

# Gazette

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## Laws and Regulations

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### Summary

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## Regulations and other acts

### M.O., 2004-004

#### Order of the Minister of Health and Social Services dated 25 February 2004

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 (2003, c. 25)

Date of effect of sections 72 to 92 of the 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

WHEREAS the 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 (2003, c. 25) was assented to on 18 December 2003;

WHEREAS the Act 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 (R.S.Q., c. R-8.2);

WHEREAS, under section 71 of the 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 Minister determines by order the date on which sections 72 to 92 take effect for each institution indicated by the Minister;

THEREFORE, the Minister of Health and Social Services determines 15 March 2004 to be the date on which sections 72 to 92 of the 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 take effect for the following institutions:

#### Region 01 – Bas-Saint-Laurent

Centre jeunesse du Bas-St-Laurent

#### Region 02 – Saguenay–Lac-Saint-Jean

Centre de réadaptation en déficience intellectuelle du Saguenay–Lac-Saint-Jean

Les Centres jeunesse du Saguenay–Lac-Saint-Jean

#### Region 03 – Capitale-Nationale

Institut de réadaptation en déficience physique de Québec

Centre de réadaptation en déficience intellectuelle de Québec

Centre de réadaptation Ubald-Villeneuve

Centre jeunesse de Québec

Centre hospitalier Robert-Giffard

Le Centre d'accueil Nazareth Inc.

#### Region 04 – Mauricie et Centre-du-Québec

Centre de réadaptation Interval

Centre de services en déficience intellectuelle Mauricie/Centre-du-Québec

Les Centres jeunesse de la Mauricie et du Centre-du-Québec

#### Region 06 – Montréal

Centre de réadaptation Constance-Lethbridge  
La Corporation du Centre de réadaptation  
Lucie-Bruneau

Centre Miriam

Centre de réadaptation Lisette-Dupras

Centre de réadaptation de l'Ouest de Montréal

Services de réadaptation l'Intégrale

Centre de réadaptation en déficience intellectuelle  
Gabrielle-Major

Le Centre jeunesse de Montréal

Hôpital Louis-H. Lafontaine

Centre hospitalier de l'Université de Montréal

Institut de cardiologie de Montréal

Centre universitaire de santé McGill

L'Hôpital Sainte-Justine

Hôpital Rivière-des-Prairies

Hôpital Douglas

Groupe Champlain Inc.

Centre d'hébergement et de soins de longue durée Bourget Inc.

Groupe Roy Santé Inc.

Vigi Santé Ltée

Hôpital Marie-Clarac des Sœurs de Charité de Ste-Marie (1995) Inc.

Villa Médica Inc.

Résidence Berthiaume-DuTremblay

Résidence Angélica Inc.

L'Institut de réadaptation de Montréal

### **Region 07 – Outaouais**

Centre régional de réadaptation La Ressource

Pavillon du Parc Inc.

Les Centres jeunesse de l'Outaouais

La Corporation du Centre hospitalier Pierre-Janet

### **Region 09 – Côte-Nord**

Centre de protection et de réadaptation de la Côte-Nord

### **Region 11 – Gaspésie-Îles-de-la-Madeleine**

Le Centre de réadaptation de la Gaspésie

### **Region 12 – Chaudière-Appalaches**

Centre de réadaptation en déficience intellectuelle (CRDI) Chaudière-Appalaches

Centre d'accueil Saint-Joseph de Lévis Inc.

### **Region 13 – Laval**

CRDI Normand-Laramée

Centre jeunesse de Laval

Centre d'hébergement et de soins de longue durée St-Jude Inc.

Manoir St-Patrice Inc.

### **Region 14 – Lanaudière**

Les Centres jeunesse de Lanaudière

CHSLD de la Côte Boisée Inc.

### **Region 15 – Laurentides**

Centre du Florès

Centre jeunesse des Laurentides

### **Region 16 – Montérégie**

Centre montréalais de réadaptation

Centre de réadaptation en déficience intellectuelle Montérégie-est

Les Services de réadaptation du Sud-ouest et du Renfort

Les Centres jeunesse de la Montérégie

Centre hospitalier Rive-Sud Inc.

Centre d'accueil Marcelle Ferron Inc.

PHILIPPE COUILLARD,  
*Minister of Health and Social Services*

6202

## Draft Regulations

### Draft Regulation

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

#### Fishing activities — Amendments

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 to amend the Fishing Activities Regulation, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to provide for enhanced management of wildlife harvesting in certain bodies of water in Area 22 as a result of a large increase in the number of fishers due to hydroelectric work in part of that area.

To that end, the draft Regulation proposes to require every person fishing in certain bodies of water in Area 22 to comply with the date and location specified on the right of access pass. In addition, in the event that the registration officer is absent from the reception station, the person will be required to self-register and declare any catches.

The draft Regulation proposes to allow holders of fishing licences to fish for lake trout in Area 23 between 8 and 30 September. To do so, Québec residents will have to use the services of an outfitter. As for non-residents, they are already required to use the services of an outfitter to hunt and fish in that area.

Lastly, under the draft Regulation, holders of a resident fishing licence will be required to use the services of an outfitter to fish for salmon or any other species in the parts of the George, à la Baleine and Koksoak rivers situated in Category III lands in Area 23 and in various areas along their main tributaries.

To date, study of the matter has shown no impact on businesses, including small and medium-sized businesses.

Additional information may be obtained from :

Paul Potvin  
Société de la faune et des parcs du Québec  
Direction des territoires fauniques et de la réglementation  
675, boulevard René-Lévesque Est, 11<sup>e</sup> étage, boîte 96  
Québec (Québec)  
G1R 5V7

Telephone : (418) 521-3880, extension 4146  
Fax : (418) 646-5179  
E-mail : paul.potvin@fapaq.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Pierre Corbeil, Minister for Forests, Wildlife and Parks, 5700, 4<sup>e</sup> Avenue Ouest, bureau A-308, Charlesbourg (Québec) G1H 6R1.

SAM HAMAD, <i>Minister of Natural Resources,</i> <i>Wildlife and Parks</i>	PIERRE CORBEIL, <i>Minister for Forests,</i> <i>Wildlife and Parks</i>
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### Regulation to amend the Fishing Activities Regulation\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 162, par. 9)

1. Section 2.1 of the Fishing Activities Regulation is amended

(1) by replacing “permit” by “licence” and by replacing “they must also report on such activity at that place by stating” by “they must also, at the end of each daily fishing period or their stay, report at that place on the fishing activity, declaring”;

(2) by adding the following paragraph :

“The holders referred to in the first paragraph must comply with the dates and locations specified on the right of access pass.”.

\* The Fishing Activities Regulation made by Order in Council 952-2001 dated 23 August 2001 (2001, G.O. 2, 4857) has been amended once, by the regulation made by Order in Council 1506-2002 dated 18 December 2002 (2003, G.O. 2, 60).

**2.** The following is inserted after section 2.1:

“2.2. Where a right of access pass is required under section 2.1 and there is no registration officer to issue it at the place designated for that purpose, the holder must fill in the form available at the reception station for the territory concerned and deposit it at the place specified for that purpose.”.

**3.** Section 3 is amended by adding the following paragraph:

“The holder of a resident fishing licence shall use the services of an outfitter to fish for lake trout in Area 23 during the period from 8 to 30 September or to fish in the parts of the rivers of that area referred to in sections 1, 3 and 4 of Part IV of Schedule XXIII to the Quebec Fishery Regulations (1990) SOR/90-214 and located in Category III lands.”.

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

6200

## Draft Regulation

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

### Chartered administrators

#### — Code of ethics — Amendments

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 to amend the Code of ethics of chartered administrators, adopted by the Bureau of the Ordre des administrateurs 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 this Regulation is to amend the Code of ethics of the members of chartered administrators to introduce provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy to prevent an act of violence.

These provisions are required by the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). That Act permits the lifting of professional secrecy

to prevent an act of violence, including a suicide, when the professional has grounds to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the communication must be limited to such information as is necessary to achieve the purposes for which the information is communicated, and the information may only be communicated to a person exposed to the danger, to that person's representative, or to the persons who can come to that person's aid.

The Ordre expects the proposed amendments to have no impact on businesses, in particular on small and medium-sized businesses.

Further information may be obtained by contacting Mr. Pierre Landry, directeur général et secrétaire of the Ordre des administrateurs agréés du Québec, 680, rue Sherbrooke Ouest, bureau 640, Montréal (Québec) H3A 2M7; telephone (514) 499-0880 or 1 800 465-0880; fax: (514) 499-0892.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be communicated to the professional order that adopted the Regulation as well as to the interested persons, departments, bodies or agencies.

GAÉTAN LEMOYNE,  
*Chairman of the Office des  
professions du Québec*

## Regulation to amend the Code of ethics of chartered administrators\*

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

**1.** The Code of ethics of chartered administrators is amended by the addition of the following sentence at the end of section 46: “Chartered administrator may also be released from professional secrecy in accordance with the terms and conditions set out in Division VII.1 of the present Code”.

\* The Code of ethics of chartered administrators, approved by Order of Council 234-2003 dated 26 January 2003 (2003, *G.O.* 2, 1459), has not been amended since its approval.



**2.** This Code is amended by the insertion of the following division after Division VII:

**“DIVISION VII.1**

**RELEASE FROM PROFESSIONAL SECRECY TO PROTECT INDIVIDUALS**

**46.1** Chartered administrator may communicate information that is protected by professional secrecy, in order to prevent an act of violence, including a suicide, where they have reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, a chartered administrator may communicate such information only to the person or persons exposed to this danger, or to their representative, or to persons who can come to their aid.

A chartered administrator may communicate only such information as is necessary to achieve the purposes for which the information is communicated.

A chartered administrator who communicates such information may do so orally or in writing, provided that the method chosen allows the information to be communicated diligently.

**46.2** Any chartered administrator who communicates information under section 46.1 must, as soon as possible:

(1) if the information was communicated orally, send a written confirmation to the person to whom it was communicated;

(2) enter the following information in the client's file:

(a) the date and time that the information was communicated and the identify of the person or persons to whom it was communicated;

(b) the method of communication that was used;

(c) the information that was communicated and the date on which and the circumstances under which this information became known to the chartered administrator;

(d) the reasons that led the chartered administrator to believe that there was an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

(3) send the syndic of the Order written notice that such information has been communicated, including the details listed in paragraph 2.”.

**3.** The present regulation shall come into force on the 15th day following its publication in the *Gazette officielle du Québec*.

6199

## Draft Regulation

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

### Radiology technologists — Code of ethics — Amendment

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 to amend the Code of ethics of radiology technologists, made by the Bureau of the Ordre professionnel des technologues en radiologie 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 is to amend the Code of ethics of members of the Ordre professionnel des technologues en radiologie du Québec to introduce provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy in order to prevent an act of violence.

Those provisions are required by the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). That Act permits the lifting of professional secrecy to prevent an act of violence, including a suicide, where the professional has cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the communication must be limited to such information as is necessary to achieve the purposes for which the information is communicated, and the information may only be communicated to a person exposed to the danger, to that person's representative and to the persons who can come to that person's aid.

The Order expects the proposed amendments to have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Alain Crompt, Director General and Secretary, Ordre des technologues en radiologie du Québec, 7400, boulevard Les Galeries d'Anjou, bureau 420, Anjou (Québec) H1M 3M2; telephone: (514) 351-0052; fax: (514) 355-2396.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be communicated to the professional order that made the Regulation as well as to any interested persons, departments, bodies or agencies.

GAÉTAN LEMOYNE,  
*Chairman of the Office des  
professions du Québec*

## Regulation to amend the Code of ethics of radiology technologists\*

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

**1.** The Code of ethics of radiology technologists is amended by inserting the following after section 27:

“**27.1.** A radiology technologist who, pursuant to the third paragraph of section 60.4 of the Professional Code (R.S.Q., c. C-26), communicates information protected by professional secrecy to prevent an act of violence shall

- (1) communicate the information immediately;
- (2) if the information is communicated orally, confirm the information in writing to the person to whom the information is given as soon as possible;
- (3) enter the following particulars in the user's record as soon as possible:

(a) the date and time of the communication;

(b) the reasons supporting the decision to communicate the information including the name of the person who caused the radiology technologist to communicate the information and the name of the person or group of persons exposed to the danger; and

(c) the content of the communication, the mode of communication and the name of the person to whom the information was given; and

(4) as soon as possible, send the syndic a notice of the communication that includes the reasons supporting the decision to communicate the information and the date and time it was communicated.

In addition, if it is necessary in the best interests of the person or persons exposed to the danger, a radiology technologist who, pursuant to the third paragraph of section 60.4 of the Code communicates such information, shall consult a member of the order, a member of another professional order, or any other qualified person, provided the consultation will not prejudicially delay the communication of the information.”

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

6201

## Draft Regulation

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

### Veterinary surgeons — Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Code of ethics of veterinary surgeons, made by the Bureau of the Ordre des médecins vétérinaires du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation is to replace the current Code of ethics of veterinary surgeons. In addition to revising the current Code, the Regulation completes the Code by introducing provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy in order to prevent an act of violence.

\* The Code of ethics of radiology technologists, approved by Order in Council 789-98 dated 10 June 1998 (1998, *G.O.* 2, 2289), has not been amended since its approval.

Those provisions are required by the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). That Act permits the lifting of professional secrecy to prevent an act of violence, including a suicide, where the professional has cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the communication must be limited to such information as is necessary to achieve the purposes for which the information is communicated, and the information may only be communicated to a person exposed to the danger, to that person's representative and to the persons who can come to that person's aid.

The Regulation also introduces provisions setting out the terms and conditions regarding the rights of access to and correction of professional records.

Lastly, it codifies the concept of veterinary surgeon-client-patient relationship and determines the rules applicable to such a relationship.

The Order expects the amendments to have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Réjean Pedneault, Secretary and Director General of the Ordre des médecins vétérinaires du Québec, 800, avenue Sainte-Anne, bureau 200, Saint-Hyacinthe (Québec) J2S 5G7; telephone: 1 800 267-1427; fax: (450) 774-7635.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be communicated to the professional order that made the Regulation as well as to any interested persons, departments, bodies or agencies.

GAÉTAN LEMOYNE,  
*Chair, Office des professions du Québec*

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## Code of ethics of veterinary surgeons

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

Veterinary Surgeons Act  
(R.S.Q., c. M-8, s. 6.1, 1st par., subpar. 3)

### DIVISION I DUTIES TOWARDS THE PUBLIC

**1.** Veterinary surgeons shall seek to improve the quality and availability of professional services in the field in which they practise.

**2.** Veterinary surgeons shall promote the protection and improvement of public health and the quality of the environment. In their practice, veterinary surgeons shall, in particular,

(1) consider all the foreseeable consequences that their opinions, research and work may have on society;

(2) promote education and information measures in their field of practice and, insofar as possible, do what is appropriate to ensure such education and information;

(3) collaborate in the safe recovery of expired or unused medications which are to be subsequently destroyed; and

(4) refrain from disposing of biomedical waste into the environment in an uncontrolled manner or participating in such an activity either directly or indirectly.

**3.** Veterinary surgeons' conduct towards others in their practice shall be beyond reproach and, in particular, they shall act with courtesy, dignity, moderation and objectivity.

### DIVISION II DUTIES TOWARDS THE CLIENT

#### *§1. General*

**4.** Veterinary surgeons shall practise in accordance with recognized standards of practice and the current state of knowledge in medical science. To that end, they shall

- (1) make their diagnosis with great care ;
- (2) use the appropriate scientific methods and, if need be, consult the most knowledgeable sources ;
- (3) maintain and improve their knowledge and skills ; and
- (4) refrain from using, outside a recognized scientific setting, means of diagnosis or treatment that have not been sufficiently proven.

**5.** Before accepting a mandate for professional services, veterinary surgeons shall consider the field in which they mainly practise, the extent of their skills and knowledge and the means at their disposal.

They shall not in any way interfere with the right of a client to consult another veterinary surgeon.

**6.** Veterinary surgeons shall refrain from practising or performing professional acts under conditions or in such states that may compromise the quality of their services or the dignity of the profession.

**7.** Except under exceptional circumstances, veterinary surgeons shall refrain from practising in unsuitable or inadequate premises.

**8.** Veterinary surgeons shall seek to establish a relationship of mutual trust with their clients and shall refrain from practising in an impersonal or inopportune manner.

**9.** Except in an emergency, veterinary surgeons shall obtain the client's free and enlightened authorization before undertaking a medical examination.

**10.** Where a veterinary surgeon-client-patient relationship exists and the veterinary surgeon prescribes a treatment or procedure referred to in section 7 of the Veterinary Surgeons Act (R.S.Q., c. M-8), the client or the custodian of the animal or animals may administer the prescription according to the instructions of the veterinary surgeon.

For the purposes of this Code, a veterinary surgeon-client-patient relationship that is a relationship of mutual trust is established if the following conditions are fulfilled :

(1) the veterinary surgeon has sufficient knowledge of the animal or animals, their state of health and living conditions, as substantiated by the medical record ;

(2) the veterinary surgeon has sufficient knowledge of the prevalence or frequency of the animal's or animals' pathological conditions, as substantiated by the medical record ; and

(3) the client or, as the case may be, the custodian of the animal or animals accepts and is able to follow the instructions of the veterinary surgeon.

## **§2. Integrity**

**11.** Veterinary surgeons shall perform their professional duties with integrity ; to that end, they shall, in particular,

(1) avoid making any false representation with respect to their level of competence or the effectiveness of their services and of those generally provided by the members of the profession. If the welfare of the animal or animals so requires, they shall consult another veterinary surgeon or, with the client's authorization, refer the case to that veterinary surgeon ;

(2) seek to know all the facts before giving an opinion, service or advice, and reveal to their client in a complete and objective manner the nature and scope of the problem resulting from the facts brought to their attention ;

(3) make a diagnosis or implement a prophylactic program only after personally making an appropriate examination of the animal or animals ;

(4) prescribe medications only after personally making an appropriate examination of the animal or animals, or where a veterinary surgeon-client-patient relationship exists ;

(5) inform the client of the nature of the medications being prescribed, their methods of administration and storage, their expiry date, withdrawal periods, dangers that may be involved in their use, and their safe disposal ;

(6) take the necessary measures to prevent veterinary acts from being performed in their place of work by unqualified persons ;

(7) control at all times the purchase, sale, storage and inventory of medications, and the safe recovery of expired or unused medications which are to be subsequently destroyed ;

(8) refrain from selling without an appropriate prescription any medications listed in Schedule I, II or IV to the Regulation respecting the terms and conditions for the sale of medications, approved by Order in Council 712-98 dated 27 May 1998. At the request of the syndic, an assistant syndic, a corresponding syndic, an investigator or an inspector of the professional inspection committee, veterinary surgeons must be able at all times to justify the medications sold in the last five years with the prescriptions relating to them; and

(9) refrain from prescribing, selling, giving or allowing medications to be obtained without sufficient medical reasons or for human consumption.

**12.** Veterinary surgeons shall assume full civil liability in their practice. Veterinary surgeons may not elude or attempt to elude that liability or request that a client or other person waive any recourse where there is professional negligence on their part.

In addition, veterinary surgeons shall inform their client as soon as possible of any incident, accident or complication which is likely to have or having had a significant impact on the state of health of an animal or animals.

### *§3. Availability and diligence*

**13.** Veterinary surgeons shall respect the service hours they publicly advertise and show reasonable availability and diligence, particularly after they have administered or prescribed a treatment or medication to or for an animal or animals.

**14.** Veterinary surgeons may not cease to act for a client without just and reasonable cause. Just and reasonable cause includes

- (1) loss of the client's trust;
- (2) the fact that the veterinary surgeon is in a situation of conflict of interest or in a situation in which his or her professional independence could be called into question;
- (3) inducement by the client to perform illegal, unfair or fraudulent acts;
- (4) deceit on the part of the client or the client's failure to collaborate;
- (5) the client's refusal to pay the veterinary surgeon's fees; and

(6) the fact that the veterinary surgeon cannot communicate with the client or obtain from the client information considered necessary to continue to provide professional services.

**15.** Before ceasing to act for a client, veterinary surgeons must give the client reasonable notice to that effect and take the measures necessary to minimize the prejudice caused to the client by the withdrawal of services.

### *§4. Independence and impartiality*

**16.** Veterinary surgeons shall subordinate their personal interests to those of their clients.

**17.** Veterinary surgeons shall be objective and impartial when persons other than their clients ask them for information.

**18.** Veterinary surgeons shall disregard any intervention by a third party that could influence the performance of their professional duties to the detriment of their client.

**19.** Veterinary surgeons shall safeguard their professional independence at all times and avoid any situation in which they would be or appear to be in conflict of interest.

**20.** Veterinary surgeons shall respect the right of the client to obtain a prescribed medication from or have a prescribed treatment performed by a professional of the client's choice. They shall, in such a case, give the client a prescription to that effect, at no additional charge.

**21.** Veterinary surgeons are in a situation of conflict of interest where, in particular, they

- (1) share professional income in any way whatsoever with a person who is not a member of the Order;
- (2) provide or offer to provide veterinary services under a capitation system according to which remuneration is on the basis of a fixed lump sum independent of the quantity or quality of the services rendered;
- (3) propose to their clients an insurance plan intended to guarantee the provision of veterinary services, in return for a lump sum agreed on in advance, if the plan is not managed in an independent manner by a third party without being controlled or supervised, whether directly, indirectly or through an intermediary, by a veterinary surgeon involved in the plan;

(4) receive, in addition to the remuneration to which they are entitled, any commission, rebate, benefit or other consideration in connection with their practice;

(5) give or offer to give a commission, rebate, benefit or other consideration of a similar nature in connection with their practice;

(6) enter into any type of agreement with any person to attract clients; or

(7) accept discount coupons or other similar documents under which a third party undertakes to pay the fees in whole or in part in the place of the client.

**22.** No veterinary surgeon practising alone or in a partnership may be a shareholder, whether directly, indirectly or through an intermediary, of a company or business corporation manufacturing medications for animals.

**23.** Veterinary surgeons shall refrain from lending their name to a person to allow that person to promote or recommend to the public a treatment or the sale, distribution or use of medications or instruments used in the practice of the profession of veterinary surgeon.

#### *§5. Professional secrecy*

**24.** Veterinary surgeons shall ensure that they practise in premises conducive to discretion and the maintenance of professional secrecy.

**25.** Veterinary surgeons shall not make use of confidential information to the detriment of a client or with a view to obtaining, directly or indirectly, a benefit for themselves or another person. They shall also ensure that the personnel around them and any person under their responsibility do not disclose confidential information obtained in the performance of their duties.

#### *§6. Lifting of professional secrecy to ensure the protection of individuals*

**26.** Veterinary surgeons who, pursuant to the third paragraph of section 60.4 of the Professional Code (R.S.Q., c. C-26), communicate, orally or in writing, information protected by professional secrecy to prevent an act of violence must, for each communication,

(1) enter the following particulars in the client's record:

(a) the identity of the person or groups of persons in danger;

(b) the identity of the person who caused the member to communicate the information;

(c) the reasons supporting the decision to communicate the information;

(d) the identity of the person to whom the information was communicated;

(e) the date and time of the communication;

(f) the means of communication used; and

(g) the content of the communication; and

(2) send the syndic, within five days of the communication, a notice specifying the reasons supporting the decision to communicate the information and the date and time it was communicated.

**27.** If the welfare of the person or persons exposed to the imminent danger of death or serious bodily injury so requires, veterinary surgeons who are about to disclose information protected by professional secrecy shall consult another veterinary surgeon, a member of another professional order or any other qualified person, provided the consultation will not prejudicially delay the communication of the information.

#### *§7. Accessibility to records*

(a) Conditions and procedures applicable to the exercise of the right of access provided for in section 60.5 of the Professional Code

**28.** Veterinary surgeons shall respect a client's right to examine the medical record of his or her animal or animals and obtain a copy of any documents concerning the client as quickly as possible.

Where a record includes radiographs, the veterinary surgeon shall respect a client's right to take possession of the radiographs.

A client who wishes to take possession of a radiograph shall sign and date a document identifying the radiograph, attesting to the taking of possession and containing a commitment from the client to return the radiograph.



**29.** In addition to the special rules prescribed by law, veterinary surgeons must respond with diligence, or no later than 20 days after receipt, to any request from a client to examine or obtain a copy of the documents concerning the client in any record established in respect of the client.

**30.** Veterinary surgeons may charge to a client who exercises the right provided for in section 28 or 29 fees that may not exceed reasonable costs for reproducing or transcribing documents or for transmitting a copy of the documents.

A veterinary surgeon who charges such fees shall, before transcribing, reproducing or transmitting the requested documents or copies, notify the client of the approximate amount to be paid.

Access to the documents for examination purposes only shall be free of charge.

**31.** Veterinary surgeons who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuse to allow a client to have access to the information contained in a record established in his or her respect shall inform the client in writing of the refusal and the reason. The notice must describe the nature of the serious harm possible and inform the client of the client's recourses.

(b) Conditions and procedures applicable to the right of correction provided for in section 60.6 of the Professional Code

**32.** In addition to the special rules prescribed by law, veterinary surgeons shall respond with diligence, or no later than 20 days after receipt, to any request made by a client to

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

(2) cause to be deleted any information that is outdated or unjustified having regard to the object of the record established in respect of the client; or

(3) have the client's written comments filed in the record established in respect of the client.

**33.** Veterinary surgeons who grant a request referred to in section 32 shall issue to the client, free of charge, a copy of the document or the part of the document that was corrected or deleted or, as the case may be, an attestation that the client's written comments have been filed in the record.

**34.** Veterinary surgeons who have information in respect of which a request for access or correction has been denied shall conserve the information until such time as the person concerned has exhausted all recourses under the law.

**35.** Veterinary surgeons are deemed to have refused to respond to a request under section 29 or 32 if no response has been given within 20 days of receipt of the request.

(c) Veterinary surgeons' obligation to return documents

**36.** Veterinary surgeons shall respond with diligence to any written request made by a client to take back a document entrusted to them.

#### §8. Fees

**37.** Veterinary surgeons shall inform their client as soon as possible of the approximate and foreseeable cost of the services to be provided and of the scope and terms of such services. Veterinary surgeons shall obtain the client's agreement in respect of the foregoing unless it can be reasonably assumed that the client is already informed. They shall also provide their clients with all explanations necessary to an understanding of the statement of fees and the terms and conditions of payment.

**38.** Veterinary surgeons shall charge and accept fees that are fair and reasonable, warranted under the circumstances and in proportion to the services provided. Veterinary surgeons shall, in particular, consider the following factors in determining their fees:

(1) the time required to perform the professional services;

(2) the degree of difficulty and extent of the professional services to be provided;

(3) the performance of services that are unusual or require exceptional competence or promptness;

(4) the veterinary surgeons' experience or expertise; and

(5) the degree of responsibility assumed.

**39.** Veterinary surgeons shall refrain from requiring full payment of their fees in advance; they may, however, require advance payment of anticipated expenses and disbursements and an advance not exceeding 50% of estimated fees.

**40.** Veterinary surgeons shall report to a client at the client's request.

**41.** Veterinary surgeons shall, as regards the collection of accounts,

(1) refrain from selling or otherwise transferring their accounts of professional fees, except to another veterinary surgeon;

(2) ensure that the collection of accounts or billings is clearly being carried out for them and in their name. However, a veterinary surgeon whose employer is not a veterinarian may allow the employer to claim fees or billings directly from the client, pursuant to a written agreement between the client, the employer and the veterinary surgeon, provided that the name of the veterinary surgeon in charge of the case is clearly indicated on the bills or collection documents;

(3) ensure that the person they appoint to collect their fees acts with tact and moderation; and

(4) charge interest on outstanding accounts only if there is a written agreement between the parties, provided that the interest thus charged is reasonable.

### **DIVISION III OBLIGATIONS AND RESTRICTIONS RESPECTING ADVERTISING**

**42.** Veterinary surgeons may not, in any manner whatsoever, engage in or allow advertising that is false, misleading, incomplete, or that plays on the public's emotions or is likely to be misleading.

**43.** Veterinary surgeons may not claim to have special qualifications or skills unless such claims can be substantiated.

**44.** Veterinary surgeons may not use advertising practices likely to denigrate or discredit another veterinary surgeon or to suggest that their own services are superior to the services provided by other veterinary surgeons.

**45.** Veterinary surgeons may not, in their advertising, use or allow to be used an endorsement or testimonial concerning them.

**46.** Veterinary surgeons may not advertise a medication listed in Schedule IV to the Regulation respecting the terms and conditions for the sale of medications or allow such a medication to be advertised in their name, unless the advertisement is in the public interest and for the protection of the public.

**47.** In their advertising, veterinary surgeons shall avoid methods and attitudes likely to impart a profit-seeking or mercantile character to the profession. In particular, they may not promote the consumption of medications and, to that end, they shall refrain from advertising any offer of a rebate, discount or gratuity on the sale and prescription of medications.

**48.** Veterinary surgeons who advertise fees or prices shall, in particular,

(1) establish fixed fees or prices for the services being advertised;

(2) specify the nature and extent of the services covered by the fees or prices;

(3) indicate whether expenses or disbursements are included in the fees or prices; and

(4) indicate whether additional services not included in the fees or prices might be required.

The particulars and indications must be sufficient to reasonably inform persons who have no particular knowledge of the veterinary field. The fees or prices must remain in effect for a minimum of 90 days after the last broadcast or publication.

**49.** In any advertisement, veterinary surgeons must ensure that the public clearly understands that it is an advertisement.

**50.** Veterinary surgeons shall clearly indicate their name and professional title in their advertising. All the partners in an office, clinic or veterinary hospital are solidarily responsible for compliance with the rules respecting advertising, unless the advertisement clearly indicates the name of the veterinary surgeon responsible for the advertising.

**51.** Veterinary surgeons shall keep an integral copy of every advertisement in its original form for two years after the date of the last broadcast or publication.

**52.** Where veterinary surgeons reproduce the graphic symbol of the Order, they shall ensure that the symbol is identical to the original kept by the secretary of the Order.

**53.** Where veterinary surgeons use the graphic symbol of the Order in their printed or televised advertising, they shall include the following disclaimer: "This is not an advertisement of the Ordre des médecins vétérinaires du Québec and engages the liability of its author only."



## **DIVISION IV**

### **DUTIES TOWARDS THE PROFESSION**

#### **§1. Derogatory acts**

**54.** In addition to the derogatory acts referred to in sections 57, 58, 59.1 and 59.2 of the Professional Code (R.S.Q., c. C-26), the following acts of veterinary surgeons are derogatory to the dignity of the profession :

(1) being physically, verbally or psychologically violent towards a client ;

(2) harassing, intimidating or threatening a person with whom they are connected in their practice ;

(3) harassing, intimidating or threatening a person who has requested an inquiry or any other person involved in the events connected with an inquiry or complaint, where the veterinary surgeons are informed that an inquiry is being conducted or where they are served with a complaint regarding their conduct or professional competence ;

(4) communicating with the plaintiff without prior written permission from the syndic or a syndic's assistant when informed of an inquiry into their conduct or professional competence or after being served with a notice of a disciplinary complaint against them ;

(5) claiming a sum of money from a client for payment in whole or in part of a professional service the cost of which is assumed by a third person ;

(6) claiming fees for professional acts not performed or falsely described, providing or allowing a person for whom they are responsible to provide receipts, veterinary prescriptions, certificates or other documents falsely indicating that a medication has been sold on prescription or that a professional service has been provided ;

(7) selling, giving, administering or dispensing an expired medication or an unused medication returned by a client ;

(8) prescribing, selling, providing or administering medications not approved by the Canadian Food Inspection Agency, in the case of biologicals, or by Health Canada, in other cases. Veterinary surgeons may, however, prescribe, sell, provide or administer medications prepared extemporaneously or recognized for a different use, provided that the medications are approved by the Canadian Food Inspection Agency, in the case of biologicals, or by Health Canada, in other cases ;

(9) buying or selling medication samples ;

(10) inducing a person through urgent insistence or repetition to use their professional services ; and

(11) failing to inform the Order that they have reason to believe that a veterinary surgeon is incompetent or in breach of the Professional Code or a regulation under the Code.

#### **§2. Relations with the Order and other veterinary surgeons**

**55.** Veterinary surgeons shall, as soon as possible, answer all correspondence from the secretary of the Order, the syndic, an assistant syndic, a corresponding syndic, a member, an investigator or the secretary of the professional inspection committee in the exercise of the functions assigned to them by the Act or regulations.

**56.** Veterinary surgeons shall not betray the good faith of another veterinary surgeon, member of the Bureau, the syndic, an assistant syndic, a corresponding syndic, an investigator, an inspector or the secretary of the professional inspection committee, or commit a breach of trust or engage in dishonest practices in respect of any of those persons.

**57.** Veterinary surgeons shall not use a decision made by the committee on discipline to attack the reputation of a veterinary surgeon or to prejudice relationships between a veterinary surgeon and his or her client or employer.

**58.** Veterinary surgeons consulted by another veterinary surgeon shall give their opinion and recommendations within a reasonable time.

**59.** Veterinary surgeons consulted by another veterinary surgeon shall not contact the client again without the authorization of the other veterinary surgeon.

**60.** Veterinary surgeons shall not help, allow or induce an unauthorized person to perform acts exclusive to the profession or another profession and shall report any situation of illegal practice to the competent authorities.

#### **§3. Contribution to the advancement of the profession**

**61.** Veterinary surgeons shall, insofar as possible, contribute to the advancement and development of the profession by exchanging knowledge and experience with other veterinary surgeons, students and trainees and by participating in continuing education courses and training programs.

**DIVISION V****DUTIES TOWARDS ANIMALS**

**62.** Veterinary surgeons shall provide the necessary care to the animal or animals placed in their care and shall at all times demonstrate the highest concern for their safety.

**63.** Veterinary surgeons shall refuse to perform any procedure that could endanger the well-being of the animal or animals or that, in their opinion, involves undue suffering.

**64.** Veterinary surgeons may not lend or use an animal or animals for purposes other than those for which they were placed in their care. In particular, except for an exceptional reason, veterinary surgeons shall obtain the consent of the client before parting with an animal or animals placed in their care by the client.

**65.** Veterinary surgeons shall report to the competent authorities any situation in which they become aware that an animal or animals have been mistreated.

**DIVISION VI****FINAL**

**66.** This Code replaces the Code of ethics of veterinary surgeons, approved by Order in Council 1149-93 dated 18 August 1993.

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

## Treasury Board

Gouvernement du Québec

### **T.B. 200671, 24 February 2004**

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

#### **Amendments to Schedules I and II.1**

An Act respecting the Pension Plan of Management Personnel  
(R.S.Q., c. R-12.1)

#### **Amendments to Schedule II**

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

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

WHEREAS, under paragraph 3 of section 2 of the Act, 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 Schedules I, II, II.1, II.2, III, III.1, VI and VII and where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) and such order may have effect 12 months or less before it is made;

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

WHEREAS, under the first paragraph of section 207 of that Act, the Government may, by order, amend Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan and 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 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 Syndicat des professionnelles et professionnels du milieu de l'éducation de Montréal (SPPMEM) meets the conditions prescribed by that Regulation in order to be designated in Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS the Syndicat des travailleurs de l'enseignement de l'Est du Québec (STEEQ) meets the conditions prescribed by that Regulation in order to be designated in Schedule I to the Act respecting the Government and Public Employees Retirement Plan and in Schedule II to the Act respecting the Pension Plan of Management Personnel;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

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

ALAIN PARENTEAU,  
*Clerk of the Conseil du trésor*

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

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 I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting “the Syndicat des travailleurs de l’enseignement de l’Est du Québec (STEEQ)” in alphabetical order in paragraph 1.

**2.** Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan is amended by inserting “the Syndicat des professionnelles et professionnels du milieu de l’éducation de Montréal (SPPMEM)” in alphabetical order.

**3.** Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) is amended by inserting “the Syndicat des travailleurs de l’enseignement de l’Est du Québec (STEEQ)” in alphabetical order in paragraph 1.

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\* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) has been amended, since the Revised Statutes of Québec were last updated to 1 April 2003, by T.B. 200156 dated 9 September 2003 (2003, *G.O.* 2, 2949), 200157 dated 9 September 2003 (2003, *G.O.* 2, 2951), 200158 dated 9 September 2003 (2003, *G.O.* 2, 2954) and 200479 dated 9 December 2003 (2003, *G.O.* 2, 3810).

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 II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) has been amended, since the Revised Statutes of Québec were last updated to 1 April 2003, by T.B. 200156 dated 9 September 2003 (2003, *G.O.* 2, 2949), 200157 dated 9 September 2003 (2003, *G.O.* 2, 2951), 200158 dated 9 September 2003 (2003, *G.O.* 2, 2954) and 200479 dated 9 December 2003 (2003, *G.O.* 2, 3810).

**4.** This Decision comes into force on the date it is made by the Conseil du trésor but has effect from the date set out opposite each of the following bodies:

- |   |   |
|---|---|
| (1) Syndicat des professionnelles et professionnels du milieu de l'éducation de Montréal (SPPMEM) | 1 July 2003;                            |
| (2) Syndicat des travailleurs de l'enseignement de l'Est du Québec (STEEQ)                        | 12 months before this decision is made. |

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Gouvernement du Québec

### **T.B. 200683, 24 February 2004**

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

#### **Regulation — Amendments**

An Act respecting the Pension Plan of Management Personnel  
(R.S.Q., c. R-12.1)

#### **Regulation — Amendments**

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan and the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

WHEREAS, under subparagraph 22 of the first paragraph of section 134 and section 217 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, by regulation, establish, based on the rate of return of certain categories of amounts contemplated in section 127 and designated by regulation, the rules and terms governing the computation of interest;

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

WHEREAS sections 45 and 46 of that Regulation establish the rules and terms governing the computation of interest and it is expedient to amend them;

WHEREAS, under the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan, the Government may make the regulation after the Commission administrative des régimes de retraite et d'assurances has consulted the Comité de retraite referred to in section 164 of the Act;

WHEREAS the Comité de retraite has been consulted;

WHEREAS, under subparagraph 21 of the first paragraph of section 196 and section 204 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, by regulation, establish, based on the rate of return of certain classes of amounts referred to in section 177 and designated by regulation, the rules and procedure governing the computation of interest;

WHEREAS the Government made the Regulation under the Act respecting the Pension Plan of Management Personnel by Decision of the Conseil du trésor T.B. 197327 dated 27 November 2001;

WHEREAS sections 2 and 3 of that Regulation establish the rules and procedures governing the computation of interest and it is expedient to amend them;

WHEREAS, under subparagraph 4 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel, the Government may, by regulation, determine the bonuses, allowances, compensations or other additional remuneration that are included in the basic salary referred to in section 25;

WHEREAS it is expedient to replace Division I.2 of the Regulation under the Act respecting the Pension Plan of Management Personnel introduced by the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel made by Decision of the Conseil du trésor T.B. 200524 dated 16 December 2003 (2004, *G.O.* 2, 24), in order to correct a numbering mistake;

WHEREAS, under the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel, the Government may make the regulation after the Commission administrative des régimes de retraite et d'assurances has consulted the Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS the Comité de retraite was consulted;

WHEREAS, under 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 referred to in paragraphs 1 to 6 of that provision;

WHEREAS the Minister of Finance was consulted;

WHEREAS it is expedient to make those Regulations;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan and the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel, attached hereto, are hereby made.

ALAIN PARENTEAU,  
*Clerk of the Conseil du trésor*

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

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10, s. 134, 1st par., subpar. 22)

**1.** The Regulation under the Act respecting the Government and Public Employees Retirement Plan is amended by replacing sections 45 and 46 by the following:

“**45.** The annual rate of interest is established by computing the geometric mean of the annual rates of return for the three-year period ending on 31 December of the year preceding the reference year, according to the formula in Schedule V.

**46.** The annual rate of return is the rate determined by the Caisse de dépôt et placement du Québec on 31 December of each year, taking into account the categories of amounts referred to in subparagraphs 1, 2 and 4 of the first paragraph of section 127 of the Act, for the specific fund of the Government and Public Employees Retirement Plan, after subtracting the management expenses.”.

**2.** Schedule V is replaced by the following:

### **“SCHEDULE V COMPUTATION OF THE RATE OF INTEREST**

The formula for the computation of the rate of interest for the reference year is the following:

$$i_y = ((1 + T_{y-1}) (1 + T_{y-2}) (1 + T_{y-3}))^{1/3} - 1$$

where

$T_{y-1}$  is the rate of return for the year preceding the reference year

$T_{y-2}$  is the rate of return for the year preceding the reference year by two years

$T_{y-3}$  is the rate of return for the year preceding the reference year by three years”.

**3.** This Regulation comes into force on the date it is made.

## **Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel\***

An Act respecting the Pension Plan of Management Personnel  
(R.S.Q., c. R-12.1, s. 196, 1st par., subpars. 4 and 21)

**1.** The Regulation under the Act respecting the Pension Plan of Management Personnel is amended by replacing Division I.2, introduced by the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel made by Decision of the Conseil du trésor T.B. 200524 dated 16 December 2003 (2004, G.O. 2, 24), by the following:

\* The Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 (1988, G.O. 2, 4154) was last amended by the regulation made by Order in Council 1531-2001 dated 19 December 2001 (2002, G.O. 2, 246). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

\* The Regulation under the Act respecting the Pension Plan of Management Personnel, made by Decision of the Conseil du trésor T.B. 197329 dated 27 November 2001 (2001, G.O. 2, 6317) was last amended by the regulation made by Decision T.B. 200524 dated 16 December 2003 (2004, G.O. 2, 24).



**“DIVISION 1.3**  
**BONUSES, ALLOWANCES, COMPENSATIONS**  
**OR OTHER ADDITIONAL REMUNERATION**  
**INCLUDED IN THE BASIC SALARY**

**1.6.** The basic salary also includes

(1) any lump sum paid to an employee, within the scope of the measures intended to protect the employee's salary, following reassignment, career reorientation, demotion or another similar event, in order to compensate for a decrease in the employee's previous basic salary;

(2) any lump sum paid to an employee, within the scope of the measures intended to guarantee a percentage increase in the employee's basic salary during periodic salary reviews;

(3) any additional remuneration paid to an employee who is a member of the Ordre des infirmières et infirmiers du Québec having already reached the maximum of the salary scale following post-school training in nursing care recognized under the collective agreement applicable to the employee; and

(4) the lump sum paid to an employee, under an agreement concerning the extension of the collective labour agreements ending on 30 June 2002 or under conditions of employment arising from the agreements or established on the basis of the same parameters, that corresponds to a percentage of the basic salary of the employee.”.

**2.** The Regulation is amended by replacing sections 2 and 3 by the following:

“**2.** The annual rate of interest is established by computing the geometric mean of the annual rates of return for the three-year period ending on 31 December of the year preceding the reference year, according to the formula in Schedule I.

**3.** The annual rate of return is the rate determined by the Caisse de dépôt et placement du Québec on 31 December of each year, taking into account the classes of amounts referred to in subparagraphs 1, 2 and 4 of the first paragraph of section 177 of the Act, for the specific fund of the Pension Plan of Management Personnel, after subtracting the management expenses.”.

**3.** Schedule I is replaced by the following:

**“SCHEDULE I**  
**RATE OF INTEREST**

The formula for the computation of the rate of interest for the reference year is the following:

$$i_y = ((1 + T_{y-1}) (1 + T_{y-2}) (1 + T_{y-3}))^{1/3} - 1$$

where

$T_{y-1}$  is the rate of return for the year preceding the reference year

$T_{y-2}$  is the rate of return for the year preceding the reference year by two years

$T_{y-3}$  is the rate of return for the year preceding the reference year by three years”.

**4.** This Regulation comes into force on the date it is made.

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Gouvernement du Québec

**T.B. 200684, 24 February 2004**

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

**Amendments to Schedule VI**

An Act respecting the Pension Plan of Management Personnel  
 (R.S.Q., c. R-12.1)

**Amendments to Schedule VII**

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

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

WHEREAS, under the first paragraph of section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1, VI and VII of the Act and any such order may have effect 12 months or less before it is made;

WHEREAS Schedule VI was amended by Decision T.B. 199902 dated 3 June 2003 to provide for the interest payable under the Act as of 1 August 2002;

WHEREAS it is expedient to amend Schedule VI to provide for the interest payable under the Act as of 1 August 2003;

WHEREAS, under the first paragraph of section 204 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the interest payable under that Act is the interest provided for in Schedule VII in respect of the period indicated;

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

WHEREAS Schedule VII was amended by Decision T.B. 199902 dated 3 June 2003 to provide for the interest payable under that Act as of 1 August 2002;

WHEREAS it is expedient to amend Schedule VII to provide for the interest payable under that Act as of 1 August 2003;

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 mentioned in paragraphs 1 to 6 of that provision;

WHEREAS the Minister of Finance was consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

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

ALAIN PARENTEAU,  
*Clerk of the Conseil du trésor*

## **Amendments to Schedule VI to the Act respecting the Government and Public Employees Retirement Plan\* and Schedule VII to the Act respecting the Pension Plan of Management Personnel\*\***

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

An Act respecting the Pension Plan of Management Personnel  
(R.S.Q., c. R-12.1, s. 207, 1st par.)

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

(1) by replacing “as of 1 August 2002” by “1 August 2002 to 31 July 2003”;

(2) by adding “-2.57% as of 1 August 2003” at the end.

**2.** Schedule VII to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) is amended

(1) by replacing “from 1 August 2002” by “1 August 2002 to 31 July 2003”;

(2) by adding “-3.09% as of 1 August 2003” at the end.

**3.** These Amendments have effect from 1 August 2003.

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\* Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) has been amended since the last updating of the Revised Statutes of Québec to 1 April 2003 by T.B. 199902 dated 3 June 2003 (2003, *G.O.* 2, 1945).

\*\* Schedule VII to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) has been amended since the last updating of the Revised Statutes of Québec to 1 April 2003 by T.B. 199902 dated 3 June 2003 (2003, *G.O.* 2, 1945).



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

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