcommittee” in the first line of the first paragraph;

(2) by striking out “, respectively,” in the second line of the first paragraph;

(3) by striking out “or subcommittee” wherever it appears in the second and third paragraphs.

56. Section 39 of the said Act is replaced by the following section:

“39. The management negotiating committee shall be responsible, under the authority delegated to the Minister of Health and Social Services by the Government, for the negotiation and agreement of the clauses referred to in section 44. For that purpose, it shall prepare draft bargaining proposals, require bargaining mandates from the Conseil du trésor and, within the scope determined by the latter, organize, direct and co-ordinate the negotiations carried on by the management party with the groups of associations of employees or with the associations of employees.”

57. Section 40 of the said Act is repealed.

58. Section 41 of the said Act is amended

(1) by striking out “of the classes concerned” in the third and fourth lines of the first paragraph;

(2) by striking out the second paragraph.

59. Section 42 of the said Act is amended by striking out “and subcommittees” in the first and second lines of paragraph 2.

60. Section 45 of the said Act is amended by adding “or section 70.1” at the end.

61. Section 46 of the said Act is amended by striking out the second paragraph.

62. Section 57 of the said Act is amended by striking out “the social affairs sector and, in” in the first line.

63. Section 58 of the said Act is amended

(1) by inserting “and in the social affairs sector,” after “non-teaching professional staff,” in the second line of the first paragraph;

(2) by inserting “or Schedule A.1, as the case may be,” after “Schedule A” in the third line of the first paragraph.

64. Section 70 of the said Act is amended

(1) by striking out “the social affairs sector and, in” in the first line of the first paragraph;

(2) by striking out “to the institution,” in the sixth and seventh lines of the first paragraph.

65. The said Act is amended by inserting the following section after section 70:

“**70.1.** In the social affairs sector, the parties to a collective agreement may negotiate and agree on arrangements at the local or regional level to the extent that a clause negotiated and agreed at the national level provides therefor.”

66. Section 72 of the said Act is amended by inserting “or section 70.1” after “70” in the first line.

67. The said Act is amended by inserting the following schedule after Schedule A:

“SCHEDULE A.1

LIST OF THE MATTERS NEGOTIATED AND AGREED
AT THE LOCAL OR REGIONAL LEVEL
IN THE SOCIAL AFFAIRS SECTOR

1 - Concept of position, except concept of reserved position, and conditions of application

2 - Concepts of unit and activity centre

3 - Duration and conditions of probationary period

4 - Temporarily vacant position:

— definition

— circumstances required for filling the position

5 - Concept of re-assignment and conditions of application, except remuneration

6 - Rules applicable to employees on temporary assignment, except those relating to employees with employment security, employees on disability leave, and employees covered by the parental rights plan

7 - Rules applicable to voluntary transfers in the facilities maintained by the institution, except those relating to employees with employment security and employees on disability leave, and those relating to remuneration

8 - Bumping procedure (conditions of application of the general principles negotiated and agreed at the national level), except remuneration

9 - Working hours and weekly schedule, except remuneration

10 - Conditions governing time compensation for overtime work, recall, and standby duties, except rates and remuneration

11 - Paid holidays, floating holidays, and annual vacation, except quanta and remuneration

12 - Granting and conditions of leave without pay, except leave without pay under the parental rights plan and leave without pay to work in a northern institution

13 - Human resources development, except allocated amounts and retraining of employees with employment security

14 - Activities carried on with users within the meaning of the Act respecting health services and social services outside facilities maintained by an institution governed by that Act, or with beneficiaries within the meaning of the Act respecting health services and social services for Cree Native persons outside an institution governed by that Act

15 - Mandate and mode of operation of local committees with respect to the matters listed in this schedule, except any release for union activities required to negotiate those matters

16 - Rules of conduct between the parties

17 - Posting of notices

18 - Professional orders

19 - Professional practice and liability

20 - Special conditions applicable during transportation of users within the meaning of the Act respecting health services and social services or beneficiaries within the meaning of the Act respecting health services and social services for Cree Native persons

21 - Loss or destruction of personal property

22 - Rules to be followed when uniforms are required by the employer

23 - Locker room and dressing room

24 - Payment of salaries

25 - Establishment of a savings union

26 - Moving allowances, except the quanta”.

68. Division I of Schedule B to the said Act is struck out.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

69. Section 432 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended

(1) by inserting “, clinical biochemists or medical physicists” after “pharmacists” in the second line of the first paragraph;

(2) by inserting “, clinical biochemists or medical physicists” after “pharmacists” in the third line of the first paragraph;

(3) by inserting “, clinical biochemists or medical physicists” after “pharmacists” in the second line of the fourth paragraph.

DIVISION V

TRANSITIONAL PROVISIONS

§1. — *Application*

70. Subdivision 2 does not apply to an institution in which there are fewer than four bargaining units.

71. The Minister determines by order the date on which sections 72 to 92 take effect for each institution indicated by the Minister. The Minister also determines by order the date on which sections 88 to 92 take effect for an institution referred to in section 70. Such orders are published in the *Gazette officielle du Québec*.

§2. — *Merger of bargaining units*

72. For the purposes of this subdivision, a reference in paragraph 1 of section 73, paragraph 2 of section 74, subparagraph 3 of the second paragraph of section 75 or the first paragraph of section 76, 77 or 78 to a certified association of employees or to an association of employees that is certified is also a reference, with the necessary modifications, to an association of employees having filed, within the time specified in the Labour Code, a petition for certification to represent employees that is still pending on the date section 73 comes into effect for the institution concerned.

73. Within 30 days after the date on which this section takes effect for an institution in the social affairs sector whose union representation system, on that date, does not comply with subdivision 1 of Division II, the institution draws up a status report of union representation as it existed in the institution on that date. The status report includes

(1) a description of each existing bargaining unit and the name of the association of employees certified to represent the employees in that bargaining unit; and

(2) the names, addresses, social insurance numbers, job titles and job title numbers of all the employees in the institution, including employees who were on leave without pay and employees who were on a recall or standby list to the extent that the latter performed work during the 12 months preceding the date on which this section takes effect for the institution concerned, identifying employees who

(a) were included in a bargaining unit referred to in paragraph 1;

(b) did not belong to any bargaining unit because there was no association of employees certified to represent those employees.

74. On or before the expiry of the 30 days specified in section 73, the institution

(1) sends the Minister the information required under paragraph 1 of section 73;

(2) sends each of the associations of employees referred to in paragraph 1 of section 73 only the information required under paragraph 2 of that section that concerns employees included from then on in a class of personnel and who belong to a bargaining unit for which the association is already certified, but not the employees' addresses or social insurance numbers.

75. Within 30 days after the expiry of the 30-day time limit specified in section 73, and based on the information referred to in paragraph 2 of that section, the institution identifies any new bargaining unit corresponding to a class of personnel for which an association of employees may eventually be

certified in the institution, and prepares a list of the employees to be included in that bargaining unit, with their job titles, addresses and social insurance numbers.

On or before the expiry of those 30 days, the institution

(1) posts the information required under the first paragraph and a copy of all the information required under section 73, except the employees' addresses and social insurance numbers, for 20 days at the usual places for posting information in the institution;

(2) sends the information required under the first paragraph to the Commission des relations du travail, using an information technology medium determined by the Commission, and informs the Commission, for each class of personnel, of the number of employees represented by a certified association of employees, the number of employees not so represented, and the date on which the period for posting the information ends;

(3) sends each association of employees referred to in paragraph 1 of section 73 only the information referred to in subparagraph 2 that concerns a class of personnel for which the association is already certified as regards some of the employees to be included in the new bargaining unit, but not the employees' addresses or social insurance numbers.

76. With respect to a new bargaining unit in the institution, an association of employees referred to in paragraph 1 of section 73 may file a petition with the Commission des relations du travail applying for certification to represent the employees to be included in the bargaining unit, if that association is already certified for some of those employees.

The petition for certification is filed with the Commission on or before the one hundred and tenth day after the date on which section 73 takes effect for that institution. A petition filed outside the prescribed time is refused, unless the Commission believes circumstances warrant granting the association of employees extra time, which may not however exceed 20 days.

A copy of the petition is served on the institution, which posts it at the usual places for posting information in the institution.

If the petition is filed by an association of employees that is not certified but is referred to in section 72, the association indicates the Commission's record number that refers to its petition for certification.

77. The associations of employees referred to in paragraph 1 of section 73 may form an employee-associations group to apply for certification to represent the employees to be included in a new bargaining unit if one of those associations is already certified for some of those employees. An employee's membership in an association of employees that is a member of such a group constitutes membership in the group.

For the purposes of this Act and the Labour Code, such an employee-associations group is deemed to be an association of employees.

78. The associations of employees referred to in paragraph 1 of section 73 may agree to designate one of their number to represent the employees to be included in a new bargaining unit if each of those associations is already certified for some of those employees.

If the associations filed a petition for certification in accordance with section 76, they may agree to have one of their number certified to represent the employees to be included in a new bargaining unit, or to merge into a single association to represent those employees.

The agreements are evidenced in writing.

An agreement under the first paragraph is sent to the Commission des relations du travail before the expiry of the 110-day time limit for filing a petition specified in the second paragraph of section 76 or any extension granted by the Commission under that paragraph. An agreement under the second paragraph is sent to the Commission des relations du travail within 10 days after the expiry of the applicable time limit.

79. Upon receipt of one or more petitions filed under section 76, the Commission des relations du travail proceeds as follows, subject to section 80:

(1) if the Commission concludes that the petitioning association is the only association to have filed a petition to represent the employees to be included in a new bargaining unit, it certifies the association, indicating the class of personnel included in the new bargaining unit;

(2) if the Commission concludes that the petitioning association, in keeping with the first paragraph of section 78, has obtained the agreement of all the associations of employees referred to in that paragraph that it represent the employees to be included in a new bargaining unit, it certifies the association, indicating the class of personnel included in the new bargaining unit;

(3) if the Commission concludes that all the petitioning associations agree, in keeping with the second paragraph of section 78, to have one of their number certified to represent the employees to be included in a new bargaining unit, it certifies the association, indicating the class of personnel included in the new bargaining unit;

(4) if the Commission concludes that all the petitioning associations agree, in keeping with the second paragraph of section 78, to merge into a single association of employees, it certifies the association of employees resulting from the merger, indicating the class of personnel included in the new bargaining unit;

(5) if the Commission concludes that there is more than one association petitioning to represent the employees to be included in a new bargaining unit, it orders the holding of a vote for the employees of the bargaining unit and certifies the association of employees that obtains the greatest number of votes, indicating the class of personnel included in the new bargaining unit.

80. In all cases where at least 40% of the employees in a bargaining unit in the process of being constituted were not represented by an association of employees referred to in paragraph 1 of section 73 on the date section 73 came into effect for the institution concerned, the Commission des relations du travail, before granting an association of employees certification under section 79, ascertains the will of the employees who will be included in a new bargaining unit to be represented by an association of employees, by holding a vote.

The vote may be held simultaneously with a vote under paragraph 5 of section 79.

81. Only an employee duly entered on the list required under the first paragraph of section 75 may participate in a vote ordered by the Commission des relations du travail under paragraph 5 of section 79 or section 80, up to one vote per class of personnel to which the employee belongs. For that purpose, within two days after a request by an association of employees referred to in subparagraph 3 of the second paragraph of section 75, the Commission communicates the address of an employee who will be included in a bargaining unit for which the association of employees filed a petition for certification in accordance with section 76.

The only rules governing the conduct of the vote are those determined by the Commission for the purposes of this Act. The vote may be held by mail or in any other manner the Commission considers appropriate.

82. If, on the expiry of the time limit specified in the second paragraph of section 76, no petition has been filed with the Commission des relations du travail by an association of employees entitled to do so for a class of personnel, the Commission notifies the institution concerned and the Minister.

Within 30 days after receipt of that notice, the institution may bring the matter before the Commission by means of a petition for the revocation of the association's certification. If the institution fails to act within that time, the Minister may bring the matter before the Commission for the same purpose.

83. Upon receipt of a petition filed under the second paragraph of section 82, the Commission des relations du travail revokes the certification of the association of employees that represented the employees included in a bargaining unit that existed in the institution concerned on the date section 73 came into effect for the institution.

84. The Commission des relations du travail must render its decision concerning a petition filed under section 76 within 150 days after the date on which the petition was filed.

The president of the Commission may extend the time limit if the president believes circumstances warrant such a decision.

85. The decision of the Commission des relations du travail is sent to the association of employees newly certified under section 79 and, where applicable, to each of the other petitioning associations, to the association whose accreditation is revoked under section 83, to the institution concerned, and to the Minister.

86. The newly certified association of employees is subrogated by operation of law in all the rights and obligations resulting from a collective agreement to which a certified association of employees it replaces was a party.

87. The Commission des relations du travail puts an end to the processing of any other petition that is pending on the date section 73 comes into effect for the institution concerned if it is of the opinion that the petition concerns all or some of the employees of a single class of personnel and has the same subject or the same purposes as the petition filed under section 76 or the second paragraph of section 82.

§3. — Determination of the first clauses negotiated and agreed at the local or regional level

88. From the date on which the new association of employees is certified, the institution concerned and the association of employees newly certified under section 79 negotiate the matters defined as being the subject of clauses negotiated and agreed at the local or regional level by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors.

The parties have 24 months from the date on which the new association of employees is certified to agree on those clauses. Failing agreement within those 24 months on a matter that is the subject of clauses negotiated and agreed at the local or regional level, the institution must, in the ensuing 10 days, request the Minister of Labour to appoint a mediator-arbitrator to settle the disagreement, informing the association of employees of the request.

However, during the first 12 months, failing agreement, the parties may jointly request the Minister of Labour to appoint a mediator-arbitrator to settle the disagreement. On the expiry of the first 12 months, either of the parties may make such a request to the Minister of Labour in the ensuing 12 months, informing the other party of the request.

89. Except where the certification of an association of employees is revoked under section 83, and despite section 9, the collective agreement of each

certified association of employees referred to in paragraph 1 of section 73, in force on the day before the date on which the new association of employees is certified, and the local arrangements that relate to it continue to apply for employees covered by each of those collective agreements. The integrating institution or the new institution resulting from the amalgamation and the newly certified association of employees may, however, agree to apply the collective agreement of the newly certified association of employees and the local arrangements relating to it to all the employees included in the new bargaining unit.

From the date on which the new association of employees is certified, the collective agreement of the newly certified association of employees and the local arrangements that relate to it apply to the employees who were not represented by a certified association of employees on the day before the date of integration or amalgamation.

As of the date of coming into force of an agreement on a matter negotiated and agreed at the local or regional level, the clauses negotiated and agreed at the national level and the local arrangements regarding that matter cease to apply. The institution and the newly certified association of employees may agree to bring the clauses negotiated and agreed at the local or regional level into force on different dates.

The new clauses negotiated and agreed at the national level after the date on which the new association of employees is certified take effect on the date set out in those clauses. The local arrangements relating to the clauses of the previous collective agreement, which are replaced by the new clauses, cease to apply on that date.

90. The seniority accumulated by an employee in the institution concerned before the date on which the clauses negotiated and agreed at the local or regional level come into force is recognized up to one year per period of 12 months.

With respect to the employees not represented by a certified association of employees, seniority is deemed to have been accumulated according to the provisions of the collective agreement of the newly certified association of employees.

Seniority lists must be posted within 30 days following the date of the end of the pay period that includes the date of coming into force of the clauses negotiated and agreed at the local or regional level. The periods for posting information and the seniority correction procedures set out in the collective agreement determined for the newly certified association of employees under section 89 apply.

However, the institution and the newly certified association of employees may agree on a date for integrating seniority lists that is earlier than the date provided in the third paragraph for the matters negotiated and agreed at the local or regional level that are the subject of an agreement.

91. Where a request for the appointment of a mediator-arbitrator is made to the Minister of Labour in accordance with section 88, the parties may jointly recommend a person to the Minister for appointment as mediator-arbitrator.

As soon as possible, the Minister of Labour appoints the person recommended as mediator-arbitrator or, if no joint recommendation is made, a person whose name appears on a list prepared for that purpose after consultation with the Minister of Health and Social Services.

92. For the purposes of this subdivision, sections 38 and 40 to 51 apply, with the necessary modifications.

In the case of an institution referred to in section 70, where a provision referred to in section 88, 89 or 91 refers to the date on which the new association of employees is certified, that provision must be read as referring to the effective date indicated in the Minister's order made under section 71. Where a provision referred to in any of sections 88 to 91 refers to the new association of employees, that provision must be read as referring to the association of employees that exists in the institution on the day before the date on which those sections take effect.

DIVISION VI

FINAL PROVISIONS

93. From 18 December 2003, the matters listed in Schedule A.1 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, enacted by section 67 of this Act, and defined as being the subject of clauses negotiated and agreed at the local or regional level may no longer be the subject of clauses negotiated and agreed at the national level.

94. This Act does not apply to pharmacists, clinical biochemists or medical physicists referred to in section 3 of the Hospital Insurance Act (R.S.Q., chapter A-28) or section 432 of the Act respecting health services and social services, or to residents in medicine referred to in section 19.1 of the Health Insurance Act (R.S.Q., chapter A-29). Nor does it apply to persons who are recruited by a researcher or an organization engaged in research and whose remuneration comes from a research fund.

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

96. This Act comes into force on 18 December 2003, except sections 12 to 51, which come into force on the date or dates to be fixed by the Government.

SCHEDULE 1

Nursing and Cardio-respiratory Care Personnel

JOB TITLE	NUMBER
Assistant to the immediate superior (nurse)	2487, 2488
Assistant head nurse	2468
Baccalaureate assistant head nurse	1902, 1906
Nursing unit assistant head nurse	2467
Assistant head respiratory therapist or assistant head pulmonary function technician	2248
Candidate to the nursing profession	2475, 2476
Nurse candidate admissible per equivalence	2477, 2478
Clinical teacher (inhalation therapy)	2247
Technical coordinator (inhalation therapy)	2246
Respiratory therapy extern	4002
Nursing extern	4001
Nurse	2471, 2472, 2474
Nurse — Institut Pinel	2473
Nursing assistant or graduate auxiliary	3448, 3455
Nursing assistant or graduate auxiliary (assistant team leader)	3446
Nursing assistant or graduate auxiliary (team leader)	3445
Nursing assistant or graduate auxiliary on refresher period	3529, 3530
Nurse (organized team work)	2458, 2459
Nurse on refresher period (5 years and +)	2485, 2486
Assistant to the immediate superior (baccalaureate nurse)	1904, 1905

SCHEDULE 1 (continued)

Nursing and Cardio-respiratory Care Personnel

JOB TITLE	NUMBER
Baccalaureate nurse	1901, 1903
Baccalaureate nurse — Institut Pinel	1907
Respiratory technician or pulmonary function technician	2244
Nurse educator	2462, 2464
Perfusionist	2268, 2288
Child nurse/baby nurse	3461
Extra-corporal circulation technician	2267

SCHEDULE 2

Paratechnical, Auxiliary Services and Trades Personnel

JOB TITLE	NUMBER
Community supervision officer	3458
Intervention officer — Institut Pinel	6436
Intervention officer	3545
Living unit officer	3594
Diet helper	6319
Service aide	3243
Kitchen helper	6309
General helper	6414
General helper in a northern institution	6415
Heavy vehicle driver helper	6405
Roofer helper apprentice	6399
Cook's helper	6304
Assistant stationary engineer	6387
Assistant perfusionist	3268
Trade apprentice	6375
Dietetics assistant	6381
Rehabilitation assistant	3468
Laboratory or radiology technical assistant	3205, 3210
Health care technical assistant	3201, 3202
Oral surgery technical assistant	3206
Dental technical assistant	3207, 3217
Pharmacy technical assistant	3212

SCHEDULE 2 (continued)

Paratechnical, Auxiliary Services and Trades Personnel

JOB TITLE	NUMBER
Operating room technical assistant	3451
Senior pharmacy technical assistant	3215
Home care auxiliary	3591, 3592
Diet auxiliary	6318
Family and social auxiliary	3589, 3590
Butcher	6303
Stretcher bearer	3485
Launderer	6320, 6420
Cafeteria cashier	6312
Pipe insulator	6395
Chief cook	6337
Hairdresser	6340
Pharmacy clerk	3249
Commissionaire	3260
Janitor	6351, 6385
Vehicle driver	6336, 6400
Heavy vehicle driver	6355
Shoemaker	6374
Tailor	6327
Roofer-tinsmith	6391
Cook	6300, 6301
Draftsperson	6409

SCHEDULE 2 (continued)

Paratechnical, Auxiliary Services and Trades Personnel

JOB TITLE	NUMBER
Cabinet maker	6365
Electrician	6354
Electronics technician (high school diploma)	6370
Cosmetologist	6406
Tinsmith	6369
Florist	6358
Guard — Institut Pinel	6346
Residence guard	6349
Security guard	6338, 6401
Industrial workshops instructor	3585
Shoemaking instructor	3574
Sewing instructor	3627
Cooking instructor	3683
Workshops instructor	3684
Cabinetmaking instructor	3694
Shipping instructor	3597
Horticulture instructor (greenhouses)	3691
Carpenting instructor	3689
Handicrafts or occupational therapy instructor	3598
Offset duplicator operation instructor	3579
Maintenance worker instructor	3573
Furniture painting instructor	3562

SCHEDULE 2 (continued)

Paratechnical, Auxiliary Services and Trades Personnel

JOB TITLE	NUMBER
Farm work instructor	3697
Bookbinding instructor	3546
Living unit worker	3577
Residence worker	3464, 3466
Labourer	6377
Groundskeeper and/or labourer	6376
Machinist (millwright)	6353
Master electrician	6356
Refrigeration machinery master mechanic	6366
Master plumber	6357
Millwright	6360
Garage mechanic	6380
Stationary engineer	6383
Refrigeration machinery mechanic	6352
Equipment adjustment mechanic	3263
Orthosis and/or prosthesis mechanic	3262, 3264
Carpenter	6364
General maintenance carpenter	6254
Education instructor	3687
Recreation instructor	3698, 3699
Rehabilitation instructor (handcrafts or occupational therapy)	3471, 3472

SCHEDULE 2 (continued)

Paratechnical, Auxiliary Services and Trades Personnel

JOB TITLE	NUMBER
Rehabilitation instructor (specialized trade)	3469
Cleaner	6407
Dishwashing machine operator	6307
Maintenance worker	6373, 6402
General caretaker	6388, 6408
Baker/pastry cook	6302
Painter	6362
Plasterer	6368
Plumber	6359
Porter	6344
Door attendant	6341, 6348
Beneficiary attendant (“A” certification)	3459
Laundry attendant	6321, 6421
Laundry-linen attendant	6221
Cafeteria attendant	6314
Mangle attendant	6333
Central monitoring security attendant	6412
Message centre attendant	3259
Watchover attendant (residential milieu)	3476
Daycare attendant	3269
Linen attendant	6332
Painting and maintenance attendant	6262
Security attendant	6238

SCHEDULE 2 (continued)

Paratechnical, Auxiliary Services and Trades Personnel

JOB TITLE	NUMBER
Sterilization attendant	3481, 3482
Housekeeping attendant (light duty)	6335, 6403, 6435
Housekeeping attendant (heavy duty)	6334, 6404, 6434
Unit and/or pavilion attendant	3685
Milk laboratory attendant	3250
Therapeutic equipment attendant	3467, 3567
Restaurant attendant	6315
Transport attendant	3204
Physically handicapped beneficiaries transport attendant	6418
Elevator attendant	6347
Autopsy attendant	3203
Beneficiary attendant	3478, 3479
Home care beneficiary attendant	3474
Vegetable attendant	6306
Animal attendant	3241
Groundskeeper	6384
Groundskeeper and landscaping attendant	6416
Vehicles attendant	6350
Residence attendant	3578
Specialized ophthalmologic examinations attendant	3230
EEG attendant	3239
ECG attendant	3237

SCHEDULE 2 (continued)

Paratechnical, Auxiliary Services and Trades Personnel

JOB TITLE	NUMBER
Attendant in a northern institution	3505
Inhalation therapy attendant	3209
Ophthalmology attendant	3208
Orthopedic attendant	3247
Physiotherapy and/or occupational therapy attendant	3223
Rehabilitation or industrial occupation attendant	3495, 3499
Resident attendant	3509
Operating room attendant	3449
Senior orthopedic attendant	3229
Presser	6325
Upholsterer	6382
Locksmith	6367
Welder	6361
Institutional guard	6410
Student supervision attendant	6413
Lifeguard	3679
Tailor and/or sewer	6225
Class “B” technician	3224, 3225
Food technician	6317
Senior rehabilitation therapist	3460
Neighbourhood or sector worker	3465
Glazier	6372

SCHEDULE 3

Office Personnel and Administrative Technicians and Professionals

JOB TITLE	NUMBER
Buyer	5138, 5140
Information officer	1242
Information officer — Régie régionale	1243
Training officer	1533
Personnel officer	1101
Finance officer	1105
Data processing analyst	1103
Programmer-analyst	1113
Research clerk	5187
Archives assistant	5278, 5279
Library auxiliary	5289
Library technician	2265, 2266
Librarian	1206
Production coordinator	2106
Clerk	5128, 5129
Unit clerk — Institut Pinel	5102
Intermediate clerk	5113, 5114
Senior clerk	5109, 5110
Senior accounting clerk	5103, 5104
Institution counsellor	1106
Typist	5151, 5152
Storekeeper	5141, 5142

SCHEDULE 3 (continued)

Office Personnel and Administrative Technicians and Professionals

JOB TITLE	NUMBER
Messenger	5165, 5166
Messenger — Régie régionale	5229
Duplicator offset operator	5119, 5120, 5179
Data processing operator class 1	5100, 5108
Data processing operator class 2	5111, 5112
Braille production system operator	5130
Paymaster	5105, 5106
Reception attendant	3251
Admitting clerk	5271, 5272
Outpatient admitting clerk	5275
Audiovisual attendant	3245
Library attendant	5283
Reprography attendant	5135, 5136
Accounts receivable clerk	5143
Medical records attendant	5280
Storeroom attendant	5117, 5118
Data processing attendant	5121, 5126
Data programmer	2103, 2104
Receptionist	5161, 5162
Receptionist — Régie régionale	5171
Bookbinder	5345, 5346
Materials management officer	1246

SCHEDULE 3 (continued)

Office Personnel and Administrative Technicians and Professionals

JOB TITLE	NUMBER
Secretary	5155, 5156
Administrative secretary — Régie régionale	5154
Executive secretary	5144, 5145
Legal secretary	5148, 5168
Medical secretary	5147
Audiovisual specialist	1661
Communications specialist	1107
Administrative processes specialist	1109
Contributions technician	2102, 2105
Administrative technician	2100, 2101
Graphic arts technician	2333
Audiovisual technician	2256, 2258
Building service technician	2364, 2374
Communications technician	2275
Documentation technician	2355, 2365
Industrial electricity technician	2370
Electro-mechanic technician	2371
Electronics technician	2369
Mechanical fabrication technician	2377
Information systems technician	2113
Instrumentation and control technician	2379
Switchboard operator	5159

SCHEDULE 3 (continued)

Office Personnel and Administrative Technicians and Professionals

JOB TITLE	NUMBER
Switchboard operator — receptionist	5163, 5164

SCHEDULE 4

Health and Social Services Technicians and Professionals

JOB TITLE	NUMBER
Sanitary education officer	1704
Integration officer	2688
Hearing deficiencies training officer	1534
Behavioral officer	1559
Planning and programming officer	1108
Social services planning and programming officer	1853
Social and health planning and programming officer	1120
Planning, programming and research officer	1555
Programming officer	1562
Research officer	1556
Socio-economic research and planning officer	1110
Social and health research officer	1705
Human relations officer	1553
Educational techniques officer	1651
Social aide	2587, 2588
Community facilitator	2376
Pastoral facilitator	1552
Medical records archivist	2250, 2251
Medical records archivist (team leader)	2282
Pathology assistant	2203
Assistant head dietetics technician	2240
Assistant head medical electro-physiology technician	2236

SCHEDULE 4 (continued)

Health and Social Services Technicians and Professionals

JOB TITLE	NUMBER
Assistant head of archives	2242
Assistant head physiotherapist	1236
Assistant head medical technologist or assistant head laboratory technician	2235
Administrative assistant head technologist	2230
Technical assistant head technologist	2229
Assistant head radiology technologist	2219
Audiologist or hearing therapist	1254
Audiologist-speech therapist or hearing, speech, language and communication therapist	1204
Audio-prosthetist	2260
Lawyer	1114
Bacteriologist	1200
Biochemist	1202
Candidate admissible per equivalence (physiotherapy)	1238
Clinical teacher (physiotherapy)	1234
Head of module	2699
Work adaptability counsellor	1703
Nutrition counsellor (without internship)	1226
Maladjusted children counsellor	1543
Health promotion counsellor	1121
Vocational guidance counsellor or counsellor in supportive relations	1701

SCHEDULE 4 (continued)

Health and Social Services Technicians and Professionals

JOB TITLE	NUMBER
Technical coordinator (laboratory)	2227
Technical coordinator (radiology)	2213
Medical electro-physiology technical coordinator	2276
Criminologist	1544
Cyto-technologist	2271
Professional dietician-nutritionist or university graduate in dietetics	1223
Educator	2689, 2691, 2693
Physical educator	1228
Occupational therapist or therapist in functional rehabilitation through activity	1230
Genagogist	1540
Dental hygienist or dental hygiene technician	2261
Occupational hygienist	1702
Medical illustrator	2253
Biomedical engineer	1205
Clinical instructor (laboratory)	2231
Clinical instructor (radiology and laboratory)	2215
Child care worker	1660
Community organizer	1551
Orthotist and/or prosthesisist	2264
Ortho-pedagogue	1656

SCHEDULE 4 (continued)

Health and Social Services Technicians and Professionals

JOB TITLE	NUMBER
Speech therapist or speech, language and communication therapist	1255
Orthoptist	2259
Pedagogue	1655, 1657
Medical photographer	2254
Physiotherapist or university graduate functional rehabilitation therapist	1233
Psycho-educator or psycho-social rehabilitation specialist	1652
Psycho-technician	2273, 2274
Psychologist or human behavior therapist	1546
Recreologist	1658
Psycho-motional re-educator	1662
Remuneration of some orthosis/prosthesis mechanics	2263
Living unit or rehabilitation supervisor	2694
Sociologist	1554
Sociotherapist — Institut Pinel	2697
Clinical activities specialist	1407
Social programs management specialist	1863
Low vision specialist	1558
Care evaluation specialist	1521
Orientation and mobility specialist	1557
Positioning specialist	1217
Biological and health physics science specialist	1207

SCHEDULE 4 (continued)

Health and Social Services Technicians and Professionals

JOB TITLE	NUMBER
Braille technician	2360
Social assistance technician	2585, 2586
Dietetics technician	2257
Specialized education technician	2690
Electro-encephalography technician	2241
Medical electro-physiology technician	2286
Electrodynamics technician	2373, 2378
Biomedical engineering technician	2367
Gerontology technician	2285
Hemodynamics technician	2272
Horticulture technician	2280
Industrial hygiene technician	2702
Recreation technician	2695, 2696, 2698
Orthosis-prosthesis technician	2362
Cardio-respiratory physiology technician	2270
Prevention technician	2368
Rehabilitation technician	2255
Psycho-social research technician	2584
Hemodynamics technologist	2278, 2279
Medical technologist or graduate medical laboratory technician	2223
Nuclear medicine technologist	2208

SCHEDULE 4 (continued)

Health and Social Services Technicians and Professionals

JOB TITLE	NUMBER
Radio-diagnostic technologist	2205
Radiotherapy technologist	2207
Specialized radiology technologist	2212
Creativity therapist	1229
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Draft Regulations

Draft Regulation

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

Human resources and industrial relations professionals

— Standards for equivalence of diplomas or training for the issue of a permit

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation respecting the standards for equivalence of diplomas or training for the issue of a permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec”, which has been adopted by the Bureau of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec, may be submitted to the government for approval, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the regulation, according to the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec, is to set forth the equivalence standards for diplomas issued by teaching establishments situated outside Québec, for the purpose of issuing a permit, and to set forth the equivalence standards for the training of individuals who do not hold a diploma that gives access to a permit.

The order does not foresee that the regulation will have any impact on organizations, including SMEs.

For further information, please contact Sarah Thibodeau, Attorney, the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec, 1200, avenue McGill College, bureau 1400, Montréal (Québec) H3B 4G7, at (514) 879-1636, or by fax at (514) 879-1722.

All persons wishing to present comments regarding this topic may send them prior to the expiry of the 45-day period to the President of the Office des professions du Québec, at 800, place D’Youville, 10^e étage, Québec, Québec (G1R 5Z3). The Office will forward any comments to the Minister responsible for the administration of legislation respecting the professions, and may also

forward them to the professional order that adopted the regulation, and to the appropriate interested parties, government departments and organizations.

GAÉTAN LEMOYNE,
*President of the Office
des professions du Québec*

Regulation respecting the standards for equivalence of diplomas or training for the issue of a permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec

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

DIVISION I GENERAL PROVISIONS

1. The secretary of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec shall forward a copy of this Regulation to a candidate who, for the purpose of obtaining a permit from the order, applies for an equivalence of a diploma issued by an educational establishment situated outside Québec, or requests a training equivalence.

2. In this Regulation, the following terms mean :

1° “diploma giving access to a permit” means a diploma recognized as giving access to the permit issued by the order by regulation of the Government made under the first paragraph of section 184 of the Professional Code;

2° “diploma equivalence” means the attestation by the Bureau of the order, in accordance with subparagraph g of the first paragraph of section 86 of the Professional Code (R.S.Q., c. C-26), that the level of knowledge and skills attained by the holder of a diploma issued by an educational establishment outside Québec is equivalent to the level attained by the holder of a diploma giving access to a permit by the order;

3° “training equivalence” means the attestation by the Bureau of the order, in accordance with subparagraph g of the first paragraph of section 86 of the Professional Code, that a candidate’s training is equivalent to the level of knowledge and skills attained by the holder of a diploma giving access to a permit by the order.

DIVISION II

STANDARDS FOR A DIPLOMA EQUIVALENCE

3. A candidate holding a diploma issued by an educational establishment outside Québec shall be granted a diploma equivalence if the diploma was issued upon completion of an undergraduate program comprising at least 90 credits. Each credit must correspond to 45 hours of in-class attendance and individual work. At least 60 out of the 90 credits shall be apportioned as follows:

1° A minimum of 12 credits in labour relations;

2° A minimum of 12 credits in human resources management;

3° A minimum of 9 credits in Québec public policy and labour laws;

4° A minimum of 12 credits in financial and organizational management;

5° A minimum of 9 credits in information systems, scientific and statistical methods, workplace health and safety, industrial, social and organizational psychology, organizational behaviour, and political sociology;

6° A minimum of 6 credits in economics and the workplace, planning and management, marketing, business ownership, business management, ethics, technology and industrial relations, multi-ethnic relations, organizational communications and international industrial relations.

In addition, a minimum of twenty-four (24) credits must be completed from among the subjects listed in paragraphs 1 to 6. The credits must be aimed at acquiring versatile, cross-functional competencies that emphasize individual analytical or management skills, an understanding of the role of a certified human resources management or industrial relations professional, or the integration and analysis of various fields related to the workplace or management.

4. Notwithstanding section 3, where the diploma in respect of which an equivalence application has been filed was issued 3 or more years prior to the application, a diploma equivalence shall be denied if the candidate’s knowledge and skills, taking into account developments

in profession, no longer correspond to the knowledge and skills acquired upon completion of a current program of study leading to the granting of a diploma that gives access to a permit.

DIVISION III

STANDARDS FOR TRAINING EQUIVALENCE

5. A candidate shall be granted a training equivalence if he demonstrates that the level of knowledge and skills he acquired after his training is equivalent to the level acquired upon completion of a diploma giving access to a permit.

6. Notwithstanding section 5, where the training in respect of which an equivalence application has been filed was completed 3 or more years prior to the application, a training equivalence shall be denied if the candidate’s knowledge and skills, taking into account developments in profession, no longer correspond to the knowledge and skills acquired upon completion of a program of study leading to a diploma that gives access to a permit.

7. To determine whether a candidate has attained the level of training required in section 4, the Bureau shall take all the following factors into account:

1° the fact that the candidate holds one or more diplomas issued in Québec or elsewhere;

2° the courses taken, the number of credits earned and the grades obtained;

3° training periods and other learning activities or refresher courses;

4° the total number of years of education;

5° relevant work experience.

Where the evaluation carried out in accordance with the preceding paragraph does not lead to a decision, the candidate may be interviewed or invited to take an examination prescribed by resolution of the Bureau, or both, in order to complete the evaluation.

DIVISION IV

DIPLOMA OR TRAINING EQUIVALENCE RECOGNITION PROCEDURE

8. A candidate applying for a diploma or training equivalence, for the purpose of obtaining a permit from the order, shall provide the secretary of the order with the following documents and information:

1° a written request along with the fees for the examination of the application, prescribed in accordance with paragraph 8 of section 86.0.1 of the Professional Code;

2° an academic record, including a description of courses taken, and the number of credits and the grades obtained;

3° a copy of any diploma obtained;

4° a document describing and attesting to the candidate's relevant work experience, namely in the practice of professional activities as described in paragraph *f* of section 37 of the Professional Code. The candidate's experience must be attested to in writing by an authorized representative of the employer with respect to the length of employment and the positions held;

5° a list of the candidate's publications;

6° a document attesting to the candidate's participation in a training period or in any learning activity or refresher course pertaining to a professional activity described in paragraph *f* of section 37 of the Professional Code.

When the documents forwarded in support of an application for diploma or training equivalence are written in a language other than French or English, they must be accompanied by a French translation attested to by a sworn declaration from the person who did the translation.

9. The secretary of the order shall forward the documents and information prescribed in section 7 to a committee set up by the Bureau of the order, in accordance with paragraph 2 of section 86.0.1 of the Professional Code, to examine equivalence applications and make appropriate recommendations to the Bureau.

10. At its first meeting following receipt of the committee's recommendation, the Bureau shall decide whether to grant the diploma or training equivalence. It shall notify the candidate in writing within 30 days following the date of its decision.

11. If it does not grant the diploma or training equivalence, the Bureau shall inform the candidate thereof in writing and shall indicate to him the study, the training periods or the examinations that must be successfully completed for the equivalence to be granted, and the prescribed time period during which they must be completed.

12. A candidate who is informed of the Bureau's decision not to grant the diploma or training equivalence may apply to the Bureau for a review and a hearing,

provided that the candidate applies therefor in writing to the secretary of the order within 30 days following the date on which the decision was mailed.

The Bureau has a period of 60 days from the date it receives the application for review to grant the candidate a hearing, and review its decision if necessary. To that end, the secretary of the order shall convene the candidate by means of a notice in writing sent by registered mail not less than 10 days before the date of the hearing.

13. The Bureau's decision is final and shall be forwarded to the candidate by registered mail within 30 days following the date of the hearing.

14. When it has been established that the candidate has successfully completed, within the prescribed time period, the study, the examinations or the training periods prescribed by a decision rendered in accordance with section 10, the Bureau grants the training equivalence. The secretary of the order notifies the candidate in writing within 30 days of the date the application is granted.

DIVISION IV FINAL PROVISION

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

6164

Draft Regulation

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

Physicians

— Professional activities that may be performed by a hyperbaric chamber operator

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Collège des médecins du Québec, at its meeting held on December 12, 2003, adopted the "Regulation respecting professional activities that may be performed by a hyperbaric chamber operator".

The Regulation has been transmitted to the Office des professions du Québec, which will examine it pursuant to section 95 of the Professional Code (R.S.Q., c. C-26). It will then be submitted, with the recommendation of the Office, to the Government which may, under the same section, approve it with or without amendment, after the expiry of 45 days following this publication.

According to the Collège des médecins du Québec :

1° the object of this regulation is to determine, among the professional activities that may be performed by physicians, those that may be performed by a hyperbaric chamber operator outside of any centre operated by an institution pursuant to the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (L.R.Q., c. S-5);

2° as for citizens and the public protection, the regulation determines the terms and conditions, in particular training, according to which such activities may be performed.

Further information may be obtained by contacting, M^e Linda Bélanger, Legal Advisor, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; telephone number: (514) 933-4441, extension 362, facsimile number: (514) 933-5374, e-mail: lbelanger@cmq.org

Any person having comments to make on the following text is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, ministries and organizations.

GAÉTAN LEMOYNE,
*Chairman of the Office des
professions du Québec*

Regulation respecting professional activities that may be performed by a hyperbaric chamber operator

Professional Code
(R.S.Q., c. C-26, s. 94, par *h* and s. 94.1)

1. The purpose of this Regulation is to determine amongst professional activities that may be performed by physicians those which, pursuant to the conditions provided therein, may be performed by a hyperbaric chamber operator.

2. To be authorized to perform the professional activities contemplated under section 4, a hyperbaric chamber operator

1° shall hold a hyperbaric chamber operator certificate as issued by the Institut maritime du Québec or shall have received training as a hyperbaric chamber operator in accordance with the Competency Standard for Diving Operations, CAN/CSA-Z275.4-97, as amended;

2° shall receive a training, at least every three years, to update his skills for the operation of a hyperbaric chamber.

3. This Regulation deals with the professional activities performed by a hyperbaric chamber operator outside of any centre operated by an institution pursuant to the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

4. A hyperbaric chamber operator may perform, in accordance with current medical standards in diving medicine, the following professional activities :

1° in the event of any possible decompression sickness, perform a physical exam and assess the diver;

2° in case of emergency, start treating the decompression sickness in a hyperbaric chamber;

3° after discussing with a physician who has received a Level II training in diving medicine, in accordance with the Competency Standard for Diving Operations, CAN/CSA-Z275.4-97, as amended, modify the algorithm for the decompression sickness treatment in a hyperbaric chamber.

5. A hyperbaric chamber operator shall, after initiating the treatment for decompression sickness as provided under paragraph 2 of section 4, immediately contact a physician who has received a Level II training in diving medicine for the treatment to continue under the physician's supervision.

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

6165

Treasury Board

Gouvernement du Québec

T.B. 200583, 20 January 2004

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

Amendment to Schedule II.1

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1)

Amendment to Schedule III

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

WHEREAS, under paragraph 3 of section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the plan applies to an employee who is released without pay by his or her employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS, under section 16.1 of the Act, the pensionable salary of an employee who is released with pay for union activities is the salary paid to the employee by the employer and the salary, if any, paid to the employee by a body designated in Schedule II.1 and the body concerned must pay its employer's contributory amount and deduct the contributions from the pensionable salary it pays to such an employee;

WHEREAS, under the first paragraph of section 220 of the Act, the Government may, by order, amend Schedule II.1 and any such order may have effect 12 months or less before it is made;

WHEREAS, under paragraph 6 of section 2 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Pension Plan of Management Personnel applies, to the extent provided for in Chapter I of the Act, to an employee appointed or engaged to hold, with the corresponding classification, non-unionizable employment designated in Schedule I, who is released without pay by an employer and who, while released without pay, holds non-unionizable employment designated in paragraph V of Schedule I with an organization designated in Schedule III;

WHEREAS, under section 27 of the Act, the pensionable salary of an employee who is released with pay to hold pensionable employment under the plan with an association representing the management personnel or for union activities is the salary paid to the employee by an employer and the salary, if any, paid to the employee by a body designated in Schedule III or, as the case may be, by a body designated in Schedule II.1 of the Act respecting the Government and Public Employees Retirement Plan and the body concerned must pay its employer's contributory amount and deduct the contributions from the pensionable salary it pays to such an employee;

WHEREAS, under the first paragraph of section 207 of the Act, the Government may, by order, amend Schedule III 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 (R.S.Q., c. A-6.01), 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 set out in paragraphs 1 to 6 of that provision;

WHEREAS the Minister of Finance has been consulted;

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

1988, determines, in accordance with subparagraph 25 of the first paragraph of section 134 of that Act, the conditions which permit a body, according to the category determined by the Regulation, to be designated by order in Schedule I or II.1;

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

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

WHEREAS the Association des directeurs et directrices de succursale de la Société des alcools du Québec, the Fédération du personnel de soutien de l'enseignement supérieur (F.P.S.E.S.) (C.S.Q.) and the Syndicat de l'enseignement de la région de Vaudreuil meet the conditions prescribed by that Regulation;

THEREFORE, THE CONSEIL DU TRÉSOR DÉCIDES :

THAT the Amendments to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule III to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, are hereby made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Amendments to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan* and to Schedule III 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
(R.S.Q., c. R-12.1, s. 207, 1st par.)

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

(1) the Fédération du personnel de soutien de l'enseignement supérieur (F.P.S.E.S.) (C.S.Q.);

(2) the Syndicat de l'enseignement de la région de Vaudreuil.

2. Schedule III to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) is amended by inserting "the Association des directeurs et directrices de succursale de la Société des alcools du Québec" in alphabetical order.

3. This Decision comes into force on the date it is made by the Conseil du trésor and has effect from the date set out opposite each of the following bodies:

(1) the Association des directeurs et directrices de succursale de la Société des alcools du Québec	12 months before the date on which this Decision is made;
(2) the Fédération du personnel de soutien de l'enseignement supérieur (F.P.S.E.S.) (C.S.Q.)	12 months before the date on which this Decision is made;
(3) the Syndicat de l'enseignement de la région de Vaudreuil	1 September 2003.

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* Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan has been amended, since the Revised Statutes of Québec were last updated to 1 April 2003, by T.B. 199903 dated 3 June 2003 (2003, *G.O.* 2, 1946), 200157 dated 9 September 2003 (2003, *G.O.* 2, 2951), 200158 dated 9 September 2003 (2003, *G.O.* 2, 2954), 200478 dated 9 December 2003 (2003, *G.O.* 2, 3809) and 200479 dated 9 December 2003 (2003, *G.O.* 2, 3810).

** Schedule III to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) has not been amended since the Revised Statutes of Québec were last updated to 1 April 2003.

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