

Gazette
officielle
DU Québec

Part

2

No. 23

7 June 2006

Laws and Regulations

Volume 138

Summary

Table of Contents
Acts 2006
Regulations and other acts
Draft Regulations
Treasury Board
Index

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2006

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.

Table of Contents

Page

Acts 2006

28	An Act to amend the Pay Equity Act	1645
	List of Bills sanctioned (25 May 2006)	1643

Regulations and other acts

437-2006	Régie de l'énergie — Rules of procedure	1651
	List of medications covered by the basic drug insurance plan (Amend.)	1656

Draft Regulations

Income support		1675
----------------------	--	------

Treasury Board

203751	Certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'Île de Montréal (Amend.)	1677
203752	Certain conditions of employment of senior staff of general and vocational colleges (Amend.)	1688
203753	Certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'Île de Montréal (Amend.)	1698
203754	Certain conditions of employment of senior executives of general and vocational colleges (Amend.)	1708

PROVINCE OF QUÉBEC

2nd SESSION

37th LEGISLATURE

QUÉBEC, 25 MAY 2006

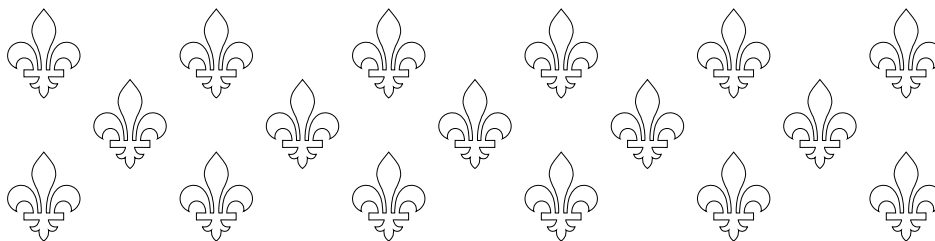
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 25 May 2006

This day, at six minutes past three o'clock in the afternoon, the Honourable the Administrator of Québec was pleased to sanction the following bill:

28 An Act to amend the Pay Equity Act

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 28
(2006, chapter 6)

An Act to amend the Pay Equity Act

Introduced 18 May 2006
Passage in principle 25 May 2006
Passage 25 May 2006
Assented to 25 May 2006

Québec Official Publisher
2006

EXPLANATORY NOTES

This bill amends the Pay Equity Act to facilitate the achievement of pay equity in the public and parapublic sectors.

To that end, the bill replaces the existing single governmental entity by two entities, the public service enterprise and the parapublic sector enterprise. It establishes special rules for those entities as regards the representation on pay equity committees of employees not covered by a certification, and specifies the scope of pay equity plans.

In addition, the bill provides for the establishment of a single pay equity plan for all employees in the parapublic sector enterprise who are represented by a certified association, and specifies the composition of the pay equity committee responsible for establishing that plan.

The bill also proposes other amendments, including consequential amendments.

Bill 28

AN ACT TO AMEND THE PAY EQUITY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 3 of the Pay Equity Act (R.S.Q., chapter E-12.001) is amended by replacing the second paragraph by the following paragraph:

“For the purposes of this Act,

(1) the Conseil du trésor is deemed to be the employer in the public service enterprise and the parapublic sector enterprise;

(2) the public service enterprise includes government departments and bodies and persons other than the National Assembly whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1); and

(3) the parapublic sector enterprise includes colleges, school boards and institutions to which the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) applies.”

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

“In the parapublic sector enterprise, however, there may be only one pay equity plan for all employees represented by certified associations.”

3. The Act is amended by inserting the following section after section 19:

“**19.1.** In the public service enterprise and the parapublic sector enterprise, a certified association or, where applicable and under section 21.1, a group of employees’ associations, that represents employees in a job class to which a pay equity plan applies also represents, for the purposes of that plan and until it has been completed, all the employees in that job class who are not covered by a certification.

The adjustments in compensation and the terms and conditions of payment of compensation adjustments set out in such a plan are the only ones applicable to all such employees.”

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

“20.1. In the public service enterprise and the parapublic sector enterprise, an association that comprises employees not represented by a certified association and that is recognized by government order for labour relations purposes and a representative body referred to in section 432 of the Act respecting health services and social services (chapter S-4.2) are considered to be certified associations for the purposes of the designation of members of the pay equity committee responsible for establishing a pay equity plan applicable to employees not represented by a certified association.

Section 19.1 applies, with the necessary modifications, to those associations and bodies as well as to the employees they represent.”

5. The Act is amended by inserting the following section after section 21:

“21.1. The pay equity committee responsible for establishing the pay equity plan referred to in the third paragraph of section 11 is composed of 16 members, 11 of whom shall represent employees and five of whom shall represent the employer.

The members representing employees shall be designated as follows:

(1) two by each of the following employees’ associations or groups of employees’ associations: the Centrale des syndicats du Québec (CSQ), the Confédération des syndicats nationaux (CSN), the Fédération des infirmières et infirmiers du Québec (FIIQ) and the Fédération des travailleurs et travailleuses du Québec (FTQ);

(2) one by the Alliance du personnel professionnel et technique de la santé et des services sociaux (APTS);

(3) one by the employees’ associations or groups of such associations that represent employees covered by an accreditation in colleges and school boards, to which subparagraphs 1 and 2 do not apply, that do not form part of associations or groups referred to in those subparagraphs and that are not affiliated with them; and

(4) one by employees’ associations or groups of such associations that represent employees covered by a certification in an institution to which the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) applies, to which subparagraphs 1 and 2 do not apply, that do not form part of associations or groups referred to in those subparagraphs and that are not affiliated with them.”

6. Section 23 of the Act is amended by adding the following paragraph at the end:

“The Commission may also authorize another mode of designation of the representatives of employees not represented by a certified association.”

7. Section 40 of the Act is amended by inserting “or, if applicable, the bargaining agent appointed under the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2)” after “concerned” in the fifth line of the second paragraph.

8. Section 74 of the Act is amended by replacing “applicable” in the fourth line by “or the conditions of employment applicable”.

9. Section 93 of the Act is amended by inserting the following paragraph after paragraph 5:

“(5.1) authorizing a mode of designation of representatives to a pay equity committee other than that provided for in the first paragraph of section 23;”.

10. A pay equity committee in the public service enterprise must, if the postings under sections 75 and 76 of the Pay Equity Act (R.S.Q., chapter E-12.001) were effected before 25 May 2006, again effect the postings under the second paragraph of section 75 and section 76 to allow employees not covered by a certification but who are in a job class to which the pay equity plan established by the committee applies to exercise the rights exercisable under section 76 of that Act.

11. This Act comes into force on 25 May 2006.

Regulations and other acts

Gouvernement du Québec

O.C. 437-2006, 24 May 2006

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

Régie de l'énergie — Rules of Procedure

Rules of Procedure of the Régie de l'énergie

WHEREAS section 113 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01) provides that the Régie de l'énergie may adopt rules of procedure applicable to the examination of applications or to public hearings;

WHEREAS, under that section, the Régie de l'énergie adopted the Rules of Procedure of the Régie de l'énergie;

WHEREAS section 115 of the Act provides that the rules of procedure and regulations made by the Régie de l'énergie must be submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Rules of Procedure of the Régie de l'énergie was published in Part 2 of the *Gazette officielle du Québec* of 30 March 2005 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS comments were made on the draft Rules;

WHEREAS it is expedient to approve the Rules with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Rules of Procedure of the Régie de l'énergie, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Rules of Procedure of the Régie de l'énergie

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01, ss. 113 and 115)

CHAPTER I DEFINITIONS

1. For the purposes of these Rules, unless the context indicates otherwise,

“consultant” means a person recognized as such by the Régie, given the person’s knowledge and experience on a specific issue, to participate in a working session or to advise and assist an intervenor in the preparation of a file; (*expert-conseil*)

“document” means any document as defined in section 3 of the Act to establish a legal framework for information technology (R.S.Q., c. C-1.1); (*document*)

“expert witness” means a person admitted by the Régie to give opinion evidence on a specific issue, given the person’s knowledge and experience in the matter; (*témoign expert*)

“hearing” means the examination of an application by the Régie that proceeds orally, in writing or using a technology-based medium; (*audience*)

“intervenor” means any interested person authorized by the Régie to participate in a hearing with a view to making representations; (*intervenant*)

“observer” means an interested person who, without being an intervenor, files written submissions; (*observateur*)

“participant” means the applicant and the intervenor; (*participant*)

“working session” means any meeting or communication with the participants to examine an application, except an oral hearing, and includes a technical meeting, information session and negotiation session. (*séance de travail*)

CHAPTER II SUBMISSION OF AN APPLICATION

2. Every application to the Régie, other than a complaint, must be made in writing and

(1) set out the name, address, telephone number and any other telecommunications numbers of the applicant, and the contact information of the applicant's representative, where applicable;

(2) contain a clear and concise statement of the facts, reasons for the application and conclusions sought;

(3) be signed by the applicant or the applicant's representative;

(4) contain all documents in support of the application and a list of the documents;

(5) include any applicable fees;

(6) contain, where applicable, proof of mailing to the persons concerned; and

(7) include all other information as may be required by the Régie.

3. If an application does not comply with the requirements of section 2, the Régie may

(1) return the application to the applicant;

(2) specify the missing information to the applicant and suspend examination of the application until the information is provided to the Régie; or

(3) accept the application, on the conditions it considers necessary, to prevent an injustice.

CHAPTER III PUBLICATION OF DIRECTIONS RELATING TO A PUBLIC HEARING

4. Where the Régie orders a participant to publish its written directions, the public notice may be issued using any means and technology-based medium that informs the public in the area concerned by the application.

The public hearing commences with the issue of the public notice.

CHAPTER IV REPRESENTATIONS TO THE RÉGIE

DIVISION I INTERVENTION

5. In the course of the examination of an application, an interested person may apply to the Régie for status to intervene before it.

6. An application for intervention must be made in writing, signed by the interested person or the person's representative and sent to the Régie and the applicant within the time fixed by the Régie.

The application must state

(1) the name, address, telephone number and any other telecommunications numbers of the interested person;

(2) the nature of the interested person's interest and, where applicable, representativeness;

(3) the reasons in support of the intervention;

(4) a concise statement of the conclusions sought or recommendations proposed;

(5) the manner in which the interested person's position is to be presented, including whether witnesses are to be heard or expert evidence presented, and the estimated hearing time; and

(6) the interested person's suggestions to facilitate examination of the application.

7. The Attorney General and the Minister responsible for the administration of the Act respecting the Régie de l'énergie may at all times intervene on their own motion before the Régie.

8. The Régie may disallow or accept the application for intervention. If the application is accepted, the Régie determines, if it considers it necessary, the scope of the participation having regard to the intervenor's interest and the nature, importance and breadth of the issues addressed by the intervenor.

9. The intervenor is to receive all documents filed in the record and must send all documents it files to the participants and to the Régie in the required number of copies.

DIVISION II WRITTEN SUBMISSIONS

10. An interested person who does not wish to obtain intervenor status but who wishes to make written submissions on a matter before the Régie may file the submissions in accordance with these Rules.

The written submissions must include a description of the nature of the person's interest and any information explaining or supporting the submissions.

CHAPTER V PROCEDURE

DIVISION I PRINCIPLES

11. For any matter requiring a public hearing pursuant to section 25 of the Act respecting the Régie de l'énergie, a public notice must be issued and the Régie decides if the hearing will be an oral hearing, in whole or in part, or a written hearing.

12. For any other matter, the Régie determines the appropriate procedure.

DIVISION II VARIOUS PROCEDURAL DETAILS

13. The Régie may issue directions for the conduct of the hearing and the preparation of a timetable and schedule, and fix the time within which participants are to present their positions.

14. The Régie may issue directions for the conduct of working sessions or any other procedure chosen.

15. The Régie may, at any time, call a working session to define and clarify a procedural matter, the matters being examined, the use of experts, interventions and the conditions for participation in the examination of an application.

16. A negotiated agreement process may be initiated by the Régie which determines its rules. The resulting agreement must be written and signed by the participants to the agreement and be filed with the Régie for approval.

The participants must show that the agreement is in conformity with the law and the public interest.

Any dissent must be written, substantiated, signed by the participants and filed with the Régie at the time the agreement is filed.

CHAPTER VI EXAMINATION OF THE APPLICATION

DIVISION I FILING OF DOCUMENTS

17. Documents may be transmitted by any means approved by the Régie. The documents may also be filed in person at the record office of the Régie.

If a participant transmits all or part of a document on different dates and by different means, the document considered to be received is the last document received within the time fixed by the Régie.

18. Every document cited or relied on by a participant must be filed with the Régie and sent to the other participants according to the procedure prescribed by the Régie.

19. The applicant must provide the Régie and the intervenors with any documents or additional evidence the Régie considers necessary for the examination.

A request for information must be filed with the Régie with a copy to each participant. If the person to whom the request is directed is unable to reply in full within the time fixed by the Régie, the person must inform the Régie, with a copy to the participants, and specify the reasons and the time needed to reply.

20. The Régie may inform the participants of missing elements in the documents filed.

If an element is missing, the Régie may decide not to examine the documents until the necessary steps have been taken to complete the documents, or may decide to return the documents to the sender.

21. A participant may, with the authorization of the Régie, have a document in the record translated and file the translation. The Régie is to determine the conditions that apply.

DIVISION II HEARING

22. In the absence of valid reasons, the Régie may dismiss a late application or proceeding if it foresees an impact on the expeditiousness or fairness of the hearing.

23. For valid reasons, a request for adjournment may be submitted in writing to the Régie before the date set for the hearing. The request must be communicated to the other participants.

In exceptional circumstances, the Régie may in the course of a hearing accept a request for adjournment.

24. Unless the Régie issues directions to the contrary, a participant in an oral hearing may call and examine witnesses, examine the other participants' witnesses and present the participant's position.

Witnesses are heard under oath, which is a solemn affirmation to tell the truth, the whole truth and nothing but the truth.

Unless the Régie decides otherwise, a participant must file in writing, within the prescribed time, the expert testimony to be relied on in support of the participant's position.

25. The Régie may call witnesses and require the production of documents at the request of a participant or on its own initiative.

The Régie, where applicable, must issue a subpoena to a participant so requesting who is then responsible for serving the subpoena on the witness at the participant's own expense.

The subpoena must be served at least five clear days before the date of attendance of the witness, unless the Régie issues special directions.

26. Every document submitted as evidence to the Régie that was not written by the participant or its personnel must bear the author's name and address.

27. If a participant fails to attend or to participate in a hearing, the Régie may render its decision in the participant's absence after ensuring that the participant has been duly notified at the address the participant provided to the Régie.

28. A hearing may be recorded by any means permitted by the Régie including stenotype or shorthand.

A participant who requests a hearing be recorded must provide the Régie with a copy of every transcript of the recording, whatever the medium used, on the conditions determined by the Régie.

Recording and transcript costs are borne by the participant requesting the recording or transcription, unless the Régie decides otherwise.

DIVISION III **EXPERT WITNESSES AND CONSULTANTS**

29. A participant intending to use the services of an expert witness or a consultant must apply in writing for recognition of the participant's status.

An application concerning a consultant must be sent to the Régie and the participants within a reasonable time before the working session or before the consultant is given the mandate to assist in the examination of an application.

An application concerning an expert witness must be sent to the Régie and the participants at least 20 days before the date on which the expert witness is to be heard.

The application must include

(1) the name and contact information of the expert witness or consultant;

(2) a description of the need for the expert testimony and how it relates to the participant's interest;

(3) the mandate and area of expertise and qualifications of the expert witness or consultant;

(4) a copy of the résumé of the expert witness or consultant, including a description of relevant experience; and

(5) justification of the compensation requested for the expert witness or consultant.

30. A challenge to a request for recognition of status as an expert witness or consultant must be made in writing.

In the case of a consultant, the challenge must be made within five working days of the date on which the request for recognition is received.

In the case of an expert witness, the challenge must be made within a reasonable time before the testimony of the expert witness, and the Régie must dispose of the challenge at the hearing.

31. Recognition of status as a consultant is effective on the expiry of ten working days after the request unless the Régie has suspended the time period or denied the request. For serious and valid reasons, the Régie may fix a shorter time period for that purpose.

32. The Régie may require that the participants' experts or consultants communicate with each other to

(1) exchange information and documents relating to the facts or opinions on which they disagree;

(2) discuss the facts or opinions on which they disagree in order to reduce or eliminate disputed issues; or

(3) come to a consensus on the facts, matters and opinions to be decided by the Régie.

The experts and consultants must report the results of their communication to the Régie.

DIVISION IV CONFIDENTIALITY

33. A participant who requires documents or information be treated confidentially must make a request in writing to that effect in which the participant must provide

(1) a summary of the nature of the documents and information to be treated confidentially;

(2) the reasons for the request, including the nature of the prejudice that would be caused by disclosing the documents and information;

(3) a copy of the documents for the public record in which the excerpts for which confidentiality is requested are blanked out; and

(4) a complete copy of the documents or information under confidential cover for use by the Régie only.

The Régie may require that a document or information that is the subject of a confidentiality request be filed in the record.

34. Participants may challenge the confidentiality request within ten days after its filing.

CHAPTER VII CLAIM FOR COSTS

35. A participant other than the carrier or a distributor may file with the Régie a claim for costs duly completed within 30 days after the date on which the matter is taken under advisement.

36. The carrier or distributor from which the costs are claimed may, within ten days after the date on which the claim is received, send to the Régie in writing any

objection to or comment respecting the claim, its eligibility, the amount or any other subject raised in the claim. The distributor or carrier must send a copy of the objections or comments to the party who filed the claim with the Régie.

37. A participant claiming costs may, within ten days after the date on which the objections or comments are received, reply in writing to the Régie with a copy to the carrier or distributor.

38. The Régie may depart from the procedure provided for in this Chapter to accelerate or facilitate the payment of costs.

CHAPTER VIII COMPLEMENTARY PROVISIONS RELATING TO THE EXAMINATION OF COMPLAINTS

DIVISION I CONCILIATION

39. Consent to allow inadmissible evidence consisting of information and documents exchanged during conciliation must be given in writing and be signed by the consenting party.

40. The parties making a conciliation agreement must so notify the Régie in writing. On receipt of the notice, the Régie closes the file.

DIVISION II EXAMINATION OF THE COMPLAINT

41. The Régie must examine a complaint in writing on the basis of the file or by oral hearing.

A request for information must be directed within a reasonable time and be answered within 15 days of receipt.

42. A preliminary exception made against a complaint must be raised in writing at least 15 days before the date set for the oral hearing.

43. If a party fails to attend or to participate in an oral hearing, the Régie may render its decision in the party's absence after ensuring that the party has been duly notified at the address the party provided to the Régie.

44. The parties must notify the Régie in writing of a settlement or withdrawal of a complaint.

CHAPTER IX
COMPLEMENTARY PROVISIONS
RESPECTING ADVICE TO THE MINISTER
OR THE GOVERNMENT

45. Where the Minister requests advice from the Régie under section 42 of the Act respecting the Régie de l'énergie and the Régie decides to hold a public hearing or otherwise receive comments from the public, the Régie must determine in its directions the procedure for the public hearing or public consultation.

The Régie may allow any participant to file a written memorandum and a brief summary of its content with the Régie within the time it fixes.

46. The Régie is to make the memoranda it receives public in the manner set out in its written directions.

47. The Régie may allow participants in a public hearing to examine witnesses. The Régie may give specific directions in that respect to the participants.

CHAPTER X
MISCELLANEOUS

48. If a date determined in these Rules for the doing of a thing falls on a non-working day, the thing may be validly done on the following working day.

For the purposes of the first paragraph, Saturday, Sunday and any other day on which the offices of the Régie are closed are non-working days.

49. The Régie must take all the necessary measures to ensure a fair, expeditious and simple proceeding.

50. The Régie may remedy any delay, defect of form or irregularity of procedure.

51. The secretary of the Régie is empowered to receive the documents that must be filed with or sent to the Régie under the Act or these Rules.

52. Upon payment of reproduction costs, any interested person may obtain a copy of any document filed with the Régie other than a document considered to be confidential or for which a publication ban has been ordered.

CHAPTER XI
TRANSITIONAL AND FINAL

53. These Rules replace the Regulation respecting the procedure of the Régie de l'énergie approved by Order in Council 140-98 dated 4 February 1998.

54. Applications before the Régie on the date of coming into force of these Rules are to be continued in accordance with these Rules.

55. These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

7618

M.O., 2006-011

Order of the Minister of Health and Social Services making the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan dated 18 May 2006

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01 ; 2002, c. 27)

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 60 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01 ; 2002, c. 27, s. 22, par. 3);

CONSIDERING Order 1999-014 dated 15 September 1999 of the Minister of State for Health and Social Services and Minister of Health and Social Services making the Regulation respecting the List of medications covered by the basic prescription drug insurance plan;

CONSIDERING that it is necessary to amend the List of medications attached to that Regulation;

CONSIDERING that the Conseil du médicament has been consulted on the draft regulation;

MAKES the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan, the text of which is attached hereto.

Québec, 18 May 2006

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan*

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01, s. 60; 2002, c. 27, s. 22, par. 3)

1. The Regulation respecting the List of medications covered by the basic prescription drug insurance plan is amended, in the List of medications attached thereto, in Appendix III entitled “Products for Which the Wholesaler’s Mark-up is Limited to a Maximum Amount”:

(1) by inserting the following at the beginning, before the line concerning the medication “Agenerase Caps. 150 mg”:

“Novartis	Aclasta I.V. Perf. Sol.	1”;
	5 mg/100 ml	

(2) by inserting the following after the line concerning the medication “Eligard Kit 30 mg”:

“Sanofi	Eligard Kit 45 mg	1”;
---------	-------------------	-----

(3) by inserting the following after the line concerning the medication “Sandostatin LAR I.M. Inj. Susp. 30 mg”:

“Amgen	Sensipar Tab. 60 mg	30
Amgen	Sensipar Tab. 90 mg	30”;

(4) by inserting the following after the line concerning the medication “Tracleer Tab. 125 mg”:

“Paladin	Trelstar LA Kit 11,25 mg	1”.
----------	--------------------------	-----

* The Regulation respecting the List of medications covered by the basic prescription drug insurance plan, made by Minister’s Order 1999-014 dated 15 September 1999 (1999, *G.O.* 2, 3197) of the Minister of State for Health and Social Services and Minister of Health and Social Services, was last amended by Minister’s Orders 2003-010 dated 10 September 2003 (2003, *G.O.* 2, 2915A), 2003-012 dated 28 October 2003 (2003, *G.O.* 2, 3288), 2003-013 dated 2 December 2003 (2003, *G.O.* 2, 3472), 2004-002 dated 19 January 2004 (2004, *G.O.* 2, 828), 2004-006 dated 15 April 2004 (2004, *G.O.* 2, 1376), 2004-008 dated 17 June 2004 (2004, *G.O.* 2, 2028), 2004-013 dated 21 September 2004 (2004, *G.O.* 2, 2864), 2004-015 dated 15 November 2004 (2004, *G.O.* 2, 3157), 2004-019 dated 13 December 2004 (2004, *G.O.* 2, 3613), 2005-001 dated 20 January 2005 (2005, *G.O.* 2, 491), 2005-06 dated 13 May 2005 (2005, *G.O.* 2, 1381), 2005-011 dated 28 July 2005 (2005, *G.O.* 2, 3273), 2005-015 dated 14 September 2005 (2005, *G.O.* 2, 4409), 2005-016 dated 7 October 2005 (2005, *G.O.* 2, 4512), 2006-002 dated 18 January 2006 (2006, *G.O.* 2, 919) and 2006-009 dated 21 March 2006 (2006, *G.O.* 2, 1189) of that Minister. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2006, updated to 1 April 2006.

2. The List of medications is amended in Appendix IV entitled “Exceptional Medications, With Recognized Indications for Payment Purposes”:

(1) by deleting the medications “DIDANOSINE, ent. tab.” and “METHADONE HYDROCHLORIDE, tab.” and the accompanying indications;

(2) by adding the following at the end of the last paragraph of the indication accompanying the medication “ADALIMUMAB”:

“However, after 12 weeks of treatment with adalimumab as monotherapy, an authorization may be given for 40 mg per week;”;

(3) by inserting the following after the medication “ALUMINUM HYDROXIDE” and the accompanying indication:

“AMPHETAMINE MIXED SALTS:

◆ for treatment of children and adolescents suffering from attention deficit disorder and in whom the use of short-acting methylphenidate or of dexamphetamine has not properly controlled the symptoms of the disease;

Before it can be concluded that these treatments are ineffective, the stimulant must have been titrated optimally, unless there is proper justification;”;

(4) by replacing the last paragraph of the third indication accompanying the medication “ATOMOXETINE HYDROCHLORIDE” by the following paragraph:

“Before it can be concluded that these medications are ineffective, they must have been titrated at optimum doses and, in addition, a 12-hour controlled-release form of methylphenidate or of amphetamine mixed salts must have been tried, unless there is proper justification for not complying with these requirements;”;

(5) by inserting the following after the medication “CASPOFONGIN ACETATE” and the accompanying indications:

“CINACALCET HYDROCHLORIDE:

◆ for treatment of dialyzed persons having severe secondary hyperparathyroiditis with an intact parathormone level greater than 88 pmol/L measured twice within a three-month period, despite an optimum phosphate binder and vitamin D based treatment, unless there is significant intolerance to these agents or they are contraindicated, and having:

- a corrected calcemia ≥ 2.54 mmol/L or
- a phosphoremia ≥ 1.78 mmol/L or
- a phosphocalcic product ≥ 4.5 mmol²/L² or
- symptomatic osteoarticular manifestations.

The optimum vitamin D based treatment is defined as follows: one minimum weekly dose of 3 mcg of calcitriol or alfacalcidol or 30 mcg of doxercalciferol;”;

(6) by inserting the word “symptomatic” before the word “cerebral”, in the second point of the indication accompanying the medication “ERLOTINIB HYDROCHLORIDE”;

(7) concerning the medication “ETANERCEPT”:

(a) by replacing, in the second indication accompanying it, concerning treatment of juvenile idiopathic arthritis, the second last paragraph by the following paragraph:

“Requests for continuation of treatment are authorized for a maximum of 12 months.”;

(b) by replacing, in the third indication accompanying it, concerning treatment of moderate or severe psoriatic arthritis of a type other than rheumatoid, the second last paragraph by the following paragraph:

“Requests for continuation of treatment are authorized for a maximum of 12 months.”;

(c) by replacing, in the fourth indication accompanying it and concerning treatment of ankylosing spondylitis, the first paragraph by the following:

“♦ for treatment of persons suffering from moderate or severe ankylosing spondylitis whose BASDAI score is ≥ 4 on a scale of 0 to 10 and in whom the sequential use of two non-steroidal anti-inflammatories at the optimum dose for a period of three months each did not adequately control the disease, unless there is a contraindication;”;

(8) concerning the medication “IMATINIB MESYLATE”:

(a) by replacing, in the third indication accompanying it, concerning treatment of a gastrointestinal stromal tumour, the third paragraph by the following paragraph:

“An authorization for a daily dose of up to 800 mg may be obtained with evidence of disease progression, confirmed by imaging, after at least three months of treatment at a daily dose of 400 mg;”;

(b) by adding the following indication after the indications accompanying it:

“♦ for treatment of acute lymphoblastic leukemia newly diagnosed in an adult, with a positive Philadelphia chromosome, after parenteral chemotherapy, specifically, during the maintenance phase.

Authorizations are granted for a maximum dose of 600 mg per day.

The maximum duration of the initial authorization is six months.

Upon subsequent requests, the physician must provide evidence of a beneficial clinical effect, specifically, the absence of disease progression;”;

(9) concerning the medication “INFLIXIMAB”:

(a) by replacing, in the fourth indication accompanying it and concerning treatment of juvenile idiopathic arthritis, the second last paragraph by the following:

“Requests for continuation of treatment are authorized for a maximum of 12 months.”;

(b) by replacing, in the fifth indication accompanying it, concerning treatment of ankylosing spondylitis, the first paragraph by the following:

“♦ for treatment of persons suffering from moderate or severe ankylosing spondylitis whose BASDAI score is ≥ 4 on a scale of 0 to 10 and in whom the sequential use of two non-steroidal anti-inflammatories at the optimum dose for a period of three months each did not adequately control the disease, unless there is a contraindication;”;

(10) by deleting the words “or long-acting” in the indication accompanying the medication “INSULIN GLARGINE”;

(11) by replacing the indication accompanying the medication “METHYLPHENIDATE HYDROCHLORIDE, l.a. tab.” by the following indication:

“♦ for treatment of children and adolescents suffering from attention deficit disorder and in whom the use of short-acting methylphenidate or of dexamphetamine has not properly controlled the symptoms of the disease.

Before it can be concluded that these treatments are ineffective, the stimulant must have been titrated optimally, unless there is proper justification;”;

(12) by replacing the medication “ZOLEDRONIC ACID” by the medication “ZOLEDRONIC ACID, i.v. perf. pd 4 mg, i.v. perf. sol. 4 mg/5 mL”, accompanied by the same therapeutic indications and payment conditions;

(13) by inserting the following after the medication “ZOLEDRONIC ACID, i.v. perf. pd 4 mg, i.v. perf. sol. 4 mg/5 mL” and the accompanying indications:

“ZOLEDRONIC ACID, i.v. perf. sol. 5 mg/100mL:

◆ for treatment of Paget’s disease;”.

3. The List of medications is amended:

(1) by inserting, in order of classification of the medications, the following medications and the accompanying information:

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
------	------------	--------------	------	-------------------	------------

8:12.04

ANTIFUNGAL ANTIBIOTICS

FLUCONAZOLE

Tab.

				100 mg LPM	
02271516	<i>Riva-Fluconazole</i>	Riva	50	277.33	➔ 5.5466

TERBINAFIN HYDROCHLORIDE

Tab.

				250 mg	
02262177	<i>Sandoz Terbinafine</i>	Sandoz	100	252.43	2.5243

8:12.12

MACROLIDES

AZITHROMYCIN

Tab.

				250 mg	
02247423	<i>Apo-Azithromycin</i>	Apotex	100	310.80	3.1080
02255340	<i>Co Azithromycin</i>	Cobalt	100	310.80	3.1080
02267845	<i>Novo-Azithromycin</i>	Novopharm	30	93.24	3.1080
02265826	<i>Sandoz Azithromycin</i>	Rhoxal	6	18.65	3.1083

Tab.

				600 mg	
02256088	<i>Co Azithromycin</i>	Cobalt	6	45.75	7.6250

10:00

ANTINEOPLASTIC AGENTS

AMETHOPTERIN

Tab.

				10 mg	
02182750	<i>Methotrexate</i>	Mayne	100	209.00	2.0900

TRIPTORELIN (AS PAMOATE)

Kit

				3.75 mg	
02240000	<i>Trelstar</i>	Paladin	1	343.58	343.5800

Kit

				11.25 mg	
02243856	<i>Trelstar LA</i>	Paladin	1	891.00	891.0000

24:06.06

FIBRIC ACID DERIVATIVES

FENOFIBRATE (NANOCRYSTALLIZED)

Tab.

				48 mg	
02269074	<i>Lipidil EZ</i>	Solvay	30	12.30	0.4100

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Tab.				145 mg	
02269082	<i>Lipidil EZ</i>	Solvay	30	31.50	1.0500

24:06.08**HMG-COA REDUCTASE INHIBITORS****LOVASTATINE** 

Tab.				20 mg LPM	
02272288	<i>Riva-Lovastatin</i>	Riva	100	109.07	➔ 1.0907

Tab.				40 mg LPM	
02272296	<i>Riva-Lovastatin</i>	Riva	100	201.17	➔ 2.0117

PRAVASTATINE SODIUM/SALICYLIC ACID 

Tab.				10 mg - 81 mg	
02272415	<i>PravASA</i>	Paladin	60	28.59	0.4765

Tab.				20 mg - 81 mg	
02272423	<i>PravASA</i>	Paladin	60	33.72	0.5620

Tab.				40 mg - 81 mg	
02272431	<i>PravASA</i>	Paladin	60	40.62	0.6770

24:24**BÊTA-ADRENERGICS BLOCKING AGENTS****PINDOLOL** 

Tab.				5 mg LPM	
02261782	<i>Sandoz Pindolol</i>	Sandoz	100	22.83	➔ 0.2283

Tab.				10 mg LPM	
02261790	<i>Sandoz Pindolol</i>	Sandoz	100	39.65	➔ 0.3965

Tab.				15 mg LPM	
02261804	<i>Sandoz Pindolol</i>	Sandoz	100	58.25	➔ 0.5825

24:28**CALCIUM-CHANNEL BLOCKING AGENTS****DILTIAZEM HYDROCHLORIDE** 

L.A. Caps.

				120 mg LPM	
02271605	<i>Novo-Diltiazem HCl ER</i>	Novopharm	100	50.94	➔ 0.5094
02245918	<i>Sandoz Diltiazem T</i>	Rhoxal	500	254.70	➔ 0.5094

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
L.A. Caps.			180 mg LPM		
02271613	<i>Novo-Diltiazem HCl ER</i>	Novopharm	100	67.61	➔ 0.6761
02245919	<i>Sandoz Diltiazem T</i>	Rhoxal	500	338.05	➔ 0.6761

L.A. Caps.			240 mg LPM		
02271621	<i>Novo-Diltiazem HCl ER</i>	Novopharm	100	89.68	➔ 0.8968
02245920	<i>Sandoz Diltiazem T</i>	Rhoxal	500	448.40	➔ 0.8968

L.A. Caps.			300 mg LPM		
02271648	<i>Novo-Diltiazem HCl ER</i>	Novopharm	100	112.10	➔ 1.1210
02245921	<i>Sandoz Diltiazem T</i>	Rhoxal	500	560.50	➔ 1.1210

L.A. Caps.			360 mg LPM		
02271656	<i>Novo-Diltiazem HCl ER</i>	Novopharm	100	135.22	➔ 1.3522
02245922	<i>Sandoz Diltiazem T</i>	Rhoxal	500	676.10	➔ 1.3522

VERAPAMIL HYDROCHLORIDE 

L.A Caps or LA tab			240 mg LPM		
02248082	<i>Riva-Verapamil SR</i>	Riva	100	87.20	➔ 0.8720

24:32.08**ANGIOTENSIN II RECEPTOR ANTAGONISTS****VALSARTAN** 

Tab.			40 mg		
02270528	<i>Diovan</i>	Novartis	28	29.40	1.0500

28:08.04**NONSTEROIDAL ANTI- INFLAMMATORY AGENTS****DICLOFENAC POTASSIUM OR SODIUM** 

L.A. Tab.			100 mg LPM		
02261944	<i>Sandoz Diclofenac SR 100 mg</i>	Sandoz	100	78.74	➔ 0.7874

Tab. or Ent. Tab.			50 mg LPM		
02261960	<i>Sandoz Diclofenac 50 mg</i>	Sandoz	100	39.37	➔ 0.3937
02261774	<i>Sandoz Diclofenac Rapide 50 mg</i>	Sandoz	100	39.37	➔ 0.3937

DICLOFENAC SODIUM 

Ent. Tab.			25 mg LPM		
02261952	<i>Sandoz Diclofenac</i>	Sandoz	100	19.02	➔ 0.1902

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
L.A. Tab.				75 mg	LPM
02261901	<i>Sandoz Diclofenac SR 75 mg</i>	Sandoz	100	57.06	➔ 0.5706

28:12.92**MISCELLANEOUS ANTICONVULSANTS****CARBAMAZEPINE** 

Chew. Tab.				100 mg	LPM
02261855	<i>Sandoz Carbamazepine Chewtabs</i>	Sandoz	100	8.56	➔ 0.0856

Chew. Tab.				200 mg	LPM
02261863	<i>Sandoz Carbamazepine Chewtabs</i>	Sandoz	100	16.89	➔ 0.1689

L.A. Tab.				200 mg	LPM
02261839	<i>Sandoz Carbamazepine CR</i>	Sandoz	100	18.87	➔ 0.1887

L.A. Tab.				400 mg	LPM
02261847	<i>Sandoz Carbamazepine CR</i>	Sandoz	100	37.74	➔ 0.3774

DIVALPROEX SODIUM 

Ent. Tab.				125 mg	LPM
02265133	<i>Gen-Divalproex</i>	Genpharm	100	13.77	➔ 0.1377

Ent. Tab.				250 mg	LPM
02265141	<i>Gen-Divalproex</i>	Genpharm	500	123.75	➔ 0.2475

Ent. Tab.				500 mg	LPM
02265168	<i>Gen-Divalproex</i>	Genpharm	500	247.60	➔ 0.4952

LEVETIRACETAM 

Tab.				250 mg	
02274183	<i>Co Levetiracetam</i>	Cobalt	500	558.75	1.1175

Tab.				500 mg	
02274191	<i>Co Levetiracetam</i>	Cobalt	500	682.50	1.3650

Tab.				750 mg	
02274205	<i>Co Levetiracetam</i>	Cobalt	250	485.63	1.9425

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
------	------------	--------------	------	-------------------	------------

TOPIRAMATE 

			25 mg		
02263351	<i>Gen-Topiramate</i>	Genpharm	100	73.50	0.7350
02248860	<i>Novo-Topiramate</i>	Novopharm	100	73.50	0.7350
02271184	<i>Phl-Topiramate</i>	Pharmel	500	367.50	0.7350
02262991	<i>pms-Topiramate</i>	Phmscience	500	367.50	0.7350
02256827	<i>Ratio-Topiramate</i>	Ratiopharm	100	73.50	0.7350
02260050	<i>Rhoxal-Topiramate</i>	Rhoxal	100	73.50	0.7350

			100 mg		
02263378	<i>Gen-Topiramate</i>	Genpharm	100	139.30	1.3930
02248861	<i>Novo-Topiramate</i>	Novopharm	60	83.58	1.3930
02271192	<i>Phl-Topiramate</i>	Pharmel	500	696.50	1.3930
02263009	<i>pms-Topiramate</i>	Phmscience	500	696.50	1.3930
02256835	<i>Ratio-Topiramate</i>	Ratiopharm	100	139.30	1.3930
02260069	<i>Rhoxal-Topiramate</i>	Rhoxal	100	139.30	1.3930

			200 mg		
02263386	<i>Gen-Topiramate</i>	Genpharm	100	220.50	2.2050
02248862	<i>Novo-Topiramate</i>	Novopharm	60	132.30	2.2050
02271206	<i>Phl-Topiramate</i>	Pharmel	100	220.50	2.2050
02263017	<i>pms-Topiramate</i>	Phmscience	100	220.50	2.2050
02256843	<i>Ratio-Topiramate</i>	Ratiopharm	100	220.50	2.2050
02267837	<i>Rhoxal-Topiramate</i>	Rhoxal	100	220.50	2.2050

28:16.04**ANTIDEPRESSANTS****CITALOPRAM HYDROMIDE** 

			10 mg		
02270609	<i>pms-Citalopram</i>	Phmscience	100	43.75	0.4375

MIRTAZAPINE 

			15 mg		
02273942	<i>pms-Mirtazapine</i>	Phmscience	100	37.50	0.3750

			30 mg		
02270927	<i>Ratio-Mirtazapine</i>	Ratiopharm	100	78.00	0.7800

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
------	------------	--------------	------	-------------------	------------

28:16.08**ANTIPSYCHOTIC AGENTS****FLUPHENAZINE HYDROCHLORIDE**

Tab.

			5 mg LPM		
00563803	<i>Fluphenazine-5</i>	Pro Doc	500	86.00	➔ 0.1720

28:20**CNS STIMULANTS****METHYLPHENIDATE HYDROCHLORIDE**

Tab.

			5 mg LPM		
02274280	<i>Novo-Methylphenidate</i>	Novopharm	100	9.47	➔ 0.0947

Tab.

			10 mg LPM		
02274299	<i>Novo-Methylphenidate</i>	Novopharm	500	79.50	➔ 0.1590

Tab.

			20 mg LPM		
02274302	<i>Novo-Methylphenidate</i>	Novopharm	100	35.36	➔ 0.3536

28:24.92**MISCELLANEOUS****BUSPIRON HYDROCHLORIDE**

Tab.

			10 mg		
02262916	<i>Co Buspirone</i>	Cobalt	100	65.21	0.6521

28:92**MISCELLANEOUS CENTRAL NERVOUS SYSTEM AGENTS****SUMATRIPTAN SUCCINATE**

Tab.

			50 mg		
02268388	<i>Apo-Sumatriptan</i>	Apotex	6	54.39	9.0650
02257890	<i>Co Sumatriptan</i>	Cobalt	100	906.50	9.0650
02268914	<i>Gen-Sumatriptan</i>	Genpharm	6	54.39	9.0650
02270722	<i>Phl-Sumatriptan</i>	Pharmel	30	271.95	9.0650
02256436	<i>pms-Sumatriptan</i>	Phmscience	30	271.95	9.0650
02271583	<i>Ratio-Sumatriptan</i>	Ratiopharm	30	271.95	9.0650
02263025	<i>Rhoxal-Sumatriptan</i>	Rhoxal	6	54.39	9.0650
02271117	<i>Riva-Sumatriptan</i>	Riva	6	54.39	9.0650


CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Tab.				100 mg	
02268396	<i>Apo-Sumatriptan</i>	Apotex	6	59.92	9.9867
02257904	<i>Co Sumatriptan</i>	Cobalt	100	998.67	9.9867
02268922	<i>Gen-Sumatriptan</i>	Genpharm	6	59.92	9.9867
02239367	<i>Novo-Sumatriptan</i>	Novopharm	6	59.92	9.9867
02270730	<i>PhI-Sumatriptan</i>	Pharmel	30	299.60	9.9867
02256444	<i>pms-Sumatriptan</i>	Phmscience	30	299.60	9.9867
02271591	<i>Ratio-Sumatriptan</i>	Ratiopharm	30	299.60	9.9867
02263033	<i>Rhoxal-Sumatriptan</i>	Rhoxal	6	59.92	9.9867
02271125	<i>Riva-Sumatriptan</i>	Riva	6	59.92	9.9867

40:12**REPLACEMENT PREPARATIONS****CALCIUM CARBONATE/VITAMIN D**

Caps. Tab. or Chew Tab

500 mg -400 UI LPM


80000159	<i>Calcia 400</i>	Medexus	180	21.60	➔ 0.1200
80000408	<i>LiquiCal D 400</i>	Mayaka	100	12.00	➔ 0.1200

40:28.10**POTASSIUM-SPARING DIURETICS****AMILORIDE HYDROCHLORIDE HYDROCHLOROTHAZIDE **

Tab.

5 mg -50 mg LPM

02257378	<i>Gen-Amilazide</i>	Genpharm	100	19.17	➔ 0.1917
----------	----------------------	----------	-----	-------	----------

52:04.12**MISCELLANEOUS ANTI-INFECTIVES****CIPROFLOXACIN HYDROCHLORIDE **

Oph. Sol.

0.3 % LPM

02263130	<i>Apo-Ciproflo</i>	Apotex	5 ml	➔ 5.64	
----------	---------------------	--------	------	--------	--

56:22**ANTIEMETICS****NABILONE **

Caps.

0.5 mg

02256193	<i>Cesamet</i>	Valeant	50	155.13	3.1026
----------	----------------	---------	----	--------	--------

56:40**MISCELLANEOUS GI DRUGS****LANSOPRAZOLE **

L.A Caps or LA tab

30 mg

02249472	<i>Prevacid FasTab</i>	Abbott	30	60.00	2.0000
----------	------------------------	--------	----	-------	--------

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
------	------------	--------------	------	----------------------	------------

68:04**ADRENALS****METHYLPREDNISOLONE SODIUM SUCCINATE**

Inj. Pd

				1 g LPM	
02241299	<i>Methylprednisolone</i>	Novopharm	1	➔ 31.00	

84:04.04**ANTIBIOTICS****CLINDAMYCIN PHOSPHATE**

Top. Sol.

				1 % LPM	
02266938	<i>Taro-Clindamycin</i>	Taro	60 ml	➔ 13.57	

84:36**MISCELLANEOUS****HYDROGEL**

Gel

99100300	<i>Woun'dres</i>	Coloplast	84 g	8.98	0.1069
----------	------------------	-----------	------	------	--------

92:00**UNCLASSIFIED THERAPEUTIC AGENTS****HYMENOPTERA VENOM PROTEIN**

Inj. Pd

				120 mcg	
99100279	<i>Guepe a taches blanches dolichovespula maculata</i>	Oméga	6	149.00	24.8333
99100280	<i>Guepe de l'est (vespula maculifrons)</i>	Oméga	6	151.00	25.1667
99100270	<i>Guepe jaune dolichovespula arenaria</i>	Oméga	6	151.00	25.1667
99100278	<i>Guepe (Polistes Spp.)</i>	Oméga	6	160.00	26.6667

Inj. Pd

				360 mcg	
99100281	<i>Vespides combines</i>	Oméga	6	288.00	48.0000

Inj. Pd

				550 mcg	
99100282	<i>Venin d'abeille (apis mellifera)</i>	Oméga	1	95.00	
99100266	<i>Frelon a tete blanche</i>	Oméga	1	115.00	
99100267	<i>Frelon a tete jaune</i>	Oméga	1	115.00	
99100269	<i>Guepe de l'est (vespula maculifrons)</i>	Oméga	1	120.00	
99100268	<i>Guepe (Polistes Spp.)</i>	Oméga	1	121.00	

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Inj. Pd				1 650 mcg	
99100284	<i>Vespides combines</i>	Oméga	1	217.00	

92:00.02**OTHER MISCELLANEOUS****ALENDRONATE MONOSODIUM** 


Tab.				70 mg	
02273179	<i>pms-Alendronate</i>	Phmscience	100	557.50	5.5750
02270889	<i>Riva-Alendronate</i>	Riva	4	22.30	5.5750

LEUPORIDE ACETATE 

Kit				45 mg	
02268892	<i>Eligard</i>	Sanofi	1	1782.00	1782.0000

TAMSULOSIN HYDROCHLORIDE 

L.A Caps or LA tab				0.4 mg	
02270102	<i>Flomax CR</i>	Bo. Ing.	30	18.00	0.6000

EXCEPTIONAL MEDICATIONS**AMPHETAMINE (MIXED SALTS)** 

L.A. Caps.				5 mg	
02248808	<i>Adderall XR</i>	Shire	100	275.00	2.7500

L.A. Caps.				10 mg	
02248809	<i>Adderall XR</i>	Shire	100	275.00	2.7500



L.A. Caps.				15 mg	
02248810	<i>Adderall XR</i>	Shire	100	275.00	2.7500

L.A. Caps.				20 mg	
02248811	<i>Adderall XR</i>	Shire	100	275.00	2.7500

L.A. Caps.				25 mg	
02248812	<i>Adderall XR</i>	Shire	100	275.00	2.7500

L.A. Caps.				30 mg	
02248813	<i>Adderall XR</i>	Shire	100	275.00	2.7500

(2) by inserting, in alphabetical order of the exceptional medications, the following medications and the accompanying information :

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
BISACODYL					
Ent. Tab.				5 mg	LPM
02273411	<i>Bisacodyl-Odan</i>	Odan	1000	40.50	➔ 0.0405
CINACALCET HYDROCHLORIDE 					
Tab.				30 mg	
02257130	<i>Sensipar</i>	Amgen	30	321.21	10.7070
Tab.				60 mg	
02257149	<i>Sensipar</i>	Amgen	30	585.60	19.5200
Tab.				90 mg	
02257157	<i>Sensipar</i>	Amgen	30	852.30	28.4100
DONEPEZIL HYDROCHLORIDE 					
Tab. or oral disint.				5 mg	
02269457	<i>Aricept RDT</i>	Pfizer	28	123.48	4.4100
Tab. or oral disint.				10 mg	
02269465	<i>Aricept RDT</i>	Pfizer	28	123.48	4.4100
DRESSING - ALGINATE FIBER					
Dressing				5 cm X 5 cm	
99100286	<i>Tegagen HI</i>	3M Canada	1	1.86	
Dressing				10 cm X 20 cm	
99100285	<i>Tegagen HI</i>	3M Canada	1	7.53	
DRESSING - COMPOSITE					
Dressing				4 cm x 5 cm	
99100293	<i>Mepilex Border Lite</i>	Mölnlycke	10	13.89	1.3890
Dressing				5 cm x 12.5 cm	
99100294	<i>Mepilex Border Lite</i>	Mölnlycke	5	10.68	2.1360
Dressing				7.5 cm X 7.5 cm	
99100295	<i>Mepilex Border Lite</i>	Mölnlycke	5	8.90	1.7800

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Dressing			10 cm X 10 cm		
99100296	<i>Mepilex Border Lite</i>	Mölnlycke	5	14.94	2.9880

Dressing			15 cm X 15 cm		
99100297	<i>Mepilex Border Lite</i>	Mölnlycke	5	24.88	4.9760

DRESSING - HYDROCOLLOIDAL

Dressing			10 cm X 10 cm		
99100290	<i>Tegasorb Thin</i>	3M Canada	1	3.10	

Dressing			10 cm X 12 cm		
99100291	<i>Tegasorb Thin</i>	3M Canada	1	3.38	

Dressing			14 cm X 17 cm		
99100292	<i>Tegasorb Thin</i>	3M Canada	1	5.61	

DRESSING - HYDROPHILIC FOAM

Dressing			10 cm X 10 cm		
99100298	<i>Biatain Soft-Hold</i>	Coloplast	5	26.10	5.2200

Dressing			10 cm X 20 cm		
99100299	<i>Biatain Soft-Hold</i>	Coloplast	5	57.66	11.5320

GLIMEPIRIDE 

Tab.			1 mg		
02273756	<i>Novo-Glimepiride</i>	Novopharm	100	49.00	0.4900
02273101	<i>Ratio-Glimepiride</i>	Ratiopharm	30	14.70	0.4900

Tab.			2 mg		
02273764	<i>Novo-Glimepiride</i>	Novopharm	100	49.00	0.4900
02273128	<i>Ratio-Glimepiride</i>	Ratiopharm	30	14.70	0.4900

Tab.			4 mg		
02273772	<i>Novo-Glimepiride</i>	Novopharm	100	49.00	0.4900
02273136	<i>Ratio-Glimepiride</i>	Ratiopharm	30	14.70	0.4900

NUTRITIONAL FORMULAS - MONOMERIC

Liq.			235 mL à 250 mL		suppl.
99100263	<i>Peptinex 1,5</i>	Novartis-N	1	9.00	

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
------	------------	--------------	------	-------------------	------------

NUTRITIONAL FORMULAS - POLYMERIC WITH RESIDUE

Liq.			1.5 L	suppl.	
99100265	<i>Nutren 1.5 Fibre avec Prebio 1</i>	Nestlé	1	16.88	

Liq.			235 mL à 250 mL	suppl.	
99100264	<i>Nutren 1.5 Fibre avec Prebio 1</i>	Nestlé	1	2.21	

SILVER DRESSING

Dressing			5 cm X 5 cm		
99100287	<i>Silvercel</i>	J. & J.	10	30.35	3.0350

Dressing			10 cm X 20 cm		
99100288	<i>Silvercel</i>	J. & J.	5	78.03	15.6060

Dressing			11 cm x 11 cm		
99100289	<i>Silvercel</i>	J. & J.	10	91.90	9.1900

SOMATROPIN 

Inj. Pd			8.8 mg		
02272083	<i>Saizen</i>	Serono	1	338.80	338.8000

ZOLEDRONIC ACID 

I.V. Perf. Sol.			5 mg/ 100 mL		
02269198	<i>Aclasta</i>	Novartis	1	645.00	

4. The List of medications is amended by replacing the information accompanying the following medications by the following information :

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
------	------------	--------------	------	-------------------	------------

8:12.02**AMINOGLYCOSIDES****STREPTOMYCIN SULFATE** 

Inj. Pd

1 g

02243660	<i>Streptomycin</i>	Sterimax	1	43.60	
----------	---------------------	----------	---	-------	--

8:12.12**MACROLIDES****AZITHROMYCIN** 

I.V. Perf. Pd

500 mg

02239952	<i>Zithromax I.V.</i>	Pfizer	10	192.00	19.2000
----------	-----------------------	--------	----	--------	---------

Oral Susp.

100 mg/5 mL

02223716	<i>Zithromax</i>	Pfizer	15 ml	15.36	1.0240
----------	------------------	--------	-------	-------	--------

Oral Susp.

200 mg/5 mL

02223724	<i>Zithromax</i>	Pfizer	22.5 ml	32.64	1.4507
----------	------------------	--------	---------	-------	--------

Tab.


250 mg

02212021	<i>Zithromax</i>	Pfizer	30	136.16	4.5387
----------	------------------	--------	----	--------	--------

Tab.

600 mg

02231143	<i>Zithromax</i>	Pfizer	30	326.78	10.8927
----------	------------------	--------	----	--------	---------

24:28**CALCIUM-CHANNEL BLOCKING AGENTS****DILTIAZEM HYDROCHLORIDE** 

L.A. Caps.

120 mg LPM

02231150	<i>Tiazac</i>	Biovail	100	80.85	0.8085
----------	---------------	---------	-----	-------	--------

L.A. Caps.

180 mg LPM

02231151	<i>Tiazac</i>	Biovail	100	107.32	1.0732
----------	---------------	---------	-----	--------	--------

L.A. Caps.

240 mg LPM

02231152	<i>Tiazac</i>	Biovail	100	142.35	1.4235
----------	---------------	---------	-----	--------	--------

L.A. Caps.

300 mg LPM

02231154	<i>Tiazac</i>	Biovail	100	177.94	1.7794
----------	---------------	---------	-----	--------	--------

L.A. Caps.

360 mg LPM

02231155	<i>Tiazac</i>	Biovail	100	214.64	2.1464
----------	---------------	---------	-----	--------	--------

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
------	------------	--------------	------	-------------------	------------

40:12**REPLACEMENT PREPARATIONS****CALCIUM CARBONATE/VITAMIN D**

Caps. Tab. or Chew Tab

500 mg -400 UI LPM

02244130	<i>Calcite 500 + D 400</i>	Riva	500	60.00	➔ 0.1200
02244161	<i>Calcium 500 + D 400</i>	Trianon	100	12.00	➔ 0.1200
02246065	<i>Cal-D 400</i>	Pro Doc	100	12.00	➔ 0.1200
02245511	<i>Carbocal D 400 UI</i>	Euro-Pharm	500	60.00	➔ 0.1200
02246984	<i>Neo-Cal-D Forte</i>	Néolab	500	60.00	➔ 0.1200

56:40**MISCELLANEOUS GI DRUGS****LANSOPRAZOLE** 

L.A Caps or LA tab

30 mg

02165511	<i>Prevacid</i>	Abbott	100	200.00	2.0000
----------	-----------------	--------	-----	--------	--------

68:04**ADRENALS****DEXAMETHASONE** 

Tab.

4 mg LPM

00489158	<i>Dexasone</i>	ICN	100	76.73	➔ 0.7673
----------	-----------------	-----	-----	-------	----------

METHYLPREDNISOLONE SODIUM SUCCINATE 

Inj. Pd

1 g LPM

02063697	<i>Solu-Medrol</i>	Pfizer	1	43.33	
----------	--------------------	--------	---	-------	--

68:12**CONTRACEPTIVES****ETHINYLESTRADIOL/ NORETHINDRONE ACETATE** 

Tab. (21)

0.02 mg -1 mg

00315966	<i>Minestrin 1/20</i>	Paladin	1	11.68	
----------	-----------------------	---------	---	-------	--

Tab. (21)

0.03 mg -1.5 mg

00297143	<i>Loestrin 1.5/30</i>	Paladin	1	11.68	
----------	------------------------	---------	---	-------	--

Tab. (28)

0.02 mg -1 mg

00343838	<i>Minestrin 1/20</i>	Paladin	1	11.68	
----------	-----------------------	---------	---	-------	--

Tab. (28)

0.03 mg -1.5 mg

00353027	<i>Loestrin 1.5/30</i>	Paladin	1	11.68	
----------	------------------------	---------	---	-------	--

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
------	------------	--------------	------	----------------------	------------

84:04.04**ANTIBIOTICS****CLINDAMYCIN PHOSPHATE**

Top. Sol.

1 % LPM

00582301	<i>Dalacin T</i>	Pfizer	60 ml	16.96	0.2827
----------	------------------	--------	-------	-------	--------

92:00**UNCLASSIFIED THERAPEUTIC AGENTS****HYMENOPTERA VENOM PROTEIN**

Inj. Pd

1.1 mg

99100226	<i>Frelon a tete blanche</i>	AllergiLab	1	219.00	
99100227	<i>Frelon Jaune</i>	AllergiLab	1	219.00	
99100228	<i>Yellow Jacket Venom</i>	AllergiLab	1	219.00	
99100229	<i>Wasp Venom</i>	AllergiLab	1	239.00	

Inj. Pd

3.3 mg

99100230	<i>Vespides combines</i>	AllergiLab	1	433.00	
----------	--------------------------	------------	---	--------	--

92:00.02**OTHER MISCELLANEOUS****TAMSULOSIN HYDROCHLORIDE**

L.A Caps or LA tab

0.4 mg

02238123	<i>Flomax</i>	Bo. Ing.	100	95.00	0.9500
----------	---------------	----------	-----	-------	--------

EXCEPTIONAL MEDICATIONS**BISACODYL**

Ent. Tab.

5 mg LPM

00587273	<i>pms-Bisacodyl</i>	Phmscience	1000	40.50	→ 0.0405
----------	----------------------	------------	------	-------	----------

DONEPEZIL HYDROCHLORIDE

Tab. or oral disint.

5 mg



02232043	<i>Aricept</i>	Pfizer	30	132.30	4.4100
----------	----------------	--------	----	--------	--------

Tab. or oral disint.

10 mg

02232044	<i>Aricept</i>	Pfizer	30	132.30	4.4100
----------	----------------	--------	----	--------	--------

5. The List of medications is amended by inserting, in order of classification of the medications, the following medications and the accompanying information and by deleting them from the exceptional medications section :

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
8:18.08					
ANTIRETROVIRAL AGENTS					
DIDANOSIN 					
Ent. Caps. 125 mg					
02244596	<i>Videx EC</i>	B.-M.S.	30	93.00	3.1000
Ent. Caps. 200 mg					
02244597	<i>Videx EC</i>	B.-M.S.	30	148.80	4.9600
Ent. Caps. 250 mg					
02244598	<i>Videx EC</i>	B.-M.S.	30	186.00	6.2000
Ent. Caps. 400 mg					
02244599	<i>Videx EC</i>	B.-M.S.	30	298.20	9.9400
28:08.08					
OPIATE AGONISTS					
METHADONE HYDROCHLORIDE 					
Tab. 1 mg					
02247698	<i>Metadol</i>	Phmscience	100	15.00	0.1500
Tab. 5 mg					
02247699	<i>Metadol</i>	Phmscience	100	50.00	0.5000
Tab. 10 mg					
02247700	<i>Metadol</i>	Phmscience	100	80.00	0.8000
Tab. 25 mg					
02247701	<i>Metadol</i>	Phmscience	100	150.00	1.5000

6. This Regulation comes into force on 7 June 2006.

Draft Regulations

Draft Regulation

An Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001)

Income support — 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 Regulation respecting income support, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation increases to \$90,000 the amount of the exclusion for the net value of certain property or capital of a beneficiary under the Employment-Assistance Program, namely the value of a residence or farm operation, the net value of property used in self-employment and the amount of an indemnity paid as compensation for loss of certain property. As regards that property or capital, the draft Regulation proposes to remove the additional exemption of \$2,000 per child granted to families with more than two dependent children.

The draft Regulation has no financial impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Nikolas Ducharme, Direction des politiques de sécurité du revenu, Ministère de l'Emploi et de la Solidarité sociale, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1; telephone: 418 646-7221; fax: 418 644-1219.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Employment and Social Solidarity, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1.

MICHELLE COURCHESNE,
Minister of Employment and Social Solidarity

Regulation to amend the Regulation respecting income support*

An Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001, s. 156, pars. 15 and 19 and s. 160)

1. Section 117 of the Regulation respecting income support is amended

(1) by replacing “\$80,000” in the part preceding subparagraph 1 of the first paragraph by “\$90,000”;

(2) by striking out the last sentence of the second paragraph.

2. This Regulation comes into force on 1 September 2006.

7623

* The Regulation respecting income support, made by Order in Council 1011-99 dated 1 September 1999 (1999, *G.O.* 2, 2881), was last amended by the regulation made by Order in Council 196-2006 dated 22 March 2006 (2006, *G.O.* 2, 1186). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 April 2006.

Treasury Board

Gouvernement du Québec

T.B. 203751, 23 May 2006

Education Act
(R.S.Q., c. I-13.3)

School boards and Comité de gestion de la taxe scolaire de l'île de Montréal — Certain conditions of employment of senior staff — Amendments

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal

WHEREAS under section 451 of the Education Act (R.S.Q., c. I-13.3), the Minister of Education, Recreation and Sports may, by regulation and with the authorization of the Conseil du trésor, establish for all or certain school boards and for the Comité de gestion de la taxe scolaire de l'île de Montréal, a classification of positions, the maximum number of positions in each job category, working conditions, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal was approved by the Conseil du trésor, C.T. 203162 dated 13 December 2005;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to this regulation;

WHEREAS the Minister of Education, Recreation and Sports is of the opinion that it is expedient to amend the Regulation;

WHEREAS the Minister of Education, Recreation and Sports made, on May 18, 2006, the Regulation to amend the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal;

THE CONSEIL DU TRÉSOR DECIDES :

1. To approve the Regulation to amend the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal attached hereto;

2. To ask for the publication of the Regulation in the *Gazette officielle du Québec*.

ROBERT CAVANAGH,
Deputy Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal*

Education Act
(R.S.Q., c. I-13.3, s. 451)

1. The table of contents of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal is amended by striking out "Schedule 15 entitled Staffing rules applicable to full-time senior staff in a school during 2005-2006 school year" at the end of the table of contents.

2. Section 25 of the Regulation is amended by replacing the table in the first paragraph by the following table:

* The Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal approved by the Conseil du trésor, C.T. 203162 dated 13 December 2005, (2006, *G.O.* 2, 283).

“

Classes	Rates 2006 04 01 to 2007 03 31 \$		Rates 2007 04 01 to 2008 03 31 \$		Rates 2008 04 01 to 2009 03 31 \$		Rates as of 2009 04 01 \$	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
17	112 604	150 139	114 856	153 142	117 153	156 205	119 496	159 329
16	106 375	141 833	108 503	144 670	110 673	147 563	112 886	150 514
15	100 489	133 986	102 499	136 666	104 549	139 399	106 640	142 187
14	94 930	126 574	96 829	129 105	98 766	131 687	100 741	134 321
13	89 678	119 572	91 472	121 963	93 301	124 402	95 167	126 890
12	84 718	112 957	86 412	115 216	88 140	117 520	89 903	119 870
11	80 031	106 708	81 632	108 842	83 265	111 019	84 930	113 239
10	75 604	100 806	77 116	102 822	78 658	104 878	80 231	106 976
9	71 422	95 229	72 850	97 134	74 307	99 077	75 793	101 059
8	67 471	89 961	68 820	91 760	70 196	93 595	71 600	95 467
7	62 837	83 783	64 094	85 459	65 376	87 168	66 684	88 911
6	58 523	78 030	59 693	79 591	60 887	81 183	62 105	82 807
5	54 504	72 671	55 594	74 124	56 706	75 606	57 840	77 118
4	50 761	67 681	51 776	69 035	52 812	70 416	53 868	71 824
3	45 300	60 400	46 206	61 608	47 130	62 840	48 073	64 097
2	40 428	53 903	41 237	54 981	42 062	56 081	42 903	57 203
1	36 078	48 104	36 800	49 066	37 536	50 047	38 287	51 048

”.

3. Section 37 of the Regulation is replaced by the following section :

“**37.** The salary scales and salary applicable to senior staff are increased by 2% on 1 April of each of the years 2006, 2007, 2008 and 2009. The salary scales of senior staff are found in Schedule 3.”.

4. Section 41 of the Regulation is amended by replacing “one or more” by “the” in paragraph *a*.

5. Section 188 of the Regulation is replaced by the following section :

“**188.** The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that submitted the complaint if the complaint is rejected and by the party to whom the complaint was submitted, if

the complaint is accepted. If the complaint is accepted in part, the Appeals Committee shall determine the proportion in which the fees and expenses shall be paid by each party.

The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that requested the postponement of a preparatory session or a hearing. In the case of a joint request, the expenses shall be shared equally by the parties.

The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that submitted the complaint and that subsequently withdraws it.

If a settlement is reached pursuant to section 192, the fees and expenses of the chairman of the Appeals Committee shall be shared equally by the parties.

If the complaint deals with the dismissal of an administrator, the fees and expenses of the chairman of the Appeals Committee shall be borne by the Minister.”.

6. The Regulation is amended by inserting the following section:

“**188.1** The fees and expenses of the chairman of the Appeals Committee shall be borne according to the regulatory provisions that applied to a complaint received by the Records office of the Comités de recours et d’appel before the coming into force of section 188”.

7. Section 204 of the Regulation is replaced by the following section:

“**204.** The school board shall determine its administrative structure for positions of senior staff in a school. The administrative structure specifies for each school of the school board the number of senior staff members assigned thereto as well as the title and job classification.

The number of senior staff positions in a school shall be based on the criteria determined by the school board and may deal notably with the number of students in a school, the ratio of handicapped students or students with social maladjustments or learning disabilities, the poverty index recognized by the Ministry, the number of students enrolled in the daycare service, the number of schools under the responsibility of the same principal, the number of buildings at the disposal of a school, the particular nature of the school, multi-ethnicity or any other criterion that the school board deems pertinent.

The school board shall consult the association of senior staff of schools concerning the administrative structure for senior staff in a school according to the same procedure as that determined for the management policy defined in section 277. The consultation must be held no less than 30 days before the administrative structure is adopted, unless the school board and the association of senior staff of schools agree otherwise.”.

8. Section 205 of the Regulation is replaced by the following section:

“**205.** The administrative structure shall be adopted by a resolution of the council of commissioners of the school board and shall remain in force until such time as it is amended by a resolution of the council of commissioners.

Any change in the administrative structure shall be submitted to the association of senior staff of schools for consultation according to the same procedure as that determined for the management policy defined in section 277.”.

9. Section 269 of the Regulation is replaced by the following section:

“**269.** The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that submitted the complaint if the complaint is rejected and by the party to whom the complaint was submitted, if the complaint is accepted. If the complaint is accepted in part, the Appeals Committee shall determine the proportion in which the fees and expenses shall be paid by each party.

The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that initiated the postponement of a preparatory session or a hearing. In the case of a joint request, the expenses shall be shared equally by the parties.

The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that submitted the complaint and that subsequently withdraws it.

If a settlement is reached pursuant to section 273, the fees and expenses of the chairman of the Appeals Committee shall be shared equally by the parties.

If the complaint deals with the dismissal of a senior staff member in a school or centre, the fees and expenses of the chairman of the Appeals Committee shall be borne by the Minister.”.

10. The Regulation is amended by inserting the following section:

“**269.1** The fees and expenses of the chairman of the Appeals Committee shall be borne according to the regulatory provisions that applied to a complaint received by the Records office of the Comités de recours et d’appel before the coming into force of section 269”.

11. Schedule 3 of the Regulation is amended

(1) by adding the title “**Salary scales from 2 July 2005 to 31 March 2006**” to the table”;

(2) by inserting the following table:

“Salary scales as of 1 April 2006

Classes	Rates 2006 04 01 to 2007 03 31 \$		Rates 2007 04 01 to 2008 03 31 \$		Rates 2008 04 01 to 2009 03 31 \$		Rates as of 2009 04 01 \$	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
12	84 718	112 957	86 412	115 216	88 140	117 520	89 903	119 870
11	80 031	106 708	81 632	108 842	83 265	111 019	84 930	113 239
10	75 604	100 806	77 116	102 822	78 658	104 878	80 231	106 976
9	71 422	95 229	72 850	97 134	74 307	99 077	75 793	101 059
8	67 471	89 961	68 820	91 760	70 196	93 595	71 600	95 467
7	62 837	83 783	64 094	85 459	65 376	87 168	66 684	88 911
6	58 523	78 030	59 693	79 591	60 887	81 183	62 105	82 807
5	54 504	72 671	55 594	74 124	56 706	75 606	57 840	77 118
4	50 761	67 681	51 776	69 035	52 812	70 416	53 868	71 824
3	45 300	60 400	46 206	61 608	47 130	62 840	48 073	64 097
2	40 428	53 903	41 237	54 981	42 062	56 081	42 903	57 203
1	36 078	48 104	36 800	49 066	37 536	50 047	38 287	51 048

”.

12. Schedule 5 of the Regulation is replaced by the following schedule :

**“SCHEDULE 5
PARENTAL RIGHTS**

1. Unless expressly stated otherwise, this schedule may not have the effect of granting monetary or non-monetary benefits that a senior staff member would not have received had the senior staff member remained at work.

For the purposes of this schedule, a “spouse” means either of two persons who :

- (1) are married or in a civil union and cohabiting ;
- (2) are of opposite sex or the same sex and have been living together in a conjugal relationship and are the father and mother of the same child ;
- (3) are of opposite sex or the same sex and have been living together in a conjugal relationship for at least one year.

However, persons shall cease to be considered as spouses upon the dissolution of their marriage through divorce or annulment or, if they are married or living in a conjugal relationship, upon a de facto separation for a period exceeding three months.

2. Compensation for maternity leave or adoption leave shall be paid only as a supplement to parental insurance benefits or employment insurance benefits, as the case may be, or in the cases mentioned below, as payments during a period of absence for which the Québec Parental Insurance Plan and the Employment Insurance Plan provide no benefit.

However, maternity leave or adoption leave benefits shall be paid only during the weeks the senior staff member receives or would receive, after submitting an application for benefits, benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan.

In the case where the senior staff member shares the adoption or parental benefits prescribed by the Québec Parental Insurance Plan or the Employment Insurance Plan with his or her spouse, compensation shall be paid only if the senior staff member actually receives a benefit under one of the plans during the maternity leave prescribed in section 6¹ or the adoption leave prescribed in section 30.

¹ In this schedule, any reference to a section is a reference to a section of this schedule, unless otherwise provided.

3. Where both parents are women, the allowances and benefits granted to the father shall be granted to the mother who did not give birth.

4. The school board shall not reimburse a senior staff member for an amount that could be claimed from the senior staff member by the Minister of Employment and Social Solidarity under the Act respecting parental insurance.

Moreover, the school board shall not reimburse a senior staff member for an amount that could be claimed from the senior staff member by Human Resources and Social Development (HRSD) under the Employment Insurance Act, where the senior staff member's income exceeds one and a quarter ($1\frac{1}{4}$) times the maximum insurable earnings.

5. The salary, deferred salary and severance payments shall not be increased or decreased by the amounts received under the Québec Parental Insurance Plan or the supplementary employment insurance benefits plan.

DIVISION 1 **MATERNITY LEAVE**

6. A pregnant senior staff member covered by section 16 is entitled to 21 weeks of maternity leave which, subject to sections 11 and 12 of this schedule, must be consecutive.

The pregnant senior staff member covered by section 22 or 23 is entitled to 20 weeks of maternity leave which, subject to sections 11 and 12, must be consecutive.

The senior staff member who is eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan, but who has not completed the 20 weeks of service prescribed in sections 16 and 22 is also entitled to a leave of 21 or 20 weeks, as the case may be.

The senior staff member covered by section 23 is entitled to a leave of 20 weeks if she has not completed the 20 weeks of service prescribed in that section.

Maternity leave may be for a shorter duration than the durations mentioned in the preceding paragraphs. A senior staff member who returns to work, within two weeks following the birth, must produce, at the school board's request, a medical certificate attesting that she has sufficiently recovered to return to work.

7. A senior staff member who becomes pregnant while on leave without pay or partial leave without pay prescribed in this schedule is also entitled to maternity leave and to the benefits prescribed in sections 16, 22 and 23.

8. Where there is termination of pregnancy after the beginning of the 20th week preceding the expected date of delivery, a senior staff member is also entitled to maternity leave.

9. Where the spouse of a senior staff member dies, the remainder of the maternity leave and the rights and benefits attached thereto shall be transferred to the senior staff member.

10. The distribution of maternity leave before and after delivery shall be decided by the senior staff member. However, the leave of the senior staff member eligible for benefits under the Québec Parental Insurance Plan shall be concurrent with the period during which benefits are paid under the Act respecting parental insurance and must begin no later than the week following the start of benefit payments under the Québec Parental Insurance Plan.

11. A senior staff member may suspend her maternity leave and return to work if she has sufficiently recovered from delivery and the child is unable to leave the health institution. It shall be completed when the child is brought home.

Moreover, when a senior staff member has sufficiently recovered from delivery but the child is hospitalized after leaving the health institution, the senior staff member may suspend her maternity leave, after agreement with the school board, and return to work for the period during which the child is hospitalized.

12. At the senior staff member's request, a maternity leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases:

a) if the child is hospitalized: the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized;

b) if the senior staff member must be absent due to an accident or illness not related to pregnancy: the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which she must be absent, without exceeding 15 weeks;

c) if the senior staff member is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1): the number of weeks during which the maternity leave is suspended corresponds to the number of complete weeks during which the situation persists, without however exceeding six weeks.

During those suspensions, the senior staff member is considered on leave without pay and shall not receive any allowance or benefit from the school board. The senior staff member shall receive the benefits prescribed in section 43 during the suspension.

13. If the birth occurs after the expected date, the senior staff member is entitled to extend the maternity leave for the length of time the birth is overdue, unless she already has at least two weeks of maternity leave remaining after the birth.

Furthermore, a maternity leave may be extended if the state of health of the child or of the senior staff member requires it. The duration of extended maternity leave shall be specified in the medical certificate provided by the senior staff member.

During the extensions, the senior staff member is considered on leave without pay and shall not receive any allowance or benefit from the school board. During those extensions, the senior staff member shall be covered by section 51 during the first six weeks and subsequently by section 43.

14. During the fourth week preceding the expiry date of a maternity leave, the school board must send the senior staff member a notice indicating the date on which the leave expires.

A senior staff member to whom the school board has sent the notice described above must report for work on the date on which the maternity leave expires, unless the leave has been extended in the manner prescribed in Division 4.

A senior staff member who does not comply with the preceding paragraph is deemed to be on leave without pay for a period not exceeding four weeks. At the end of that period, the senior staff member who has not reported for work is deemed to have resigned.

15. To obtain maternity leave, a senior staff member must give notice to the school board not less than three weeks before the date of departure. The notice must be accompanied by a medical certificate or a written report signed by a midwife attesting to the pregnancy and the expected date of delivery.

Less than three weeks' notice may be given if a medical certificate attests that the senior staff member must stop working earlier than expected. In case of unforeseen events, the senior staff member shall not be required to give notice, subject to submitting a medical certificate to the school board stating it is necessary to stop working immediately.

§1. Cases covered by the Québec Parental Insurance Plan

16. A senior staff member who has accumulated 20 weeks of service and who, under the Québec Parental Insurance Plan, receives benefits is also entitled to receive for 21 weeks of the maternity leave, an allowance equal to the difference between 93% of the senior staff member's basic weekly salary and the rate of maternity or parental benefits that she receives or would receive under the Québec Parental Insurance Plan, after submitting an application for benefits.

The allowance shall be based on the benefits of the Québec Parental Insurance Plan that a senior staff member is entitled to receive, without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Act respecting parental insurance.

However, a senior staff member who works for more than one employer shall receive an allowance equal to the difference between 93% of the basic salary paid by the school board and the percentage of benefits paid under the Québec Parental Insurance Plan that represents the proportion of the basic weekly salary paid by it compared to the sum of the basic weekly salaries paid by all the employers. For that purpose, the senior staff member shall submit to each employer a statement of the weekly salary paid by each of them, together with the amount of benefits paid under the Act respecting parental insurance.

17. When the senior staff member resumes the maternity leave suspended or divided under section 11 or 12, the school board shall pay the senior staff member the allowance to which she would have been entitled had she not availed herself of the suspension or division for the number of weeks remaining under section 16, 22 or 23.

18. For the purposes of entitlement to maternity leave benefits, a senior staff member who is absent shall accumulate service if the absence is authorized, particularly for total disability, and includes a benefit or remuneration.

19. For the purposes of this schedule, basic weekly salary means the salary of the senior staff member, including the lump sums resulting from the salary readjustment procedure.

20. The school board may not offset any reduction in the benefits under the Québec Parental Insurance Plan attributable to the salary earned with another employer by paying an allowance to a senior staff member on maternity leave.

Notwithstanding the provisions of the preceding paragraph, the school board shall pay the compensation if the senior staff member proves that the salary earned with another employer is a regular salary by means of a letter to that effect from the employer paying it. If the senior staff member proves that only part of the salary is regular, the compensation shall be limited to that part.

The employer paying the regular salary mentioned in the preceding paragraph must provide such a letter at the request of the senior staff member.

The total amounts received by the senior staff member during the maternity leave in benefits under the Québec Parental Insurance Plan, allowances and salary may not exceed 93% of the basic salary paid by the senior staff member's employer or, where applicable, employers.

21. A senior staff member may defer annual vacation if it falls within her maternity leave and if she notifies the school board in writing of the date of such deferral no later than two weeks before the termination of the said maternity leave.

§2. Cases not covered by the Québec Parental Insurance Plan but covered by the Employment Insurance Plan

22. A senior staff member who has accumulated 20 weeks of service and who is eligible for benefits under the Employment Insurance Plan but is not eligible for benefits under the Québec Parental Insurance Plan is entitled to receive:

a) for each week of the waiting period prescribed by the Employment Insurance Plan, an allowance equal to 93% of the basic weekly salary;

b) for each week that follows the period prescribed in paragraph *a*, an allowance equal to the difference between 93% of her basic weekly salary and the maternity or parental benefit paid under the Employment Insurance Plan that the senior staff member receives or could receive, after submitting an application for benefits, up to the end of the 20th week of maternity leave.

The allowance shall be based on the employment insurance benefits that a senior staff member is entitled to receive without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Employment Insurance Plan.

However, a senior staff member who works for more than one employer shall receive an allowance from each of her employers. In this case, the allowance is equal to the difference between 93% of the basic salary paid by the school board and the percentage of the employment insurance benefits that represents the proportion of the basic weekly salary paid by it compared to the sum of the basic weekly salaries paid by all the employers. For that purpose, the senior staff member shall submit to each employer a statement of the weekly salary paid by each of them, together with the amount of benefits paid by Human Resources and Social Development.

Moreover, if Human Resources and Social Development reduces the number of weeks of employment insurance benefits to which the senior staff member would have been entitled if she had not received employment insurance benefits before her maternity leave, the senior staff member shall continue to receive the allowance prescribed in the first subparagraph of paragraph *b* for a period equal to the weeks subtracted by Human Resources and Social Development as though the senior staff member had received employment insurance benefits during that period.

Section 20 of this division applies with the necessary changes.

§3. Cases not covered by the Québec Parental Insurance Plan and the Employment Insurance Plan

23. A senior staff member excluded from receiving benefits under the Québec Parental Insurance Plan and the Employment Insurance Plan shall also be excluded from receiving any compensation prescribed in sections 16 and 22.

However, a full-time senior staff member who has accumulated 20 weeks of service is entitled to an allowance equal to 93% of her basic weekly salary for 12 weeks if she does not receive benefits under a parental rights plan established by another province or a territory.

The part-time senior staff member who has accumulated 20 weeks of service is entitled to an allowance equal to 95% of her basic weekly salary during 12 weeks if she does not receive benefits under a parental rights plan established by another province or a territory.

If a part-time senior staff member is not required to pay contributions to the pension plans and to the Québec Parental Insurance Plan, the allowance shall be set at 93% of her basic weekly salary.

24. In the cases prescribed in sections 16, 22 and 23:

a) No allowance may be paid during a vacation period during which a senior staff member is paid.

b) Unless the salary is paid on a weekly basis, the allowance shall be paid at two-week intervals, the first payment being due, in the case of a senior staff member eligible for benefits under the Québec Parental Insurance Plan, only 15 days after the school board obtains proof that she is receiving benefits under that plan.

In the case of a senior staff member eligible for benefits under the Employment Insurance Plan, the allowance due for the first two weeks shall be paid by the school board in the first two weeks of the leave. Unless, the applicable salary is paid on a weekly basis, the allowance due after that date shall be paid at two-week intervals, the first payment being due only 15 days after the school board obtains proof that she is receiving benefits under that plan.

For the purposes of paragraph *b*, a statement of benefits, a payment stub or information provided, by means of an official statement, by the Ministry of Employment and Social Solidarity or the HRSD shall be accepted as proof.

c) Service shall be calculated with all employers of the public and parapublic sectors (public service, education, health and social services), health and social service agencies, all agencies for which, by law, the employees' employment conditions or salary standards and scales are determined or approved by the government, the Office franco-québécois pour la jeunesse, the Société de gestion du réseau informatique des commissions scolaires (GRICS) or any other agency listed in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

Moreover, the requirement of 20 weeks of service under sections 16, 22 and 23 is deemed to have been met if the senior staff member has satisfied that requirement with any employer mentioned in the preceding paragraph.

d) The basic weekly salary of the part-time senior staff member is the average basic weekly salary of the last 20 weeks before her maternity leave.

If, during that period, the senior staff member received benefits established at a certain percentage of her regular salary, it shall be understood that, for the purposes of calculating her basic salary during her maternity leave, the basic salary referred to is that on the basis of which such benefits are determined.

Any period during which the senior staff member on preventive reassignment under section 50 does not receive any benefit under the CSST shall not be taken into account in the calculation of her average basic weekly salary.

Where the last 20 weeks before the maternity leave of the part-time senior staff member includes the date on which the salary rates and scales are increased, the basic weekly salary shall be based on the salary rates in effect on that date. If, however, the maternity leave includes that date, the basic weekly salary changes on that date according to the adjustment formula of the applicable salary scale.

DIVISION 2

PATERNITY LEAVE

25. A senior staff member is entitled to take paid leave for a maximum of five working days for the birth of his child. Where there is termination of pregnancy after the beginning of the 20th week preceding the expected date of delivery, the senior staff member is also entitled to a paternity leave. The paid leave may be discontinuous, but must be taken between the beginning of the delivery and the 15th day following the mother's or the child's return home.

One of the five days may be used for the baptism or registration of the child.

The senior staff member whose spouse gives birth is also entitled to the paternity leave if she is designated as one of the child's mothers.

26. A senior staff member is also entitled to take unpaid paternity leave for the birth of his child for no more than five weeks which, subject to sections 27 and 28, must be consecutive. The leave must terminate no later than the expiry of the 52nd week following the week of the child's birth.

The senior staff member whose spouse gives birth is also entitled to the leave if she is designated as one of the child's mothers.

27. If the child is hospitalized, the senior staff member may suspend the paternity leave, after agreement with the school board, and return to work for the period during which the child is hospitalized.

28. At the senior staff member's request, the paternity leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases:

a) if the child is hospitalized: the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized;

b) if the senior staff member must be absent due to an accident or illness: the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without exceeding 15 weeks;

c) if the senior staff member is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1): the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without however exceeding six weeks.

During such suspensions, the senior staff member is considered on leave without pay and shall not receive any allowance or benefit from the school board. The senior staff member is entitled to the benefits prescribed in section 43 for the duration of the suspension.

29. A senior staff member who, before the expiry date of his paternity leave, sends his school board a notice accompanied by a medical certificate attesting that the state of health of the child requires it, is entitled to extend his paternity leave for the duration indicated in the medical certificate.

During the extended leave, the senior staff member is considered on leave without pay and section 43 applies. The senior staff member shall not receive any allowance or benefit from the school board.

DIVISION 3

ADOPTION LEAVE AND LEAVE FOR ADOPTION PURPOSES

30. A senior staff member who legally adopts a child, other than his or her spouse's child, is entitled to an adoption leave not exceeding 10 weeks which, subject to sections 31 and 32, must be consecutive.

The leave of the senior staff member eligible for benefits under the Québec Parental Insurance Plan shall be concurrent with the period during which benefits granted under the Act respecting parental insurance are paid and must begin no later than the week following the start of parental insurance benefit payments.

The leave of the senior staff member who is ineligible for benefits under the Québec Parental Insurance Plan must be taken after the order of placement of the child or the equivalent in the case of an international adoption in accordance with the adoption plan or at another time agreed with the school board.

31. If the child is hospitalized, the senior staff member may suspend his or her adoption leave, after agreement with the school board, and return to work for the period during which the child is hospitalized.

32. At the senior staff member's request, the adoption leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases:

a) if the child is hospitalized: the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized;

b) if the senior staff member must be absent due to an accident or illness: the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without exceeding 15 weeks;

c) if the senior staff member is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1): the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without however exceeding six weeks.

During those suspensions, the senior staff member is considered on leave without pay and shall not receive any allowance or benefit from the school board. The senior staff member is entitled to the benefits prescribed in section 43 for the duration of the suspension.

33. When the senior staff member resumes the adoption leave suspended or divided under section 31 or 32, the school board shall pay him or her the allowance to which he or she would have been entitled had he or she not availed himself or herself of the suspension or division for the number of weeks remaining under section 30.

34. A senior staff member who, before the expiry date of his or her adoption leave, sends his or her school board a notice accompanied by a medical certificate attesting that the state of health of the child requires it, is entitled to extend the adoption leave for the duration indicated in the medical certificate.

During the extended leave, the senior staff member is considered on leave without pay and section 43 applies. The senior staff member shall not receive any allowance or benefit from the school board.

35. During the adoption leave prescribed in section 30, the senior staff member shall receive an allowance equal to the difference between his or her basic weekly salary and the benefit that he or she receives or would receive, after submitting an application for benefits, under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The second and third paragraphs of section 16 or 22, as the case may be, and section 20 apply with the necessary changes.

36. The senior staff member who is ineligible for adoption benefits under the Québec Parental Insurance Plan or parental benefits under the Employment Insurance Plan and who adopts a child, other than his or her spouse's child, shall receive an allowance equal to his or her basic weekly salary during the adoption leave prescribed in section 30.

37. A senior staff member who adopts his or her spouse's child is entitled to an adoption leave for a maximum duration of five working days, only the first two are paid.

The leave may be discontinuous, but it may not be taken later than 15 days following the child's arrival home.

38. Paragraphs *a*, *b* and *d* of section 24 apply to the senior staff member who receives the benefits prescribed in section 35 or 36 with the necessary changes.

39. A senior staff member shall benefit for the purposes of adopting a child from a leave without pay of a maximum duration of 10 weeks as of the date on which he or she actually takes custody of the child, unless it involves the spouse's child.

On a written request to the school board if possible two weeks in advance, a senior staff member who travels outside of Québec to adopt a child, except for his or her spouse's child, shall obtain leave without pay for the required travel time.

However, the leave ends no later than the week following the start of benefit payments under the Québec Parental Insurance Plan or the Employment Insurance Plan and section 30 applies.

During the leave, the senior staff member is entitled to the benefits prescribed in section 43.

40. If no child is adopted following a leave for adoption purposes for which the senior staff member receives an allowance paid under section 35 or 36, the senior staff member is deemed to have been on a leave without pay and shall repay the allowance or salary received at a rate of 30% of the salary payable per pay period until the amount owed is repaid, unless the parties agree otherwise.

DIVISION 4 **LEAVE WITHOUT PAY**

41. A senior staff member wishing to extend her maternity leave, a senior staff member wishing to extend the paternity leave prescribed in section 25 and a senior staff member wishing to extend the adoption leave prescribed in section 30 is entitled to:

a) a leave without pay for a period not exceeding two years, immediately following the maternity leave, paternity leave or adoption leave;

or

b) a leave without pay of no more than 52 continuous weeks beginning at the time decided by the senior staff member and ending at the latest 70 weeks after the birth or, in the case of an adoption, 70 weeks after the child is placed with the senior staff member.

A senior staff member who does not take a leave without pay or partial leave without pay may, for the part of the leave that his or her spouse does not use, elect to benefit from the leave without pay or partial leave without pay.

42. A senior staff member who wishes to terminate his or her leave without pay before the scheduled date must give written notice to this effect at least 21 days before he or she intends to return to work. In the case of a leave without pay exceeding 52 weeks, the notice is at least 30 days.

43. During the leave without pay, the senior staff member shall accumulate experience for the purposes of determining his or her salary, up to the first 52 weeks of his or her leave and continuous service shall not be interrupted. He or she shall continue to participate in the applicable basic health insurance plan by paying his or her share of the premiums for the first 52 weeks of the leave and the total amount of the premiums for the weeks that follow. Moreover, he or she may continue to participate in the applicable complementary insurance plans by making a request at the beginning of the leave and by paying all the premiums.

44. When a senior staff member returns from a leave without pay, he or she shall be reinstated in the position he or she would have had had he or she been at work, subject to employment stability provisions, if need be.

45. A leave without pay or partial leave without pay for a maximum period of one year shall be granted to a senior staff member whose minor child experiences socioemotional problems or whose child is handicapped or suffers from a chronic illness requiring his or her care.

46. A senior staff member may be absent from work for a maximum of six days per year to take care of his or her minor child or his or her spouse's minor child, in cases where his or her presence is expressly required, to fulfil obligations relating to the health, safety or education of the child. The days thus used shall be deducted from the senior staff member's bank of sick-leave days and, failing that, shall be without pay.

DIVISION 5 OTHER SPECIAL LEAVES AND PREVENTIVE REASSIGNMENT

47. A senior staff member is entitled to special leave in the following cases :

(1) when a complication in the pregnancy or a risk of miscarriage requires a work stoppage for a period prescribed by a medical certificate. The special leave may not be extended beyond the beginning of the 4th week before the expected date of delivery ;

(2) upon presentation of a medical certificate prescribing the duration, when a spontaneous or induced miscarriage occurs before the beginning of the 20th week preceding the expected date of delivery ;

(3) for medical examinations related to the pregnancy carried out by a health professional and attested to by a medical certificate or a written report signed by a midwife.

48. As regards the examinations mentioned in paragraph 3 of section 47, the special leave shall be remunerated for a maximum duration of four days which may be taken in half-days.

49. During the special leaves granted under this division, a senior staff member may avail herself of the benefits prescribed in sections 51 and 54.

A senior staff member covered by section 47 may also opt for salary insurance benefits. However, in the case of paragraph 3 of section 47, the senior staff member must first have used up the four days prescribed in section 48.

50. A senior staff member shall benefit from preventive reassignment under the Act respecting occupational health and safety (R.S.Q., c. S-2.1) insofar as she is normally entitled to it.

DIVISION 6 OTHER PROVISIONS

51. During the maternity leave and extensions prescribed in section 13, the paternity leave prescribed in section 25 and the adoption leave prescribed in section 30 or 37, a senior staff member shall have, if he or she is normally entitled thereto, the following benefits :

(1) insurance plans excluding salary insurance benefits. However, in the case of a maternity leave, the school board shall pay all the premiums of the compulsory basic plans and the senior staff member shall be exempted from the payment of premiums to her insurance plans as prescribed in the provisions of the master policy ;

(2) accumulation of vacation ;

(3) accumulation of experience and continuous service for employment stability purposes.

52. During a maternity leave and extensions prescribed in section 13 and during an adoption leave, a senior staff member shall receive a premium for regional disparities, provided that he or she is normally entitled to it.

53. A school board and a senior staff member shall agree, before the leave begins, on the terms and conditions of a maternity leave, a paternity leave, an adoption leave, a leave without pay or a partial leave without pay.

54. When a senior staff member returns from a maternity leave and extensions prescribed in section 13, a paternity leave or an adoption leave, he or she shall be reinstated in the position he or she would have had had he or she been at work by applying the employment stability provisions, if need be.

55. The working conditions related to parental rights in force on 31 December 2005 shall continue to apply after 1 January 2006 to the senior staff member who, on 31 December 2005, receives benefits under the federal Employment Insurance Plan.”.

13. Schedule 15 of the Regulation is repealed.

14. This regulation comes into force on 23 May 2006.

Gouvernement du Québec

T.B. 203752, 23 May 2006

General and Vocational Colleges Act
(R.S.Q., c. C-29)

General and vocational colleges
— **Certain conditions of employment of senior staff**
— **Amendments**

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges

WHEREAS under section 18.1 of the General and Vocational Colleges Act (R.S.Q., c. C-29), the Minister of Education, Recreation and Sports may, with the authorization of the Conseil du trésor, determine, by regulation, conditions of employment for, the classification and maximum number per class of the positions held by, and the remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges was approved by the Conseil du trésor, C.T. 202574 dated 21 June 2005;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to this regulation;

WHEREAS the Minister of Education, Recreation and Sports is of the opinion that it is expedient to amend the Regulation;

WHEREAS the Minister of Education, Recreation and Sports made, on May 18 2006, the Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges;

THE CONSEIL DU TRÉSOR DECIDES :

1. To approve the Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges attached hereto;

2. To ask for the publication of the Regulation in the *Gazette officielle du Québec*.

ROBERT CAVANAGH,
Deputy Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges¹

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 18.1)

1. The table of contents of the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges is amended by replacing “Chapter VIII—Parental Rights” by the following:

“CHAPTER VIII	
PARENTAL RIGHTS	
DIVISION I	
GENERAL PROVISIONS	97
DIVISION II	
MATERNITY LEAVE	103
SUBDIVISION II.1	
CASES COVERED BY THE QUÉBEC PARENTAL INSURANCE PLAN	112
SUBDIVISION II.2	
CASES NOT COVERED BY THE QUÉBEC PARENTAL INSURANCE PLAN BUT COVERED BY THE EMPLOYMENT INSURANCE PLAN	121
SUBDIVISION II.3	
CASES NOT COVERED BY THE QUÉBEC PARENTAL INSURANCE PLAN AND THE EMPLOYMENT INSURANCE PLAN	122
DIVISION III	
PATERNITY LEAVE	124
DIVISION IV	
ADOPTION LEAVE AND LEAVE FOR ADOPTION PURPOSES	126
DIVISION V	
LEAVE WITHOUT PAY	134
DIVISION VI	
OTHER SPECIAL LEAVES AND PREVENTIVE REASSIGNMENT	140
DIVISION VII	
OTHER PROVISIONS	144
”.	

¹ The Regulation respecting certain conditions of employment of senior staff of general and vocational colleges was approved by the Conseil du trésor, C.T. 202574 dated 21 June 2005 (2005, *G.O.* 2, 3446).

2. The second paragraph of section 12 of the Regulation is amended by replacing the table by the following table:

“

Classes	Rates 2006 04 01 to 2007 03 31 \$		Rates 2007 04 01 to 2008 03 31 \$		Rates 2008 04 01 to 2009 03 31 \$		Rates as of 2009 04 01 \$	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
17	112 604	150 139	114 856	153 142	117 153	156 205	119 496	159 329
16	106 375	141 833	108 503	144 670	110 673	147 563	112 886	150 514
15	100 489	133 986	102 499	136 666	104 549	139 399	106 640	142 187
14	94 930	126 574	96 829	129 105	98 766	131 687	100 741	134 321
13	89 678	119 572	91 472	121 963	93 301	124 402	95 167	126 890
12	84 718	112 957	86 412	115 216	88 140	117 520	89 903	119 870
11	80 031	106 708	81 632	108 842	83 265	111 019	84 930	113 239
10	75 604	100 806	77 116	102 822	78 658	104 878	80 231	106 976
9	71 422	95 229	72 850	97 134	74 307	99 077	75 793	101 059
8	67 471	89 961	68 820	91 760	70 196	93 595	71 600	95 467
7	62 837	83 783	64 094	85 459	65 376	87 168	66 684	88 911
6	58 523	78 030	59 693	79 591	60 887	81 183	62 105	82 807
5	54 504	72 671	55 594	74 124	56 706	75 606	57 840	77 118
4	50 761	67 681	51 776	69 035	52 812	70 416	53 868	71 824
3	45 300	60 400	46 206	61 608	47 130	62 840	48 073	64 097
2	40 428	53 903	41 237	54 981	42 062	56 081	42 903	57 203
1	36 078	48 104	36 800	49 066	37 536	50 047	38 287	51 048

”.

3. Chapter VIII of the Regulation is replaced by the following chapter:

**“CHAPTER VIII
PARENTAL RIGHTS**

**DIVISION I
GENERAL PROVISIONS**

97. For the sole purposes of this chapter, the terms “au cadre” and “le cadre” are used in the French text to expressly designate a male senior staff member and the terms “la cadre” and “à la cadre” are used to expressly designate a female senior staff member.

For the purposes of this chapter, a “spouse” means either of two persons who:

(1) are married or in a civil union and cohabiting;

(2) are of opposite sex or the same sex and have been living together in a conjugal relationship and are the father and mother of the same child;

(3) are of opposite sex or the same sex and have been living together in a conjugal relationship for at least one year.

However, persons shall cease to be considered as spouses upon the dissolution of their marriage through divorce or annulment or, if they are married or living in a conjugal relationship, upon a de facto separation for a period exceeding three months.

98. This chapter may not have the effect of granting monetary or nonmonetary benefits that a senior staff member would not have received had the senior staff member remained at work.

99. Compensation for maternity leave or adoption leave shall be paid only as a supplement to parental insurance benefits or employment insurance benefits, as the case may be, or in the cases mentioned below, as payments during a period of absence for which the Québec Parental Insurance Plan and the Employment Insurance Plan provide no benefit.

However, maternity leave or adoption leave benefits shall be paid only during the weeks the senior staff member receives or would receive, after submitting an application for benefits, benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan.

In the case where the senior staff member shares adoption or parental benefits prescribed by the Québec Parental Insurance Plan or the Employment Insurance Plan with his or her spouse, compensation shall be paid only if the senior staff member actually receives a benefit under one of the plans during the maternity leave prescribed in section 103 or the adoption leave prescribed in section 126.

100. Where both parents are women, the allowances and benefits granted to the father shall be granted to the mother who did not give birth.

101. The college shall not reimburse a senior staff member for an amount that could be claimed from the senior staff member by the Minister of Employment and Social Solidarity under the Act respecting parental insurance.

Moreover, the college shall not reimburse a senior staff member for an amount that could be claimed from the senior staff member by Human Resources and Social Development (HRSD) under the Employment Insurance Act, where the senior staff member's income exceeds one and a quarter ($1\frac{1}{4}$) times the maximum insurable earnings.

102. The salary, deferred salary and severance payments shall not be increased or decreased by the amounts received under the Québec Parental Insurance Plan or the supplementary employment insurance benefits plan.

DIVISION II

MATERNITY LEAVE

103. The pregnant senior staff member covered by section 112 is entitled to 21 weeks of maternity leave which, subject to sections 108 and 108.1, must be consecutive.

The pregnant senior staff member covered by section 121 or 122 is entitled to 20 weeks of maternity leave which, subject to sections 108 and 108.1, must be consecutive.

The senior staff member who is eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan, but who has not completed the 20 weeks of service prescribed in sections 112 and 121 is also entitled to a leave of 21 or 20 weeks, as the case may be.

The senior staff member covered by section 122 is entitled to a leave of 20 weeks if she has not completed the 20 weeks of service prescribed in that section.

Maternity leave may be for a shorter duration than the durations mentioned in the preceding paragraphs. A senior staff member who returns to work within two weeks following the birth must, at the college's request, produce a medical certificate attesting that she has sufficiently recovered to return to work.

104. A senior staff member who becomes pregnant while on leave without pay or partial leave without pay prescribed in this chapter is also entitled to maternity leave and to the benefits prescribed in sections 112, 121 and 122.

105. Where there is termination of pregnancy after the beginning of the 20th week preceding the expected date of delivery, a senior staff member is also entitled to maternity leave.

106. Where the spouse of a senior staff member dies, the remainder of the maternity leave and the rights and benefits attached thereto shall be transferred to the senior staff member.

107. The distribution of maternity leave before and after delivery shall be decided by the senior staff member. However, the leave of the senior staff member eligible for benefits under the Québec Parental Insurance Plan shall be concurrent with the period during which benefits are paid under the Act respecting parental insurance and must begin no later than the week following the start of benefit payments under the Québec Parental Insurance Plan.

108. A senior staff member may suspend her maternity leave and return to work if she has sufficiently recovered from delivery and the child is unable to leave the health institution. It shall be completed when the child is brought home.

Moreover, when a senior staff member has sufficiently recovered from delivery but the child is hospitalized after leaving the health institution, the senior staff member may suspend her maternity leave, after agreement with the college, and return to work for the period during which the child is hospitalized.

108.1 At the senior staff member's request, a maternity leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases :

a) if the child is hospitalized : the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized ;

b) if the senior staff member must be absent due to an accident or illness not related to pregnancy : the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without exceeding 15 weeks ;

(c) if the senior staff member is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1) : the number of weeks during which the maternity leave is suspended corresponds to the number of complete weeks during which the situation persists, without however exceeding six weeks.

During those suspensions, the senior staff member is considered on leave without pay and shall not receive any allowance or benefit from the college. The senior staff member shall receive the benefits prescribed in section 138 during the suspension.

109. If the birth occurs after the expected date, the senior staff member is entitled to extend the maternity leave for the length of time the birth is overdue, unless she already has at least two weeks of maternity leave remaining after the birth.

Furthermore, a maternity leave may be extended if the state of health of the child or of the senior staff member requires it. The duration of extended maternity leave shall be specified in the medical certificate provided by the senior staff member.

During a period of extended maternity leave, the senior staff member on leave without pay shall not receive any allowance or benefit from the college. During the extended maternity leave, the senior staff member shall be covered by section 144 during the first six weeks and subsequently by section 138.

110. During the fourth week preceding the expiry date of a maternity leave, the college shall send the senior staff member a notice indicating the date on which the leave expires.

A senior staff member to whom the college has sent the notice described above must report for work on the expiry date of the maternity leave, unless the leave is extended in the manner prescribed in Division V.

The senior staff member who does not comply with the preceding paragraph is deemed on leave without pay for a period not exceeding four weeks. At the end of that period, the senior staff member who has not reported for work is presumed to have resigned.

111. To obtain maternity leave, a senior staff member must give notice to the college not less than three weeks before the date of departure. The notice must be accompanied by a medical certificate or a written report signed by a midwife attesting to the pregnancy and the expected date of delivery.

Less than three weeks' notice may be given if a medical certificate attests that the senior staff member must stop working earlier than expected. In case of unforeseen events, the senior staff member shall not be required to give notice, subject to submitting a medical certificate to the college stating it is necessary to stop working immediately.

SUBDIVISION II.1

CASES COVERED BY THE QUÉBEC PARENTAL INSURANCE PLAN

112. A senior staff member who has accumulated 20 weeks of service and who, under the Québec Parental Insurance Plan, receives benefits is also entitled to receive for 21 weeks of the maternity leave, an allowance equal to the difference between 93% of the senior staff member's basic weekly salary and the rate of maternity or parental benefits that she receives or would receive under the Québec Parental Insurance Plan, after submitting an application for benefits.

The allowance shall be based on the benefits of the Québec Parental Insurance Plan that a senior staff member is entitled to receive, without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Act respecting parental insurance.

However, a senior staff member who works for more than one employer shall receive an allowance equal to the difference between 93% of the basic salary paid by the college and the percentage of benefits paid under the Québec Parental Insurance Plan that represents the proportion of the basic weekly salary paid by it compared to the sum of the basic weekly salaries paid by all the employers. For that purpose, the senior staff member

shall submit to each employer a statement of the weekly salary paid by each of them, together with the amount of benefits paid under the Act respecting parental insurance.

113. When the senior staff member resumes the maternity leave suspended or divided under section 108 or 108.1, the college shall pay the senior staff member the allowance to which she would have been entitled had she not availed herself of the suspension or division for the number of weeks remaining under section 112, 121 or 122.

114. For the purposes of entitlement to maternity leave benefits, a senior staff member who is absent shall accumulate service if the absence is authorized, particularly for total disability, and includes a benefit or remuneration.

115. For the purposes of this chapter, basic weekly salary means the salary and the lump sums prescribed in sections 28 and 29.

116. The college may not offset any reduction in the benefits under the Québec Parental Insurance Plan attributable to the salary earned with another employer by paying an allowance to a senior staff member on maternity leave.

117. Notwithstanding section 116, the college shall pay the compensation if the senior staff member proves that the salary earned with another employer is a regular salary by means of a letter to that effect from the employer paying it. If the senior staff member proves that only part of the salary is regular, the compensation shall be limited to that part.

118. The employer paying the regular salary prescribed in section 117 must provide such a letter at the request of the senior staff member.

119. The total amounts received by the senior staff member during the maternity leave in benefits under the Québec Parental Insurance Plan, allowances and salary may not exceed 93% of the basic salary paid by the senior staff member's employer or, where applicable, employers.

120. A senior staff member may defer annual vacation if it falls within her maternity leave and if she notifies the college in writing of the date of such deferral no later than two weeks before the termination of the said maternity leave.

SUBDIVISION II.2

CASES NOT COVERED BY THE QUÉBEC PARENTAL INSURANCE PLAN BUT COVERED BY THE EMPLOYMENT INSURANCE PLAN

121. A senior staff member who has accumulated 20 weeks of service and who is eligible for benefits under the Employment Insurance Plan but is not eligible for benefits under the Québec Parental Insurance Plan is entitled to receive :

a) for each week of the waiting period prescribed by the Employment Insurance Plan, an allowance equal to 93% of the basic weekly salary ;

b) for each week that follows the period prescribed in paragraph *a*, an allowance equal to 93% of her basic weekly salary and the maternity or parental benefit paid under the Employment Insurance Plan that the senior staff member receives or could receive, after submitting an application for benefits, up to the end of the 20th week of maternity leave.

The allowance shall be based on the employment insurance benefits that a senior staff member is entitled to receive without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Employment Insurance Plan.

However, a senior staff member who works for more than one employer shall receive an allowance from each of her employers. In this case, the allowance is equal to the difference between 93% of the basic salary paid by the college and the percentage of the employment insurance benefits that represents the proportion of the basic weekly salary paid by it compared to the sum of the basic weekly salaries paid by all the employers. For that purpose, the senior staff member shall submit to each employer a statement of the weekly salary paid by each of them, together with the amount of benefits paid by Human Resources and Social Development.

Moreover, if Human Resources and Social Development reduces the number of weeks of employment insurance benefits to which the senior staff member would have been entitled if she had not received employment insurance benefits before her maternity leave, the senior staff member shall continue to receive the allowance prescribed in the first subparagraph of paragraph *b* for a period equal to the weeks subtracted by Human Resources and Social Development as though the senior staff member had received employment insurance benefits during that period.

Sections 116 to 119 apply to this subdivision with the necessary changes.

SUBDIVISION II.3

CASES NOT COVERED BY THE QUÉBEC PARENTAL INSURANCE PLAN AND THE EMPLOYMENT INSURANCE PLAN

122. A senior staff member excluded from receiving benefits under the Québec Parental Insurance Plan and the Employment Insurance Plan shall also be excluded from receiving any compensation prescribed in sections 112 and 121.

However, a full-time senior staff member who has accumulated 20 weeks of service is entitled to an allowance equal to 93% of the basic weekly salary for 12 weeks if she does not receive benefits under a parental rights plan established by another province or a territory.

123. In the cases prescribed in sections 112, 121 and 122:

a) No allowance may be paid during a vacation period during which a senior staff member is paid.

b) Unless the salary is paid on a weekly basis, the allowance shall be paid at two-week intervals, the first payment being due, in the case of a senior staff member eligible for benefits under the Québec Parental Insurance Plan, only 15 days after the college obtains proof that she is receiving benefits under that plan.

In the case of a senior staff member eligible for benefits under the Employment Insurance Plan, the allowance due for the first two weeks shall be paid by the college in the first two weeks of the leave. Unless the applicable salary is paid on a weekly basis, the allowance due after that date shall be paid at two-week intervals, the first payment being due only 15 days after the college obtains proof that she is receiving benefits under that plan.

For the purposes of paragraph *b*, a statement of benefits, a payment stub or information provided, by means of an official statement, by the Ministry of Employment and Social Solidarity or the HRSD shall be accepted as proof.

c) Service shall be calculated with all employers of the public and parapublic sectors (public service, education, health and social services), health and social service agencies, all agencies for which, by law, the employees' employment conditions or salary standards and scales are determined or approved by the government, the Office franco-québécois pour la jeunesse, the Société de gestion du réseau informatique des commissions scolaires

(GRICS) or any other agency listed in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

DIVISION III

PATERNITY LEAVE

124. A senior staff member is entitled to take paid leave for a maximum of five working days for the birth of his child. Where there is termination of pregnancy after the beginning of the 20th week preceding the expected date of delivery, the senior staff member is also entitled to a paternity leave. The paid leave may be discontinuous, but must be taken between the beginning of the delivery and the 15th day following the mother's or the child's return home.

One of the five days may be used for the baptism or registration of the child.

The senior staff member whose spouse gives birth is also entitled to the paternity leave if she is designated as one of the child's mothers.

125. A senior staff member is also entitled to take unpaid paternity leave for the birth of his child for no more than five weeks which, subject to sections 125.1 and 125.2, must be consecutive. The leave must terminate no later than the expiry of the 52nd week following the week of the child's birth.

The senior staff member whose spouse gives birth is also entitled to the leave if she is designated as one of the child's mothers.

125.1 If the child is hospitalized, the senior staff member may suspend his paternity leave, after agreement with the college, and return to work for the period during which the child is hospitalized.

125.2 At the senior staff member's request, the paternity leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases:

a) if the child is hospitalized: the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized;

b) if the senior staff member must be absent due to an accident or illness: the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without exceeding 15 weeks;

c) if the senior staff member is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1): the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without however exceeding six weeks.

During those suspensions, the senior staff member is considered on leave without pay and section 138 applies. The senior staff member shall not receive any allowance or benefit from the college.

125.3 A senior staff member who, before the expiry date of his paternity leave, sends his college a notice accompanied by a medical certificate attesting that the state of health of his child requires it, is entitled to extend his paternity leave for the duration indicated in the medical certificate.

During the extended leave, the senior staff member is considered on leave without pay and section 138 applies. The senior staff member shall not receive any allowance or benefit from the college.

DIVISION IV ADOPTION LEAVE AND LEAVE FOR ADOPTION PURPOSES

126. A senior staff member who legally adopts a child, other than his or her spouse's child, is entitled to a leave not exceeding 10 weeks which, subject to sections 126.1 and 126.2, must be consecutive.

The leave of the senior staff member eligible for benefits under the Québec Parental Insurance Plan shall be concurrent with the period during which benefits granted under the Act respecting parental insurance are paid and must begin no later than the week following the start of parental insurance benefit payments.

The leave of the senior staff member who is ineligible for benefits under the Québec Parental Insurance Plan must be taken after the order of placement of the child or the equivalent in the case of an international adoption in accordance with the adoption plan or at another time agreed with the college.

126.1 If the child is hospitalized, the senior staff member may suspend his or her adoption leave, after agreement with the college, and return to work for the period during which the child is hospitalized.

126.2 At the senior staff member's request, the adoption leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases :

a) if the child is hospitalized: the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized;

b) if the senior staff member must be absent due to an accident or illness: the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without exceeding 15 weeks;

c) if the senior staff member is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1): the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without however exceeding six weeks.

During those suspensions, the senior staff member is considered on leave without pay and section 138 applies. The senior staff member shall not receive any allowance or benefit from the college.

126.3 A senior staff member who, before the expiry date of his or her adoption leave, sends his or her college a notice accompanied by a medical certificate attesting that the state of health of the child requires it, is entitled to extend the adoption leave for the duration indicated in the medical certificate.

During the extended leave, the senior staff member is considered on leave without pay and section 138 applies. The senior staff member shall not receive any allowance or benefit from the college.

127. When the senior staff member resumes the adoption leave suspended or divided under section 126.1 or 126.2, the college shall pay him or her the allowance to which he or she would have been entitled had he or she not availed himself or herself of the suspension or division for the number of weeks remaining under section 126.

128. During the adoption leave prescribed in section 126, the senior staff member shall receive an allowance equal to the difference between his or her basic weekly salary and the benefit that he or she receives or would receive, after submitting an application for benefits, under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The second and third paragraphs of section 112 or 121, as the case may be, and sections 116 to 119 apply with the necessary changes.

129. The senior staff member who is ineligible for adoption benefits under the Québec Parental Insurance Plan or parental benefits under the Employment Insurance Plan and who adopts a child, other than his or her

spouse's child, shall receive an allowance equal to his or her basic weekly salary during the adoption leave prescribed in section 126.

130. A senior staff member who adopts his or her spouse's child is entitled to an adoption leave for a maximum duration of five working days, only the first two are paid.

The leave may be discontinuous, but it may not be taken later than 15 days following the child's arrival home.

131. Paragraphs *a* and *b* of section 123 apply to the senior staff member who receives the benefits prescribed in section 128 or 129 with the necessary changes.

132. A senior staff member shall benefit for the purposes of adopting a child from a leave without pay of a maximum duration of 10 weeks as of the date on which he or she actually takes custody of the child, unless it involves the spouse's child.

On a written request to the college if possible two weeks in advance, a senior staff member who travels outside of Québec to adopt a child, except for his or her spouse's child, shall obtain leave without pay for the required travel time.

However, the leave ends no later than the week following the start of benefit payments under the Québec Parental Insurance Plan or the Employment Insurance Plan and section 126 applies.

During the leave, the senior staff member is entitled to the benefits prescribed in section 138.

133. If no child is adopted following a leave for adoption purposes for which the senior staff member receives an allowance paid under section 128 or 129, the senior staff member is deemed to have been on a leave without pay and shall repay the allowance or salary received at a rate of 30% of the salary payable per pay period until the amount owed is repaid, unless the parties agree otherwise.

DIVISION V **LEAVE WITHOUT PAY**

134. A senior staff member wishing to extend her maternity leave, a senior staff member wishing to extend the paternity leave prescribed in section 124 and a senior staff member wishing to extend the adoption leave prescribed in section 126 is entitled to:

a) a leave without pay for a period not exceeding two years, immediately following the maternity leave, paternity leave or adoption leave;

or

b) a leave without pay of no more than 52 continuous weeks beginning at the time decided by the senior staff member and ending at the latest 70 weeks after the birth or, in the case of an adoption, 70 weeks after the child is placed with the senior staff member.

A senior staff member who does not take a leave without pay or partial leave without pay may, for the part of the leave that his or her spouse does not use, elect to benefit from the leave without pay or partial leave without pay.

135. A senior staff member who wishes to terminate his or her leave without pay before the scheduled date must give written notice to this effect at least 21 days before he or she intends to return to work. In the case of a leave without pay exceeding 52 weeks, the notice is at least 30 days.

136. A leave without pay or partial leave without pay for a maximum period of one year shall be granted to a senior staff member whose minor child experiences socioemotional problems or whose child is handicapped or suffers from a chronic illness requiring his or her care.

137. A senior staff member may be absent from work for a maximum of six days per year to take care of his or her minor child or his or her spouse's minor child, in cases where his or her presence is expressly required, to fulfil obligations relating to the health, safety or education of the child. The days thus used shall be deducted from the senior staff member's bank of sick-leave days and, failing that, shall be without pay.

138. During the leave without pay, the senior staff member shall accumulate experience for the purposes of determining his or her salary, up to the first 52 weeks of his or her leave and continuous service shall not be interrupted. He or she shall continue to participate in the applicable basic health insurance plan by paying his or her share of the premiums for the first 52 weeks of the leave and the total amount of the premiums for the weeks that follow. Moreover, he or she may continue to participate in the applicable complementary insurance plans by making a request at the beginning of the leave and by paying all the premiums.

139. When a senior staff member returns from a leave without pay, he or she shall be reinstated in the position that he or she would have had had he or she been at work, subject to the provisions of Chapter XIV, if need be.

DIVISION VI OTHER SPECIAL LEAVES AND PREVENTIVE REASSIGNMENT

140. A senior staff member is entitled to special leave in the following cases :

(1) where a complication in the pregnancy or a risk of miscarriage requires a work stoppage for a period prescribed by a medical certificate. The special leave may not be extended beyond the beginning of the 4th week before the expected date of delivery ;

(2) upon presentation of a medical certificate prescribing the duration, when a spontaneous or induced miscarriage occurs before the beginning of the 20th week preceding the expected date of delivery ;

(3) for medical examinations related to the pregnancy carried out by a health professional and attested to by a medical certificate or a written report signed by a mid-wife.

141. As regards the examinations mentioned in paragraph 3 of section 140, the special leave shall be remunerated for a maximum duration of four days which may be taken in half-days.

142. During the special leaves granted under this division, a senior staff member may avail herself of the benefits prescribed in sections 144 and 145.

A senior staff member covered by section 140 may also opt for salary insurance benefits. However, in the case of paragraph 3 of section 140, the senior staff member must first have used up the four days prescribed in section 141.

143. A senior staff member shall benefit from preventive reassignment under the Act respecting occupational health and safety (R.S.Q., c. S-2.1) insofar as she is normally entitled to it.

DIVISION VII OTHER PROVISIONS

144. During the maternity leave and extensions prescribed in section 109, the paternity leave prescribed in section 124 and the adoption leave prescribed in section 126 or 130, a senior staff member shall have, if he or she is normally entitled thereto, the following benefits :

(1) insurance plans excluding salary insurance benefits. However, in the case of a maternity leave, the senior staff member shall be exempted from the payment of premiums to her insurance plans as prescribed in the provisions of the master policy ;

(2) accumulation of vacation ;

(3) accumulation of experience and continuous service for employment stability purposes.

145. When a senior staff member returns from a maternity leave and extensions prescribed in section 109, a paternity leave or an adoption leave, he or she shall be reinstated in the position he or she would have had had he or she been at work, subject to the provisions of Chapter XIV, if need be.

146. A college and a senior staff member shall agree, before the leave begins, on the terms and conditions of a maternity leave, a paternity leave, an adoption leave, a leave without pay or a partial leave without pay.

146.1 The working conditions related to parental rights in force on 31 December 2005 shall continue to apply after 1 January 2006 to the senior staff member who, on 31 December 2005, receives benefits under the federal Employment Insurance Plan.”.

4. The first paragraph of section 246 of the Regulation is replaced by the following paragraph :

“The expenses and fees of the chairman shall be borne by the party that loses, withdraws or requests a postponement.

However :

in the case of a dispute relating to a dismissal, the expenses and fees of the chairman shall be borne by the Minister ;

in the case of a split decision, the chairman shall decide on the proportion in which the expenses and fees shall be shared ;

in the case of a settlement before the hearing or a joint request for postponement, the expenses and fees of the chairman shall be assumed equally by the parties.”.

5. The first paragraph of section 259 of the Regulation is replaced by the following paragraph :

“The expenses and fees of the chairman shall be borne by the party that loses, withdraws or requests a postponement.

However:

in the case of a dispute relating to a dismissal, the expenses and fees of the chairman shall be borne by the Minister;

in the case of a split decision, the chairman shall decide on the proportion in which the expenses shall be shared;

in the case of a settlement before the hearing or a joint request for postponement, the expenses and fees of the chairman shall be assumed equally by the parties.”.

6. The third paragraph of section 262 of the Regulation is amended by replacing the text after “that person” by the following text:

“if he is appointed from the list mentioned in section 233, shall be paid in the following manner:

The expenses and fees of the chairman shall be borne by the party that loses, withdraws or requests a postponement.

“Salary scales as of 1 April 2006

Classes	Rates 2006 04 01 to 2007 03 31 \$		Rates 2007 04 01 to 2008 03 31 \$		Rates 2008 04 01 to 2009 03 31 \$		Rates as of 2009 04 01 \$	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
10	75 604	100 806	77 116	102 822	78 658	104 878	80 231	106 976
9	71 422	95 229	72 850	97 134	74 307	99 077	75 793	101 059
8	67 471	89 961	68 820	91 760	70 196	93 595	71 600	95 467
7	62 837	83 783	64 094	85 459	65 376	87 168	66 684	88 911
6	58 523	78 030	59 693	79 591	60 887	81 183	62 105	82 807
4	50 761	67 681	51 776	69 035	52 812	70 416	53 868	71 824
3	45 300	60 400	46 206	61 608	47 130	62 840	48 073	64 097
2	40 428	53 903	41 237	54 981	42 062	56 081	42 903	57 203
1	36 078	48 104	36 800	49 066	37 536	50 047	38 287	51 048

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

However:

in the case of a dispute relating to a dismissal, the expenses and fees of the chairman shall be borne by the Minister;

in the case of a split decision, the chairman shall decide on the proportion in which the expenses shall be shared;

in the case of a settlement before the hearing or a joint request for postponement, the expenses and fees of the chairman shall be assumed equally by the parties.”.

7. Schedule II of the Regulation is amended

(1) by adding the title “**Salary scales from 1 July 2005 to 31 March 2006**” to the table;

(2) by striking out the following line in the table:

“

5	53 435	71 246
---	--------	--------

”.

(2) by inserting the following table:

Gouvernement du Québec

T.B. 203753, 23 May 2006

Education Act
(R.S.Q., c. I-13.3)

**School boards and Comité de gestion
de la taxe scolaire de l'île de Montréal
— Certain conditions of employment
of senior executives
— Amendments**

Regulation to amend the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal

WHEREAS under section 451 of the Education Act (R.S.Q., c. I-13.3), the Minister of Education, Recreation and Sports may, by regulation and with the authorization of the Conseil du trésor, establish for all or certain school boards and for the Comité de gestion de la taxe scolaire de l'île de Montréal, a classification of positions, the maximum number of positions in each job category, working conditions, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal was approved by the Conseil du trésor, C.T. 201768 dated 30 November 2004 and amended by C.T. 202576 dated 21 June 2005, C.T. 202857 dated 11 October 2005, C.T. 203161 and C.T. 203163 dated 13 December 2005;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to this regulation;

WHEREAS the Minister of Education, Recreation and Sports is of the opinion that it is expedient to amend the Regulation;

WHEREAS the Minister of Education, Recreation and Sports made, on May 18 2006, the Regulation to amend the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal;

THE CONSEIL DU TRÉSOR DECIDES :

1. To approve the Regulation to amend the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal attached hereto;

2. To ask for the publication of the Regulation in the *Gazette officielle du Québec*.

ROBERT CAVANAGH,
Deputy Clerk of the Conseil du trésor

**Regulation to amend the Regulation
respecting certain conditions of
employment of senior executives of
school boards and of the Comité de
gestion de la taxe scolaire de l'île de
Montréal ¹**

Education Act
(R.S.Q., c. I-13.3, s. 451)

1. Section 18 of the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal is amended by replacing the table in the first paragraph by the following table :

¹ The latest amendments to the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de Montréal approved by the Conseil du trésor, C.T. 201768 dated 30 November 2004 (2004, *G.O.* 2, 5323) were approved by C.T. 203163 dated 13 December 2005 (2006, *G.O.* 2, 356). For previous amendments, see *Table of Amendments and Summary Index*, Publications du Québec, 2005, updated to 1 September 2005.

“

Classes	Rates 2006 04 01 to 2007 03 31 \$		Rates 2007 04 01 to 2008 03 31 \$		Rates 2008 04 01 to 2009 03 31 \$		Rates as of 2009 04 01 \$	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
17	112 604	150 139	114 856	153 142	117 153	156 205	119 496	159 329
16	106 375	141 833	108 503	144 670	110 673	147 563	112 886	150 514
15	100 489	133 986	102 499	136 666	104 549	139 399	106 640	142 187
14	94 930	126 574	96 829	129 105	98 766	131 687	100 741	134 321
13	89 678	119 572	91 472	121 963	93 301	124 402	95 167	126 890
12	84 718	112 957	86 412	115 216	88 140	117 520	89 903	119 870
11	80 031	106 708	81 632	108 842	83 265	111 019	84 930	113 239
10	75 604	100 806	77 116	102 822	78 658	104 878	80 231	106 976
9	71 422	95 229	72 850	97 134	74 307	99 077	75 793	101 059
8	67 471	89 961	68 820	91 760	70 196	93 595	71 600	95 467
7	62 837	83 783	64 094	85 459	65 376	87 168	66 684	88 911
6	58 523	78 030	59 693	79 591	60 887	81 183	62 105	82 807
5	54 504	72 671	55 594	74 124	56 706	75 606	57 840	77 118
4	50 761	67 681	51 776	69 035	52 812	70 416	53 868	71 824
3	45 300	60 400	46 206	61 608	47 130	62 840	48 073	64 097
2	40 428	53 903	41 237	54 981	42 062	56 081	42 903	57 203
1	36 078	48 104	36 800	49 066	37 536	50 047	38 287	51 048

”.

2. Section 33 of the Regulation is replaced by the following section:

“**33.** The salary scales and salary applicable to senior executives are increased by 2% on 1 April of each of the years 2006, 2007, 2008 and 2009. The salary scales of senior executives are found in Schedule 3.”.

3. Section 112 of the Regulation is amended by replacing the second paragraph by the following paragraph:

“The school board shall terminate the employment of a senior executive at the expiry of the definite period for which he was hired only if the contract expressly stipulates it.”.

4. Section 139 of the Regulation is replaced by the following:

“**139.** The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that submitted the complaint if the complaint is rejected and by the party to whom the complaint was submitted, if

the complaint is accepted. If the complaint is accepted in part, the Appeals Committee shall determine the proportion in which the fees and expenses shall be paid by each party.

The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that initiated a request for the postponement of a hearing. In the case of a joint request, the fees and expenses shall be shared equally by the parties.

The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that submitted the complaint and that subsequently withdraws it.

If a settlement is reached, the fees and expenses of the chairman of the Appeals Committee shall be shared equally by the parties.

If the complaint deals with the dismissal of a senior executive, the fees and expenses of the chairman of the Appeals Committee shall be borne by the Minister.”.

5. The Regulation is amended by inserting the following section:

“**139.1** The fees and expenses of the chairman of the Appeals Committee shall be borne according to the regulatory provisions that applied to a complaint received by the Records office of the Comités de recours et d’appel before the coming into force of section 139”.

6. Schedule 3 of the Regulation is amended

(1) by adding the title “**Salary scales from 2 July 2005 to 31 March 2006**” to the table;

(2) by inserting the following table:

“**Salary scales as of 1 April 2006**

Classes	Rates 2006 04 01 to 2007 03 31 \$		Rates 2007 04 01 to 2008 03 31 \$		Rates 2008 04 01 to 2009 03 31 \$		Rates as of 2009 04 01 \$	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
17	112 604	150 139	114 856	153 142	117 153	156 205	119 496	159 329
16	106 375	141 833	108 503	144 670	110 673	147 563	112 886	150 514
15	100 489	133 986	102 499	136 666	104 549	139 399	106 640	142 187
14	94 930	126 574	96 829	129 105	98 766	131 687	100 741	134 321
13	89 678	119 572	91 472	121 963	93 301	124 402	95 167	126 890
12	84 718	112 957	86 412	115 216	88 140	117 520	89 903	119 870
11	80 031	106 708	81 632	108 842	83 265	111 019	84 930	113 239
10	75 604	100 806	77 116	102 822	78 658	104 878	80 231	106 976
9	71 422	95 229	72 850	97 134	74 307	99 077	75 793	101 059
8	67 471	89 961	68 820	91 760	70 196	93 595	71 600	95 467
7	62 837	83 783	64 094	85 459	65 376	87 168	66 684	88 911

”.

7. Schedule 5 of the Regulation is replaced by the following schedule:

**“SCHEDULE 5
PARENTAL RIGHTS**

1. Unless expressly stated otherwise, the provisions of this schedule may not have the effect of granting monetary or nonmonetary benefits that a senior executive would not have received had the senior executive remained at work.

For the purposes of this schedule, a “spouse” means either of two persons who:

(1) are married or in a civil union and cohabiting;

(2) are of opposite sex or the same sex and have been living together in a conjugal relationship and are the father and mother of the same child;

(3) are of opposite sex or the same sex and have been living together in a conjugal relationship for at least one year.

However, persons shall cease to be considered as spouses upon the dissolution of their marriage through divorce or annulment or, if they are married or living in a conjugal relationship, upon a de facto separation for a period exceeding three months.

2. Compensation for maternity leave or adoption leave shall be paid only as a supplement to parental insurance benefits or employment insurance benefits, as the case may be, or in the cases mentioned below, as payments during a period of absence for which the Québec Parental Insurance Plan and the Employment Insurance Plan provide no benefit.

However, maternity leave or adoption leave benefits shall be paid only during the weeks during which the senior executive receives or would receive, after submitting an application for benefits, benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan.

In the case where the senior executive shares the adoption or parental benefits prescribed by the Québec Parental Insurance Plan or the Employment Insurance Plan with his or her spouse, compensation shall be paid only if the senior executive actually receives a benefit under one of the plans during the maternity leave prescribed in section 6² or the adoption leave prescribed in section 30.

3. Where both parents are women, the allowances and benefits granted to the father shall be granted to the mother who did not give birth.

4. The school board shall not reimburse a senior executive for an amount that could be claimed from the senior executive by the Minister of Employment and Social Solidarity under the Act respecting parental insurance.

Moreover, the school board shall not reimburse a senior executive for an amount that could be claimed from the senior executive by Human Resources and Social Development (HRSD) under the Employment Insurance Act, where the senior executive's income exceeds one and a quarter (1¹/₄) times the maximum insurable earnings.

5. The salary, deferred salary and severance pay shall not be increased or decreased by the amounts received under the Québec Parental Insurance Plan or the supplementary employment insurance benefits plan.

DIVISION 1 MATERNITY LEAVE

6. A pregnant senior executive covered by section 16 is entitled to 21 weeks of maternity leave which, subject to sections 11 and 12 of this schedule, must be consecutive.

The pregnant senior executive covered by section 22 or 23 is entitled to 20 weeks of maternity leave which, subject to sections 11 and 12, must be consecutive.

The senior executive who is eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan, but who has not completed the 20 weeks of service prescribed in sections 16 and 22 is also entitled to a leave of 21 or 20 weeks, as the case may be.

The senior executive covered by section 23 is entitled to a leave of 20 weeks if she has not completed the 20 weeks of service prescribed in that section.

Maternity leave may be for a shorter duration than the durations mentioned in the preceding paragraphs. A senior executive who returns to work, within two weeks following the birth, must produce, at the school board's request, a medical certificate attesting that she has sufficiently recovered to return to work.

7. A senior executive who becomes pregnant while on leave without pay or partial leave without pay prescribed in this schedule is also entitled to maternity leave and to the benefits prescribed in sections 16, 22 and 23.

8. Where there is termination of pregnancy after the beginning of the 20th week preceding the expected date of delivery, a senior executive is also entitled to maternity leave.

9. Where the spouse of a senior executive dies, the remainder of the maternity leave and the rights and benefits attached thereto shall be transferred to the senior executive.

10. The distribution of maternity leave before and after delivery shall be decided by the senior executive. However, the leave of the senior executive eligible for benefits under the Québec Parental Insurance Plan shall be concurrent with the period during which benefits are paid under the Act respecting parental insurance and must begin no later than the week following the start of benefit payments under the Québec Parental Insurance Plan.

11. A senior executive may suspend her maternity leave and return to work if she has sufficiently recovered from delivery and the child is unable to leave the health institution. It shall be completed when the child is brought home.

² In this schedule, any reference to a section is a reference to a section of this schedule, unless otherwise provided.

Moreover, when a senior executive has sufficiently recovered from delivery but the child is hospitalized after leaving the health institution, the senior executive may suspend her maternity leave, after agreement with the school board, and return to work for the period during which the child is hospitalized.

12. At the senior executive's request, a maternity leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases:

a) if the child is hospitalized: the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized;

b) if the senior executive must be absent due to an accident or illness not related to pregnancy: the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without exceeding 15 weeks;

c) if the senior executive is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1): the number of weeks during which the maternity leave is suspended corresponds to the number of complete weeks during which the situation persists, without however exceeding six weeks.

During such suspensions, the senior executive is considered on leave without pay and shall not receive any allowance or benefit from the school board. The senior executive shall receive the benefits prescribed in section 43 during the suspension.

13. If the birth occurs after the expected date, the senior executive is entitled to extend the maternity leave for the length of time the birth is overdue, unless she already has at least two weeks of maternity leave remaining after the birth.

Furthermore, a maternity leave may be extended if the state of health of the child or of the senior executive requires it. The duration of extended maternity leave shall be specified in the medical certificate that the senior executive must provide.

During the extensions, the senior executive is considered on leave without pay and shall not receive any allowance or benefit from the school board. During such extensions, the senior executive shall be covered by section 51 during the first six weeks and subsequently by section 43.

14. During the fourth week preceding the expiry date of a maternity leave, the school board shall send the senior executive a notice indicating the date on which the leave expires.

A senior executive to whom the school board has sent the notice described above must report for work on the date on which her maternity leave expires, unless the leave has been extended in the manner prescribed in Division 4.

A senior executive who does not comply with the preceding paragraph is deemed on leave without pay for a period not exceeding four weeks. At the end of that period, the senior executive who has not reported for work is presumed to have resigned.

15. To obtain maternity leave, a senior executive must give notice to the school board not less than three weeks before the date of departure. The notice must be accompanied by a medical certificate or a written report signed by a midwife attesting to the pregnancy and the expected date of delivery.

Less than three weeks' notice may be given if a medical certificate attests that the senior executive must stop working earlier than expected. In case of unforeseen events, the senior executive shall not be required to give notice, subject to submitting a medical certificate to the school board stating it is necessary to stop working immediately.

§1. Cases covered by the Québec Parental Insurance Plan

16. A senior executive who has accumulated 20 weeks of service and who, under the Québec Parental Insurance Plan, receives benefits is also entitled to receive for 21 weeks of the maternity leave, an allowance equal to the difference between 93% of the senior executive's basic weekly salary and the rate of maternity or parental benefits that she receives or would receive under the Québec Parental Insurance Plan, after submitting an application for benefits.

The allowance shall be based on the benefits of the Québec Parental Insurance Plan that a senior executive is entitled to receive, without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Act respecting parental insurance.

However, a senior executive who works for more than one employer shall receive an allowance equal to the difference between 93% of the basic salary paid by the

school board and the percentage of benefits paid under the Québec Parental Insurance Plan that represents the proportion of the basic weekly salary paid by it compared to the sum of the basic weekly salaries paid by all the employers. For that purpose, the senior executive shall submit to each employer a statement of the weekly salary paid by each of them, together with the amount of benefits paid under the Act respecting parental insurance.

17. When the senior executive resumes the maternity leave suspended or divided under section 11 or 12, the school board shall pay the senior executive the allowance to which she would have been entitled had she not availed herself of the suspension or division for the number of weeks remaining under section 16, 22 or 23.

18. For the purposes of entitlement to maternity leave benefits, a senior executive who is absent shall accumulate service if the absence is authorized, particularly for total disability, and includes a benefit or remuneration.

19. For the purposes of this schedule, basic weekly salary means the regular salary of the senior executive, including the lump sums resulting from the salary readjustment procedure.

20. The school board may not offset any reduction in the benefits under the Québec Parental Insurance Plan attributable to the salary earned with another employer by paying an allowance to a senior executive on maternity leave.

Notwithstanding the provisions of the preceding paragraph, the school board shall pay the compensation if the senior executive proves that the salary earned with another employer is a regular salary by means of a letter to that effect from the employer paying it. If the senior executive proves that only part of the salary is regular, the compensation shall be limited to that part.

The employer paying the regular salary mentioned in the preceding paragraph must provide such a letter at the request of the senior executive.

The total amounts received by the senior executive during the maternity leave in benefits under the Québec Parental Insurance Plan, allowances and salary may not exceed 93% of the basic salary paid by the senior executive's employer or, where applicable, employers.

21. A senior executive may defer annual vacation if it falls within her maternity leave and if she notifies the school board in writing of the date of such deferral no later than two weeks before the termination of the said maternity leave.

§2. Cases not covered by the Québec Parental Insurance Plan but covered by the Employment Insurance Plan

22. A senior executive who has accumulated 20 weeks of service and who is eligible for benefits under the Employment Insurance Plan but is not eligible for benefits under the Québec Parental Insurance Plan is entitled to receive:

a) for each week of the waiting period prescribed by the Employment Insurance Plan, an allowance equal to 93% of the basic weekly salary;

b) for each week that follows the period prescribed in paragraph a, an allowance equal to the difference between 93% of her basic weekly salary and the maternity or parental benefit paid under the Employment Insurance Plan that the senior executive receives or could receive, after submitting an application for benefits, up to the end of the 20th week of maternity leave.

The allowance shall be based on the employment insurance benefits that a senior executive is entitled to receive without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Employment Insurance Plan.

However, a senior executive who works for more than one employer shall receive an allowance from each of her employers. In this case, the allowance is equal to the difference between 93% of the basic salary paid by the school board and the percentage of the employment insurance benefits that represents the proportion of the basic weekly salary paid by it compared to the sum of the basic weekly salaries paid by all the employers. For that purpose, the senior executive shall submit to each employer a statement of the weekly salary paid by each of them, together with the amount of benefits paid by Human Resources and Social Development.

Moreover, if Human Resources and Social Development reduces the number of weeks of employment insurance benefits to which the senior executive would have been entitled if she had not received employment insurance benefits before her maternity leave, the senior executive shall continue to receive the allowance prescribed in the first subparagraph of paragraph b for a period equal to the weeks subtracted by Human Resources and Social Development as though the senior executive had received employment insurance benefits during that period.

Section 20 of this division applies with the necessary changes.

§3. Cases not covered by the Québec Parental Insurance Plan and the Employment Insurance Plan

23. A senior executive excluded from receiving benefits under the Québec Parental Insurance Plan and the Employment Insurance Plan shall also be excluded from receiving any compensation prescribed in sections 16 and 22.

However, a full-time senior executive who has accumulated 20 weeks of service is entitled to an allowance equal to 93% of her basic weekly salary for 12 weeks if she does not receive benefits under a parental rights plan established by another province or a territory.

24. In the cases prescribed in sections 16, 22 and 23:

a) No allowance may be paid during a vacation period during which a senior executive is paid.

b) Unless the salary is paid on a weekly basis, the allowance shall be paid at two-week intervals, the first payment being due, in the case of a senior executive eligible for benefits under the Québec Parental Insurance Plan, only 15 days after the school board obtains proof that she is receiving benefits under that plan.

In the case of a senior executive eligible for benefits under the Employment Insurance Plan, the allowance due for the first two weeks shall be paid by the school board in the first two weeks of the leave. Unless, the applicable salary is paid on a weekly basis, the allowance due after that date shall be paid at two-week intervals, the first payment being due only 15 days after the school board obtains proof that she is receiving benefits under that plan.

For the purposes of applying paragraph *b*, a statement of benefits, a payment stub or information provided, by means of an official statement, by the Ministry of Employment and Social Solidarity or the HRSO shall be accepted as proof.

c) Service shall be calculated with all employers of the public and parapublic sectors (public service, education, health and social services), health and social service agencies, all agencies for which, by law, the employees' employment conditions or salary standards and scales are determined or approved by the government, the Office franco-québécois pour la jeunesse, the Société de gestion du réseau informatique des commissions scolaires (GRICS) or any other agency listed in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

Moreover, the requirement of 20 weeks of service under sections 16, 22 and 23 is deemed to have been met if the senior executive has satisfied that requirement with any employer mentioned in the preceding paragraph.

d) The basic weekly salary of the senior executive on a reduced schedule is the average basic weekly salary of the last 20 weeks before her maternity leave.

If, during that period, the senior executive received benefits based on a percentage of her regular salary, it shall be understood that, for the purposes of calculating her basic salary during her maternity leave, the basic salary referred to is that on the basis of which such benefits are determined.

Any period during which the senior executive on preventive reassignment under section 50 does not receive any benefit under the CSST shall not be taken into account in the calculation of her average basic weekly salary.

Where the last 20 weeks before the maternity leave of the part-time senior executive includes the date on which the salary rates and scales are increased, the basic weekly salary shall be based on the salary rates in effect on that date. If, however, the maternity leave includes that date, the basic weekly salary changes on that date according to the adjustment formula of the applicable salary scale.

**DIVISION 2
PATERNITY LEAVE**

25. A senior executive is entitled to take paid leave for a maximum of five working days for the birth of his child. Where there is termination of pregnancy after the beginning of the 20th week preceding the expected date of delivery, the senior executive is also entitled to a paternity leave. The paid leave may be discontinuous, but must be taken between the beginning of the delivery and the 15th day following the mother's or the child's return home.

One of the five days may be used for the baptism or registration of the child.

The senior executive whose spouse gives birth is also entitled to the paternity leave if she is designated as one of the child's mothers.

26. A senior executive is also entitled to take unpaid paternity leave for the birth of his child for no more than five weeks which, subject to sections 27 and 28, must be consecutive. The leave must terminate no later than the expiry of the 52nd week following the week of the child's birth.

The senior executive whose spouse gives birth is also entitled to the leave if she is designated as one of the child's mothers.

27. If the child is hospitalized, the senior executive may suspend the paternity leave, after agreement with the school board, and return to work for the period during which the child is hospitalized.

28. At the senior executive's request, the paternity leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases :

a) if the child is hospitalized: the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized;

b) if the senior executive must be absent due to an accident or illness: the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without exceeding 15 weeks;

c) if the senior executive is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1): the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without however exceeding six weeks.

During such suspensions, the senior executive is considered on leave without pay and shall not receive any allowance or benefit from the school board. The senior executive is entitled to the benefits prescribed in section 43 for the duration of the suspension.

29. A senior executive who, before the expiry date of his paternity leave, sends his school board a notice accompanied by a medical certificate attesting that the state of health of the child requires it, is entitled to extend his paternity leave for the duration indicated in the medical certificate.

During the extended leave, the senior executive is considered on leave without pay and section 43 applies. The school board shall not pay any allowance or benefit to the senior executive.

DIVISION 3 ADOPTION LEAVE AND LEAVE FOR ADOPTION PURPOSES

30. A senior executive who legally adopts a child, other than his or her spouse's child, is entitled to an adoption leave not exceeding 10 which, subject to sections 31 and 32, must be consecutive.

The leave of the senior executive eligible for benefits under the Québec Parental Insurance Plan shall be concurrent with the period during which benefits granted under the Act respecting parental insurance are paid and must begin no later than the week following the start of parental insurance benefit payments.

The leave of the senior executive who is ineligible for benefits under the Québec Parental Insurance Plan must be taken after the order of placement of the child or the equivalent in the case of an international adoption in accordance with the adoption plan or at another time agreed with the school board.

31. If the child is hospitalized, the senior executive may suspend his or her adoption leave, after agreement with the school board, and return to work for the period during which the child is hospitalized.

32. At the senior executive's request, the adoption leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases :

a) if the child is hospitalized: the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized;

b) if the senior executive must be absent due to an accident or illness: the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without exceeding 15 weeks;

c) if the senior executive is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1): the number of weeks during which the leave is suspended corresponds to the number of complete weeks during the situation persists, without however exceeding six weeks.

During such suspensions, the senior executive is considered on leave without pay and shall not receive any allowance or benefit from the school board. The senior executive is entitled to the benefits prescribed in section 43 for the duration of the suspension.

33. When the senior executive resumes the adoption leave suspended or divided under section 31 or 32, the school board shall pay him or her the allowance to which he or she would have been entitled had he or she not availed himself or herself of the suspension or division for the number of weeks remaining under section 30.

34. A senior executive who, before the expiry date of his or her adoption leave, sends his school board a notice accompanied by a medical certificate attesting that the state of health of the child requires it, is entitled to extend the adoption leave for the duration indicated in the medical certificate.

During the extended leave, the senior executive is considered on leave without pay and section 43 applies. The school board shall not pay any allowance or benefit to the senior executive.

35. During the adoption leave prescribed in section 30, the senior executive shall receive an allowance equal to the difference between his or her basic weekly salary and the benefit that he or she receives or would receive, after submitting an application for benefits, under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The second and third paragraphs of section 16 or 22, as the case may be, and section 20 apply with the necessary changes.

36. The senior executive who is ineligible for adoption benefits under the Québec Parental Insurance Plan or parental benefits under the Employment Insurance Plan and who adopts a child, other than his or her spouse's child, shall receive an allowance equal to his or her basic weekly salary during the adoption leave prescribed in section 30.

37. A senior executive who adopts his or her spouse's child is entitled to an adoption leave for a maximum duration of five working days, only the first two are paid.

The leave may be discontinuous, but it may not be taken later than 15 days following the child's arrival home.

38. Paragraphs *a*, *b* and *d* of section 24 apply to the senior executive who receives the benefits prescribed in section 35 or 36 with the necessary changes.

39. A senior executive shall benefit for the purposes of adopting a child from a leave without pay for a maximum duration of 10 weeks as of the date on which he or she actually takes custody of the child, unless it involves the spouse's child.

On a written request to the school board if possible two weeks in advance, a senior executive who travels outside of Québec to adopt a child, except for his or her spouse's child, shall obtain a leave without pay for the required travel time.

However, the leave ends no later than the week following the start of benefit payments under the Québec Parental Insurance Plan or the Employment Insurance Plan and section 30 applies.

During the leave, the senior executive is entitled to the benefits prescribed in section 43.

40. If no child is adopted following a leave for adoption purposes for which the senior executive receives an allowance paid under section 35 or 36, the senior executive is deemed to have been on a leave without pay and shall repay the allowance or salary received at a rate of 30% of the salary payable per pay period until the amount owed is repaid, unless the parties agree otherwise.

DIVISION 4 **LEAVE WITHOUT PAY**

41. A senior executive wishing to extend her maternity leave, a senior executive wishing to extend the paternity leave prescribed in section 25 and a senior executive wishing to extend the adoption leave prescribed in section 30 is entitled to:

a) a leave without pay for a period not exceeding two years, immediately following the maternity leave, paternity leave or adoption leave;

or

b) a leave without pay of no more than 52 continuous weeks beginning at the time decided by the senior executive and ending at the latest 70 weeks after the birth or, in the case of an adoption, 70 weeks after the child is placed with the senior executive.

A senior executive who does not take a leave without pay or partial leave without pay may, for the part of the leave that his or her spouse does not use, elect to benefit from the leave without pay or partial leave without pay.

42. A senior executive who wishes to terminate his or her leave without pay before the scheduled date must give written notice to this effect at least 21 days before he or she intends to return to work. In the case of a leave without pay exceeding 52 weeks, the notice is at least 30 days.

43. During the leave without pay, the senior executive shall accumulate experience for the purposes of determining his or her salary, up to the first 52 weeks of his or her leave and continuous service shall not be interrupted. He or she shall continue to participate in the applicable basic health insurance plan by paying his or her share of the premiums for the first 52 weeks of the

leave and the total amount of the premiums for the weeks that follow. Moreover, he or she may continue to participate in the applicable complementary insurance plans by making a request at the beginning of the leave and by paying all the premiums.

44. When a senior executive returns from a leave without pay, he or she shall be reinstated in the position he or she would have had had he or she been at work.

45. A leave without pay or partial leave without pay for a maximum period of one year shall be granted to a senior executive whose minor child experiences socioemotional problems or whose child is handicapped or suffers from a chronic illness requiring his or her care.

46. A senior executive may be absent from work for a maximum of six days per year to take care of his or her minor child or his or her spouse's minor child, in cases where his or her presence is expressly required, to fulfil obligations relating to the health, safety or education of the child. The days thus used shall be deducted from the senior executive's bank of sick-leave days and, failing that, the days of absence shall be without pay.

DIVISION 5 **OTHER SPECIAL LEAVES AND PREVENTIVE** **REASSIGNMENT**

47. A senior executive is entitled to special leave in the following cases:

(1) when a complication in the pregnancy or a risk of miscarriage requires a work stoppage for a period prescribed by a medical certificate. The special leave may not be extended beyond the beginning of the 4th week before the expected date of delivery;

(2) upon presentation of a medical certificate prescribing the duration, when a spontaneous or induced miscarriage occurs before the beginning of the 20th week preceding the expected date of delivery;

(3) for medical examinations related to the pregnancy carried out by a health professional and attested to by a medical certificate or a written report signed by a mid-wife.

48. As regards the examinations mentioned in paragraph 3 of section 47, the special leave shall be remunerated for a maximum duration of four days which may be taken in half-days.

49. During the special leaves granted under this division, a senior executive may avail herself of the benefits prescribed in sections 51 and 54.

A senior executive covered by section 47 may also opt for salary insurance benefits. However, in the case of paragraph 3 of section 47, the senior executive must first have used up the four days prescribed in section 48.

50. A senior executive shall benefit from preventive reassignment under the Act respecting occupational health and safety (R.S.Q., c. S-2.1) insofar as she is normally entitled to it.

DIVISION 6 **OTHER PROVISIONS**

51. During the maternity leave and extensions prescribed in section 13, the paternity leave prescribed in section 25 and the adoption leave prescribed in section 30 or 37, a senior executive shall have, if he or she is normally entitled thereto, the following benefits:

(1) insurance plans excluding salary insurance benefits. However, in the case of a maternity leave, the school board shall pay all the premiums of the compulsory basic plans and the senior executive shall be exempted from the payment of premiums to her insurance plans as prescribed in the provisions of the master policy;

(2) accumulation of vacation;

(3) accumulation of experience and continuous service for employment stability purposes.

52. During a maternity leave and extensions prescribed in section 13 and during an adoption leave, a senior executive shall receive a premium for regional disparities, provided that he or she is normally entitled to it.

53. A school board and a senior executive shall agree, before the leave begins, on the terms and conditions of a maternity leave, a paternity leave, an adoption leave, a leave without pay or a partial leave without pay.

54. When a senior executive returns to work from a maternity leave and extensions prescribed in section 13, a paternity leave or an adoption leave, he or she shall be reinstated in the position he or she would have had had he or she remained at work.

55. The working conditions related to parental rights in force on 31 December 2005 shall continue to apply, after 1 January 2006, to the senior executive who, on 31 December 2005, receives benefits under the federal Employment Insurance Plan.”.

8. This regulation comes into force on 23 May 2006.

Gouvernement du Québec

T.B. 203754, 23 May 2006

General and Vocational Colleges Act
(R.S.Q., c. C-29)

**General and vocational colleges
— Certain conditions of employment of senior
executives
— Amendments**

Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges

WHEREAS under section 18.1 of the General and Vocational Colleges Act (R.S.Q., c. C-29), the Minister of Education, Recreation and Sports may, with the authorization of the Conseil du trésor, determine, by regulation, conditions of employment for, the classification and maximum number per class of the positions held by, and the remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges was approved by the Conseil du trésor, C.T. 202573 dated 21 June 2005;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to this regulation;

WHEREAS the Minister of Education, Recreation and Sports is of the opinion that it is expedient to amend the Regulation;

WHEREAS the Minister of Education, Recreation and Sports made, on May 18 2006, the Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges;

THE CONSEIL DU TRÉSOR DECIDES :

1. To approve the Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges attached hereto;

2. To ask for the publication of the Regulation in the *Gazette officielle du Québec*.

ROBERT CAVANAGH,
Deputy Clerk of the Conseil du trésor

**Regulation to amend the Regulation
respecting certain conditions of
employment of senior executives of
general and vocational colleges¹**

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 18.1)

1. The table of contents of the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges is amended by replacing “Chapter IX – Parental Rights” by the following :

**“CHAPTER IX
PARENTAL RIGHTS**

DIVISION I
GENERAL PROVISIONS 118

DIVISION II
MATERNITY LEAVE, PATERNITY
AND ADOPTION LEAVE

SUBDIVISION II.1
MATERNITY LEAVE 122

SUBDIVISION II.1.1
CASES COVERED BY THE QUÉBEC
PARENTAL INSURANCE PLAN 128

SUBDIVISION II.1.2
CASES NOT COVERED BY THE QUÉBEC
PARENTAL INSURANCE PLAN BUT
COVERED BY THE EMPLOYMENT
INSURANCE PLAN 133

SUBDIVISION II.1.3
CASES NOT COVERED BY THE QUÉBEC
PARENTAL INSURANCE PLAN AND THE
EMPLOYMENT INSURANCE PLAN 134

SUBDIVISION II.2
PATERNITY LEAVE 136

SUBDIVISION II.3
ADOPTION LEAVE AND LEAVE FOR
ADOPTION PURPOSES 138

DIVISION III
EXTENDED MATERNITY, PATERNITY
OR ADOPTION LEAVE 152

¹ The Regulation respecting certain conditions of employment of senior executives of general and vocational colleges was approved by the Conseil du trésor, C.T. 202573 dated 21 June 2005 (2005, G.O. 2, 3419).

2. The third paragraph of section 9 of the Regulation is amended by replacing the table by the following table:

“

Classes	Rates 2006 04 01 to 2007-03- 31 \$		Rates 2007 04 01 to 2008 03 31 \$		Rates 2008 04 01 to 2009 03 31 \$		Rates as of 2009 04 01 \$	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
17	112 604	150 139	114 856	153 142	117 153	156 205	119 496	159 329
16	106 375	141 833	108 503	144 670	110 673	147 563	112 886	150 514
15	100 489	133 986	102 499	136 666	104 549	139 399	106 640	142 187
14	94 930	126 574	96 829	129 105	98 766	131 687	100 741	134 321
13	89 678	119 572	91 472	121 963	93 301	124 402	95 167	126 890
12	84 718	112 957	86 412	115 216	88 140	117 520	89 903	119 870
11	80 031	106 708	81 632	108 842	83 265	111 019	84 930	113 239
10	75 604	100 806	77 116	102 822	78 658	104 878	80 231	106 976
9	71 422	95 229	72 850	97 134	74 307	99 077	75 793	101 059
8	67 471	89 961	68 820	91 760	70 196	93 595	71 600	95 467
7	62 837	83 783	64 094	85 459	65 376	87 168	66 684	88 911
6	58 523	78 030	59 693	79 591	60 887	81 183	62 105	82 807
5	54 504	72 671	55 594	74 124	56 706	75 606	57 840	77 118
4	50 761	67 681	51 776	69 035	52 812	70 416	53 868	71 824
3	45 300	60 400	46 206	61 608	47 130	62 840	48 073	64 097
2	40 428	53 903	41 237	54 981	42 062	56 081	42 903	57 203
1	36 078	48 104	36 800	49 066	37 536	50 047	38 287	51 048

”.

3. Chapter IX of the Regulation is replaced by the following chapter:

**“CHAPTER IX
PARENTAL RIGHTS**

**DIVISION I
GENERAL PROVISIONS**

118. This chapter may not have the effect of granting monetary or nonmonetary benefits that a senior executive would not have received had the senior executive remained at work.

For the purposes of this chapter, a “spouse” means either of two persons who:

- (1) are married or in a civil union and cohabiting;

(2) are of opposite sex or the same sex and have been living together in a conjugal relationship and are the father and mother of the same child;

(3) are of opposite sex or the same sex and have been living together in a conjugal relationship for at least one year.

However, persons shall cease to be considered as spouses upon the dissolution of their marriage through divorce or annulment or, if they are married or living in a conjugal relationship, upon a de facto separation for a period exceeding three months.

119. Compensation for maternity leave or adoption leave shall be paid only as a supplement to the Québec Parental Insurance Plan or the Employment Insurance Plan, as the case may be, or in the cases mentioned below, as payments during a period of absence for which the Québec Parental Insurance Plan and the Employment Insurance Plan provide no benefit.

However, maternity leave or adoption leave benefits shall be paid only during the weeks the senior executive receives or would receive, after submitting an application for benefits, benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan.

In the case where the senior executive shares the adoption or parental benefits prescribed by the Québec Parental Insurance Plan or the Employment Insurance Plan with his or her spouse, compensation shall be paid only if the senior executive actually receives a benefit under one of the plans during the maternity leave prescribed in section 103 or the adoption leave prescribed in section 138.

120. Where both parents are women, the allowances and benefits granted to the father shall be granted to the mother who did not give birth.

121. The college shall not reimburse a senior executive for an amount that could be claimed from the senior executive by the Minister of Employment and Social Solidarity under the Act respecting parental insurance.

Moreover, the college shall not reimburse a senior executive for an amount that could be claimed from the senior executive by Human Resources and Social Development (HRSD) under the Employment Insurance Act, where the senior executive's income exceeds one and a quarter ($1\frac{1}{4}$) times the maximum insurable earnings.

121.1 The salary, deferred salary and severance payments shall not be increased or decreased by the amounts received under the Québec Parental Insurance Plan or the supplementary employment insurance benefits plan.

121.2 For the purposes of this chapter, basic weekly salary means the senior executive's salary and the lump sums prescribed in sections 25 and 26.

DIVISION II **MATERNITY, PATERNITY OR ADOPTION LEAVE**

SUBDIVISION II.1 **MATERNITY LEAVE**

122. The pregnant senior executive covered by section 128 is entitled to 21 weeks of maternity leave which, subject to sections 124, 125 and 126, must be consecutive.

The pregnant senior executive covered by section 133 or 134 is entitled to 20 weeks of maternity leave which, subject to sections 124, 125 and 126, must be consecutive.

The senior executive who is eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan, but who has not completed the 20 weeks of service prescribed in sections 128 and 133 is also entitled to a leave of 21 or 20 weeks, as the case may be.

The senior executive covered by section 134 is entitled to a leave of 20 weeks if she has not completed the 20 weeks of service prescribed in that section.

123. Where there is termination of pregnancy after the beginning of the 20th week preceding the expected date of delivery, a senior executive is also entitled to maternity leave.

124. A senior executive may suspend her maternity leave and return to work if she has sufficiently recovered from delivery and the child is unable to leave the health institution. It shall be completed when the child is brought home.

125. Moreover, when a senior executive has sufficiently recovered from delivery but the child is hospitalized after leaving the health institution, the senior executive may suspend her maternity leave, after agreement with the college, and return to work for the period during which the child is hospitalized.

126. At the senior executive's request, a maternity leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases:

a) if the child is hospitalized: the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized;

b) if the senior executive must be absent due to an accident or illness not related to pregnancy: the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which she must be absent, without exceeding 15 weeks;

c) if the senior executive is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1): the number of weeks during which the maternity leave is suspended corresponds to the number of complete weeks during which the situation persists, without however exceeding six weeks.

During those suspensions, the senior executive is considered on leave without pay and shall not receive any allowance or benefit from the college. The senior executive shall receive the benefits prescribed in section 147.1 during the suspension.

127. Where the spouse of a senior executive dies, the remainder of the maternity leave and the rights and benefits attached thereto shall be transferred to the senior executive.

SUBDIVISION II.1.1 CASES COVERED BY THE QUÉBEC PARENTAL INSURANCE PLAN

128. A senior executive who has accumulated 20 weeks of service and who, under the Québec Parental Insurance Plan, receives benefits is also entitled to receive for 21 weeks of the maternity leave, an allowance equal to the difference between 93% of the senior executive's basic weekly salary and the rate of maternity or parental benefits that she receives or would receive under the Québec Parental Insurance Plan, after submitting an application for benefits.

The allowance shall be based on the benefits of the Québec Parental Insurance Plan that a senior executive is entitled to receive, without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Act respecting parental insurance.

However, a senior executive who works for more than one employer shall receive an allowance equal to the difference between 93% of the basic salary paid by the college and the percentage of benefits paid under the Québec Parental Insurance Plan that represents the proportion of the basic weekly salary paid by it compared to the sum of the basic weekly salaries paid by all the employers. For that purpose, the senior executive shall submit to each employer a statement of the weekly salary paid by each of them, together with the amount of benefits paid under the Act respecting parental insurance.

129. When the senior executive resumes the maternity leave suspended or divided under section 124, 125 or 126, the college shall pay the senior executive the allowance to which she would have been entitled had she not availed herself of the suspension or division for the number of weeks remaining under section 128, 133 or 134.

130. The college may not offset any reduction in the benefits under the Québec Parental Insurance Plan attributable to the salary earned with another employer by paying an allowance to a senior executive on maternity leave.

131. Notwithstanding section 130, the college shall pay the compensation if the senior executive proves that the salary earned with another employer is a regular

salary by means of a letter to that effect from the employer paying it. If the senior executive proves that only part of the salary is regular, the compensation shall be limited to that part.

131.1 The employer paying the regular salary prescribed in section 131 must provide such a letter at the request of the senior executive.

132. The total amounts received by the senior executive during the maternity leave in benefits under the Québec Parental Insurance Plan, allowances and salary may not exceed 93% of the basic salary paid by the senior executive's employer or, where applicable, employers.

SUBDIVISION II.1.2 CASES NOT COVERED BY THE QUÉBEC PARENTAL INSURANCE PLAN BUT COVERED BY THE EMPLOYMENT INSURANCE PLAN

133. A senior executive who has accumulated 20 weeks of service and who is eligible for benefits under the Employment Insurance Plan but is not eligible for benefits under the Québec Parental Insurance Plan is entitled to receive:

a) for each week of the waiting period prescribed by the Employment Insurance Plan, an allowance equal to 93% of the basic weekly salary;

b) for each week that follows the period prescribed in paragraph *a*, an allowance equal to the difference between 93% of her basic weekly salary and the maternity or parental benefit paid under the Employment Insurance Plan that the senior executive receives or could receive, after submitting an application for benefits, up to the end of the 20th week of maternity leave.

The allowance shall be based on the employment insurance benefits that a senior executive is entitled to receive without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Employment Insurance Plan.

However, a senior executive who works for more than one employer shall receive an allowance from each of her employers. In this case, the allowance is equal to the difference between 93% of the basic salary paid by the college and the percentage of the employment insurance benefits that represents the proportion of the basic weekly salary paid by it compared to the sum of the basic weekly salaries paid by all the employers. For that purpose, the senior executive shall submit to each employer a statement of the weekly salary paid by each of them, together with the amount of benefits paid by Human Resources and Social Development.

Moreover, if Human Resources and Social Development reduces the number of weeks of employment insurance benefits to which the senior executive would have been entitled if she had not received employment insurance benefits before her maternity leave, the senior executive shall continue to receive the allowance prescribed in the first subparagraph of paragraph *b* for a period equal to the weeks subtracted by Human Resources and Social Development as though the senior executive had received employment insurance benefits during that period.

Sections 130 to 132 apply to this subdivision with the necessary changes.

SUBDIVISION II.1.3

CASES NOT COVERED BY THE QUÉBEC PARENTAL INSURANCE PLAN AND THE EMPLOYMENT INSURANCE PLAN

134. A senior executive excluded from receiving benefits under the Québec Parental Insurance Plan and the Employment Insurance Plan shall also be excluded from receiving any compensation prescribed in sections 128 and 133.

However, a full-time senior executive who has accumulated 20 weeks of service is entitled to an allowance equal to 93% of her basic weekly salary for 12 weeks if she does not receive benefits under a parental rights plan established by another province or a territory.

135. In the cases prescribed in sections 128, 133 and 134:

a) No allowance may be paid during a vacation period during which a senior executive is paid.

b) Unless the salary is paid on a weekly basis, the allowance shall be paid at two-week intervals, the first payment being due, in the case of a senior executive eligible for benefits under the Québec Parental Insurance Plan, only 15 days after the college obtains proof that she is receiving benefits under that plan.

In the case of a senior executive eligible for benefits under the Employment Insurance Plan, the allowance due for the first two weeks shall be paid by the college in the first two weeks of the leave. Unless the applicable salary is paid on a weekly basis, the allowance due after that date shall be paid at two-week intervals, the first payment being due only 15 days after the college obtains proof that she is receiving benefits under that plan.

For the purposes of paragraph *b*, a statement of benefits, a payment stub or information provided, by means of an official statement, by the Ministry of Employment and Social Solidarity or the HRSD shall be accepted as proof.

c) Service shall be calculated with all employers of the public and parapublic sectors (public service, education, health and social services), health and social services agencies, all agencies for which, by law, the employees' employment conditions or salary standards and scales are determined or approved by the government, the Office franco-québécois pour la jeunesse, the Société de gestion du réseau informatique des commissions scolaires (GRICS) or any other agency listed in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

SUBDIVISION II.2

PATERNITY LEAVE

136. A senior executive is entitled to take paid leave for a maximum of five working days for the birth of his child. Where there is termination of pregnancy after the beginning of the 20th week preceding the expected date of delivery, the senior executive is also entitled to a paternity leave. The paid leave may be discontinuous, but must be taken between the beginning of the delivery and the 15th day following the mother's or the child's return home.

One of the five days may be used for the baptism or registration of the child.

The senior executive whose spouse gives birth is also entitled to the paternity leave if she is designated as one of the child's mothers.

137. A senior executive is also entitled to take unpaid paternity leave for the birth of his child for no more than five weeks which, subject to sections 137.1 and 137.2, must be consecutive. The leave must terminate no later than the expiry of the 52nd week following the week of the child's birth.

The senior executive whose spouse gives birth is also entitled to the leave if she is designated as one of the child's mothers.

137.1 If the child is hospitalized, the senior executive may suspend his paternity leave, after agreement with the college, and return to work for the period during which the child is hospitalized.

137.2 At the senior executive's request, the paternity leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases :

a) if the child is hospitalized: the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized;

b) if the senior executive must be absent due to an accident or illness: the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without exceeding 15 weeks;

c) if the senior executive is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1): the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without however exceeding six weeks.

During those suspensions, the senior executive is considered on leave without pay and section 147.1 applies. The senior executive shall not receive any allowance or benefit from the college.

137.3 A senior executive who, before the expiry date of his paternity leave, sends his college a notice accompanied by a medical certificate attesting that the state of health of the child requires it, is entitled to extend his paternity leave for the duration indicated in the medical certificate.

During the extended leave, the senior executive is considered on leave without pay and section 147.1 applies. The senior executive shall not receive any allowance or benefit from the college.

SUBDIVISION II.3 **ADOPTION LEAVE AND LEAVE FOR ADOPTION PURPOSES**

138. A senior executive who legally adopts a child, other than his or her spouse's child, is entitled to a leave not exceeding 10 weeks which, subject to sections 138.1 and 138.2, must be consecutive.

The leave of the senior executive eligible for benefits under the Québec Parental Insurance Plan shall be concurrent with the period during which benefits granted under the Act respecting parental insurance are paid and must begin no later than the week following the start of parental insurance benefit payments.

The leave of the senior executive who is ineligible for benefits under the Québec Parental Insurance Plan must be taken after the order of placement of the child or the equivalent in the case of an international adoption in accordance with the adoption plan or at another time agreed with the college.

138.1 If the child is hospitalized, the senior executive may suspend his or her adoption leave, after agreement with the college, and return to work for the period during which the child is hospitalized.

138.2 At the senior executive's request, the adoption leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases :

a) if the child is hospitalized: the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized;

b) if the senior executive must be absent due to an accident or illness: the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without exceeding 15 weeks;

c) if the senior executive is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1): the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without however exceeding six weeks.

During those suspensions, the senior executive is considered on leave without pay and section 147.1 applies. The senior executive shall not receive any allowance or benefit from the college.

138.3 A senior executive who, before the expiry date of his or her adoption leave, sends his college a notice accompanied by a medical certificate attesting that the state of health of the child requires it, is entitled to extend the adoption leave for the duration indicated in the medical certificate.

During the extended leave, the senior executive is considered on leave without pay and section 147.1 applies. The senior executive shall not receive any allowance or benefit from the college.

139. When the senior executive resumes the adoption leave suspended or divided under section 138.1 or 138.2, the college shall pay him or her the allowance to which

he or she would have been entitled had he or she not availed himself or herself of the suspension or division for the number of weeks remaining under section 138.

140. During the adoption leave prescribed in section 138, the senior executive shall receive an allowance equal to the difference between his or her basic weekly salary and the benefit that he or she receives or would receive, after submitting an application for benefits, under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The second and third paragraphs of section 128 or 133, as the case may be, and sections 130 to 132 apply with the necessary changes.

141. The senior executive who is ineligible for adoption benefits under the Québec Parental Insurance Plan or parental benefits under the Employment Insurance Plan and who adopts a child, other than his or her spouse's child, shall receive an allowance equal to his or her basic weekly salary during the adoption leave prescribed in section 138.

142. A senior executive who adopts his or her spouse's child is entitled to an adoption leave for a maximum duration of five working days, only the first two are paid.

The leave may be discontinuous, but it may not be taken later than 15 days following the child's arrival home.

143. Paragraphs *a* and *b* of section 135 apply to the senior executive who receives the benefits prescribed in section 140 or 141 with the necessary changes.

144. A senior executive shall benefit for the purposes of adopting a child from a leave without pay of a maximum duration of 10 weeks as of the date on which he or she actually takes custody of the child, unless it involves the spouse's child.

145. On a written request to the college, a senior executive who travels outside of Québec to adopt a child, except for his or her spouse's child, shall obtain leave without pay for the required travel time.

However, the leave ends no later than the week following the start of benefit payments under the Québec Parental Insurance Plan or the Employment Insurance Plan and section 138 applies.

During the leave, the senior executive is entitled to the benefits prescribed in section 147.1.

146. If no child is adopted following a leave for adoption purposes for which the senior executive receives an allowance paid under section 140 or 141, the senior executive is deemed to have been on a leave without pay and shall repay the allowance or salary received at a rate of 30% of the salary payable per pay period until the amount owed is repaid, unless the parties agree otherwise.

147. During the maternity leave, the paternity leave prescribed in section 136 and the adoption leave prescribed in section 138 or 142, a senior executive shall have, if he or she is normally entitled thereto, the following benefits:

(1) insurance plans excluding salary insurance benefits. However, in the case of a maternity leave, the senior executive shall be exempted from the payment of premiums to her insurance plans as prescribed in the provisions of the master policy;

(2) accumulation of vacation;

(3) accumulation of experience.

147.1 During the leave without pay, the senior executive shall accumulate experience for the purposes of determining his or her salary, up to the first 52 weeks of his or her leave and continuous service shall not be interrupted. He or she shall continue to participate in the applicable basic health insurance plan by paying his or her share of the premiums for the first 52 weeks of the leave and the total amount of the premiums for the weeks that follow. Moreover, he or she may continue to participate in the applicable complementary insurance plans by making a request at the beginning of the leave and by paying all the premiums.

148. A senior executive who receives a premium for regional disparities shall continue to receive it during her maternity leave.

Moreover, the senior executive who receives a premium for regional disparities shall receive the premium during the weeks he or she receives an allowance prescribed in section 138.

149. The college and the senior executive shall agree, before the leave begins, on the terms and conditions of the maternity leave, paternity leave, adoption leave, leave without pay or partial leave without pay.

150. The college must send to the senior executive, during the fourth week preceding the expiry of the maternity leave, a notice indicating the date on which the maternity leave expires.

A senior executive to whom the college has sent the notice described above must report for work on the date on which the maternity leave expires, unless she extends the maternity leave as provided in Division III.

151. When a senior executive returns from a maternity leave, a paternity leave or an adoption leave, he or she shall be reinstated in the position he or she would have had had he or she been at work, subject to the provisions of Chapter IV, if need be.

DIVISION III EXTENDED MATERNITY, PATERNITY OR ADOPTION LEAVE

152. A leave without pay as extended maternity leave, paternity leave prescribed in section 136 or adoption leave prescribed in section 138 shall not exceed two years.

153. A senior executive who is on an extended maternity, paternity or adoption leave without pay must agree, before the leave begins, with the college on the terms and conditions of the leave or of his or her eventual return to the college, subject to the provisions of Chapter IV.”

4. Section 215 of the Regulation is replaced by the following section:

“**215.** The fees and expenses of the chairman shall be borne by the party that loses, withdraws or requests a postponement.

However:

in the case of a dispute relating to a dismissal, the fees and expenses of the chairman shall be borne by the Minister;

in the case of a split decision, the chairman shall decide on the proportion in which the fees and expenses shall be shared;

in the case of a settlement before the hearing or a joint request for postponement, the fees and expenses of the chairman shall be assumed equally by the parties.”

5. Paragraph 9 of section 216 of the Regulation is replaced by the following paragraph:

“(9) The college shall integrate the senior executive affected by the decision by assigning him the classification determined in paragraph 7 and the corresponding salary scale in section 9; the preceding paragraphs 3, 4 and 5 apply.”.

6. Schedule II of the Regulation is replaced by the following schedule:

“**SCHEDULE II** SALARY SCALES ACCORDING TO JOB CLASSIFICATIONS OF SENIOR EXECUTIVES

Salary scales from 1 July 2005 to 31 March 2006

Classes	Rates ¹	
	Minimum	Maximum
15	98 519	131 359
13	87 920	117 227
12	83 057	110 742
11	78 462	104 616
10	74 122	98 829
9	70 022	93 362

¹ Salary scale based on the rates in effect on 1 April 2003

Salary scales as of 1 April 2006

Classes	Rates 2006 04 01 to 2007 03 31 \$		Rates 2007 04 01 to 2008 03 31 \$		Rates 2008 04 01 to 2009 03 31 \$		Rates as of 2009 04 01 \$	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
15	100 489	133 986	102 499	136 666	104 549	139 399	106 640	142 187
13	89 678	119 572	91 472	121 963	93 301	124 402	95 167	126 890
12	84 718	112 957	86 412	115 216	88 140	117 520	89 903	119 870
11	80 031	106 708	81 632	108 842	83 265	111 019	84 930	113 239
10	75 604	100 806	77 116	102 822	78 658	104 878	80 231	106 976
9	71 422	95 229	72 850	97 134	74 307	99 077	75 793	101 059

”.

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

7622

Index

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

	Page	Comments
Education Act — School boards and Comité de gestion de la taxe scolaire de l'Île de Montréal — Certain conditions of employment of senior executives . . . (R.S.Q., c. I-13.3)	1698	M
Education Act — School boards and Comité de gestion de la taxe scolaire de l'Île de Montréal — Certain conditions of employment of senior staff (R.S.Q., c. I-13.3)	1677	M
General and vocational colleges — Certain conditions of employment of senior executives (General and Vocational Colleges Act, R.S.Q., c. C-29)	1708	M
General and vocational colleges — Certain conditions of employment of senior staff (General and Vocational Colleges Act, R.S.Q., c. C-29)	1688	M
General and Vocational Colleges Act — General and vocational colleges — Certain conditions of employment of senior executives (R.S.Q., c. C-29)	1708	M
General and Vocational Colleges Act — General and vocational colleges — Certain conditions of employment of senior staff (R.S.Q., c. C-29)	1688	M
Income support (An Act respecting income support, employment assistance and social solidarity, R.S.Q., c. S-32.001)	1675	Draft
Income support, employment assistance and social solidarity, An Act respecting... — Income support (R.S.Q., c. S-32.001)	1675	Draft
List of Bills sanctioned (25 May 2006)	1643	
List of medications covered by the basic drug insurance plan (An Act respecting prescription drug insurance, R.S.Q., c. A-29.01 ; 2002, c. 27)	1656	M
Pay Equity Act, An Act to amend the... (2006, Bill 28)	1645	
Prescription drug insurance, An Act respecting... — List of medications covered by the basic drug insurance plan (R.S.Q., c. A-29.01 ; 2002, c. 27)	1656	M
Régie de l'énergie — Rules of procedure (An Act respecting the Régie de l'énergie, R.S.Q., c. R-6.01)	1651	N
Régie de l'énergie, An Act respecting the... — Régie de l'énergie — Rules of procedure (R.S.Q., c. R-6.01)	1651	N
School boards and Comité de gestion de la taxe scolaire de l'Île de Montréal — Certain conditions of employment of senior executives (Education Act, R.S.Q., c. I-13.3)	1698	M
School boards and Comité de gestion de la taxe scolaire de l'Île de Montréal — Certain conditions of employment of senior staff (Education Act, R.S.Q., c. I-13.3)	1677	M

