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**Laws and Regulations**

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**Summary**

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### Contents

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## Regulations and other Acts

Gouvernement du Québec

### O.C. 813-2009, 23 June 2009

Act respecting the Pension Plan of Management Personnel  
(R.S.Q., c. R12.1)

#### **Amendments to the Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 — Amendments**

Amendments to the Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 208 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, with respect to classes of employees designated under the first paragraph of section 23 of the Act, establish a plan that provides for supplementary benefits payable from the date of retirement;

WHEREAS the Government made Order in Council 961-2003 dated 17 September 2003 concerning the Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel;

WHEREAS it is expedient to amend the Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Amendments to the Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

#### **Amendments to the Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel\***

An Act respecting the Pension Plan of Management Personnel  
(R.S.Q., c. R-12.1, s. 208, 1st par.)

**1.** The Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel are amended in section 3 by inserting the following after subparagraph 3 of the first paragraph:

“(3.1) an amount equal to 1% of the employee’s average pensionable salary per year of service credited after 31 December 2008 while Schedule I to this Order in Council applies to the employee as Secretary-General of the Conseil exécutif;”

**2.** The following is inserted after section 5:

“**5.1.** The employee to whom this Order in Council applies who ceases to act as Secretary-General of the Conseil exécutif after 31 December 2008 is subject to this Order in Council as if the employee had been appointed to act as Secretary-General of the Conseil exécutif where the employee holds pensionable employment under the plan, except if the employee has received the actuarial value of his or her total pension in accordance with section 16 of the basic Order in Council.”

9335

\* The Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel, made by Order in Council 961-2003 dated 17 September 2003 (2003, G.O. 2, 2972), were last amended by Order in Council 525-2009 dated 6 May 2009 (2009, G.O. 2, 1699). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.



## Draft Regulations

### Draft Regulation

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

#### Complaint examination procedure established by a school board

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the complaint examination procedure established by a school board, appearing below, may be made by the Minister of Education, Recreation and Sports on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to determine the standards and conditions for the complaint examination procedure to be established by a school board, as well as the measures it must include.

Further information may be obtained by contacting Brigitte Thériault, Director, Direction générale des régions, Ministère de l'Éducation, du Loisir et du Sport, 1035, rue De La Chevrotière, 13<sup>e</sup> étage, Québec (Québec) G1R 5A5; telephone: 418 643-7498, extension 2376.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Education, Recreation and Sports, 1035, rue De La Chevrotière, 16<sup>e</sup> étage, Québec (Québec) G1R 5A5.

MICHELLE COURCHESNE,  
*Minister of Education, Recreation and Sports*

#### Regulation respecting the complaint examination procedure established by a school board

Education Act  
(R.S.Q., c. I-13.3, s. 457.3; 2008, c. 29, s. 32)

#### DIVISION I COMPLAINT EXAMINATION PROCEDURE

**1.** The complaint examination procedure established by a school board pursuant to section 220.2 of the Education Act (R.S.Q., c. I-13.3; 2008, c. 29, s. 29) must make provision for

(1) the manner in which a complaint is to be made, either orally or in writing;

(2) the complaint processing procedure;

(3) the complainant's right to be accompanied by the person of his or her choice, at any stage of the complaint examination procedure;

(4) the opportunity, for interested parties, to submit their observations;

(5) the means by which the complainant will be informed of the outcome of the complaint examination, the deadline for so informing the complainant and the applicable measures to ensure the follow-up on any correctives measures that will be proposed;

(6) the sending of a notice to the complainant stating the complainant's right, if dissatisfied with the complaint examination or examination outcome, to apply to the Student Ombudsman and informing the complainant of the documents or information allowing rapid access to the services of the Student Ombudsman;

(7) the obligation for the council of commissioners to inform the complainant of the action it intends to take in respect of any recommendation of the Student Ombudsman.

The complaint examination procedure established by a school board may not result in limiting the complaints that may be made by students or their parents.

**2.** A school board must inform its students and their parents of the complaint examination procedure at the beginning of each school year.

The complaint examination procedure and the contact information of the Student Ombudsman must be broadcast on the website of the school board.

**3.** A school board must ensure that a complainant who so requires receives assistance in making the complaint or in any step related to the complaint.

**4.** A school board must take the necessary measures to ensure the confidentiality of a complainant and to prevent any form of retaliation against him or her.

**5.** A school board must give an account of the application of the complaint examination procedure in its annual report.

## **DIVISION II** **STUDENT OMBUDSMAN**

**6.** The Student Ombudsman must be designated by the council of commissioners for a term that may not be less than 3 years.

The Student Ombudsman's term may be revoked only by a vote of not less than two-thirds of the commissioners entitled to vote. The Ombudsman remains in office until re-appointment or replacement.

The Student Ombudsman must be under the responsibility of the council of commissioners.

**7.** The council of commissioners must take appropriate measures to preserve the independence of the Student Ombudsman at all times.

To that end, the school board must take up the defence of the Student Ombudsman if the Student Ombudsman is sued by a third person for an act that the Student Ombudsman performed or failed to perform in the performance of duties, except in the case of a gross fault.

**8.** The Student Ombudsman intervenes after the complainant has exhausted the other remedies provided for in the complaint examination procedure.

Despite the foregoing, the Student Ombudsman may take up a complaint at any stage of the complaint examination procedure if the Student Ombudsman considers that intervention is necessary to prevent harm from being caused to the complainant.

**9.** The Student Ombudsman may require the cooperation of any staff member of the school board whose expertise is considered necessary by the Student Ombudsman and may, with the authorization of the council of commissioners, call on an outside expert.

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

The Student Ombudsman may also refuse or cease to examine a complaint if the Student Ombudsman has reasonable cause to believe that intervening would clearly serve no purpose or the length of time having elapsed between the events that gave rise to the dissatisfaction of the user and the filing of the complaint makes it impossible to examine the complaint.

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

9350

## **Draft regulation**

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

### **Hearing-aid acousticians**

— **Code of ethics**  
— **Amendments**

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

According to the Ordre professionnel des audioprothésistes du Québec, the purpose of the draft Regulation is to adapt certain rules of ethics to the reality of the practice of the profession of hearing-aid acoustician within a partnership or a joint-stock company, as established in the draft Regulation to amend the Code of ethics of hearing-aid acousticians.

The draft Regulation also introduces, pursuant to subparagraph 4 of the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Code, and provisions concerning a hearing-aid acoustician's obligation to release documents to a client.

The draft Regulation sets out conditions, obligations and prohibitions in respect of advertising by hearing-aid acousticians.

The draft Regulation sets out, pursuant to the second paragraph of section 87 of the Code, the terms and conditions according to which a hearing-aid acoustician may communicate information that is protected by professional secrecy, provided for in section 60.4 of the Code, to prevent an act of violence.

The Ordre professionnel des audioprothésistes du Québec advises that the Regulation will have no impact on enterprises, including small and medium-sized businesses.



Further information may be obtained by contacting Claude Forest, Secretary General, Ordre des audioprothésistes du Québec, 11370, rue Notre-Dame Est, bureau 202-A, Montréal-Est (Québec) H1B 2W6, telephone: 514 640-5117; fax: 514 640-5291.

Any person wishing to comment on the draft Regulation may do so in writing to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3, within the 45-day period. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions and may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*

## Regulation to amend the Code of ethics of hearing-aid acousticians\*

Professional Code  
(R.S.Q., c. C 26, s. 87; 2008, c. 11, ss. 1 and 56)

**1.** The Code of ethics of hearing-aid acousticians is amended by inserting the following after section 1.02:

“**1.03.** A hearing-aid acoustician must adequately supervise a student, trainee, employee or person for whom he is immediately responsible.

**1.04.** A hearing-aid acoustician must take reasonable measures to ensure that persons who collaborate with him in the carrying on of professional activities comply with the Hearing aid Acousticians Act (R.S.Q., c. A-33), the Professional Code (R.S.Q., c. C-26) and their regulations.

**1.05.** A hearing-aid acoustician who carries on professional activities within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or company complies with the Hearing aid Acousticians Act, the Professional Code and their regulations.

The duties and obligations under the Hearing aid Acousticians Act, the Professional Code and their regulations are not changed or reduced by the fact that a hearing-aid acoustician carries on professional activities within a partnership or joint-stock company.”

**2.** Section 3.01.04 is amended by replacing “hearing-aid acoustics” by “audioprosthology”.

**3.** Section 3.02.02 is amended by inserting the following after the first sentence:

“Similarly, a hearing-aid acoustician must avoid any misrepresentation with respect to the competency or efficiency of the services generally provided by the persons with whom he carries on professional activities within the same partnership or joint-stock company.”

**4.** Section 3.02.06 is amended by adding the following paragraph at the end:

“A hearing-aid acoustician who carries on professional activities within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or company complies with the requirements of the first paragraph when a hearing aid is entrusted to the partnership or company in connection with the professional activities.”

**5.** Section 3.04.01 is amended by adding the following sentence at the end:

“A hearing-aid acoustician may not invoke the liability of the partnership or joint-stock company within which he carries on professional activities or the liability of another person also carrying on activities within the same partnership or company as a ground for excluding or limiting his personal civil liability.”

**6.** Section 3.05.01 is amended by inserting “and that of the partnership or joint-stock company in which he carries on professional activities or has an interest” after “personal interest”.

**7.** The following is inserted after section 3.05.01:

“**3.05.01.01.** A hearing-aid acoustician may not be party to an agreement in which the nature and extent of professional expenses may influence the quality of his practice.

Any agreement entered into by a hearing-aid acoustician or a partnership or joint-stock company of which he is a partner or shareholder regarding the enjoyment of a building or space to carry on his professional activities must be entirely recorded in writing and include a statement by the parties that the obligations arising from the agreement comply with the provisions of this Code and a clause authorizing release of the agreement to the Order on request.”

\* The Code of ethics of hearing-aid acousticians (R.R.Q., 1981, c. A-33, r.2) was amended once by the regulation approved by Order in Council 167-90 dated 14 February 1990 (1990, G.O. 2, 546).

**8.** Section 3.05.04 is amended by replacing “ask him for authorization to continue his professional services” by “cease to carry on his professional activities, unless the patient, after being informed of the nature of the conflict of interest and the facts relating thereto, authorizes the hearing-aid acoustician in writing to continue his professional activities.”.

**9.** The following is inserted after section 3.05.04:

**“3.05.04.01.** A hearing-aid acoustician must take the necessary measures to ensure that information and documents relevant to professional secrecy are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company within which the hearing-aid acoustician carries on professional activities or in which he has an interest, where he becomes aware that the partner, shareholder, director, officer or employee has a conflict of interest.

The following factors must be considered in assessing the effectiveness of such measures:

- (1) size of the partnership or company;
- (2) precautions taken to prevent access to the hearing-aid acoustician’s file by the person having a conflict of interest;
- (3) instructions given to protect confidential information or documents related to the conflict of interest; and
- (4) isolation, from the hearing-aid acoustician, of the person having a conflict of interest.”.

**10.** Section 3.05.05 is amended

(1) by inserting “or who is not a person, trust or enterprise referred to in the Regulation respecting the practice of the profession of hearing-aid acoustician within a partnership or a joint-stock company approved by Order in Council (*insert the number and date of the Order in Council*)” after “Order”;

(2) by adding the following at the end:

“Where a hearing-aid acoustician carries on professional activities within a partnership or joint-stock company, the income resulting from the professional services rendered within and on behalf of the partnership or company belongs to the partnership or company, unless agreed otherwise.”.

**11.** Section 3.05.09 is amended by replacing “stagiaire en audioprothésiste” in the French text by “stagiaire en audioprothèse”.

**12.** The following is inserted after section 3.06.06:

**“3.06.07.** A hearing-aid acoustician must take reasonable measures to ensure that anyone with whom he carries on his professional activities does not communicate to a third party the confidential information of which he may have taken cognizance.

**§6.1.** *Lifting of professional secrecy to protect individuals*

**3.06.07.01.** A hearing-aid acoustician may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the hearing-aid acoustician has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, the hearing-aid acoustician may only communicate the information to a person exposed to the danger, or that person’s representative, and to the persons who can come to that person’s aid. The hearing-aid acoustician may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

If it is necessary in the best interests of the person or persons exposed to the danger, the hearing-aid acoustician is to consult another member of the Order, a member of another professional order, or any other qualified person, provided the consultation will not prejudicially delay the communication of the information.

**3.06.07.02.** A hearing-aid acoustician who communicates information protected by professional secrecy pursuant to section 3.06.07.01 must, for each communication, enter in the patient’s record as soon as possible

- (1) the name of the person or group of persons exposed to a danger;
- (2) the reasons supporting the decision to communicate the information; and
- (3) the subject of the communication, the mode of communication, the name of the person to whom the information was given and the date and time it was communicated.

The hearing-aid acoustician must send that information to the syndic as soon as possible.”.

**13.** The title of subdivision 7 of Division III is replaced by the following:

“Accessibility and correction of records”.

**14.** The following is inserted after section 3.07.01:

**3.07.02.** A hearing-aid acoustician must allow his patient to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document concerning him in any record established in his respect. He must also allow his patient to cause to be deleted any information that is outdated or not justified by the object of the record, or to prepare written comments and file them in the record.

**3.07.03.** A hearing-aid acoustician holding a record that is the subject of a request for access or correction by the patient concerned must respond to that request with diligence and not later than 20 days from the date on which the request is received.

**3.07.04.** A hearing-aid acoustician who charges fees for the reproduction, transcription or transmission of the documents requested must first inform the patient of the approximate amount to be paid.

**3.07.05.** A hearing-aid acoustician who grants a request for correction must issue free of charge to the person who made the request a copy of any information modified or added or, as the case may be, an attestation that information has been deleted.

The person may require the hearing-aid acoustician to send a copy of the information or the attestation, as the case may be, to the person from whom such information was obtained or to any person to whom such information was given.

**3.07.06.** A hearing-aid acoustician who refuses to grant a request for access or correction must notify the patient in writing of the reasons for the refusal, enter the reasons in the patient’s file and inform the patient of the recourses.

**3.07.07.** A hearing-aid acoustician holding information that is the subject of a request for access or correction must, if he does not grant the request, retain the information for such time as is necessary to allow the person concerned to exhaust the recourses provided by law.”.

**15.** Section 3.08.03 is amended by replacing “the numbers” in paragraph *b* by “the number” and by striking out “the electrical cord, the receiver and”.

**16.** Section 4.01.02 is amended by inserting “or who carries on professional activities with a person who has an interest in such a business” after “wholesale of hearing-aids”.

**17.** Section 4.02.01 is amended

(1) by replacing “and 58” in the part preceding paragraph *a* by “, 58, 59.1, 59.2 and those that may be determined pursuant to the second paragraph of section 152”;

(2) by replacing paragraph *e* by the following:

“(e) forming a partnership with or being employed by a person who is not a member of the Order for the purpose of practising audioprosthology, except with a person, trust or enterprise referred to in the Regulation respecting the practice of the profession of hearing-aid acoustician within a partnership or a joint-stock company with which the hearing-aid acoustician is authorized to carry on professional activities within a partnership or joint-stock company;”;

(3) by adding the following paragraphs at the end:

“(n) failing to promptly notify the secretary of the Order where, pursuant to the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3), a hearing-aid acoustician or the partnership or company within which he carries on professional activities has made an assignment of property for the benefit of his creditors, is the subject of a receiving order, or has made a proposal that has been rejected by his creditors or dismissed or annulled by the court;

(o) carrying on professional activities within, or having an interest in, a partnership or company whose name compromises the dignity of the profession of hearing-aid acoustician or with a person who, to the hearing-aid acoustician’s knowledge, acts in a manner that compromises the dignity of the profession of hearing-aid acoustician;

(p) carrying on professional activities within, or having an interest in, a partnership or company, where a partner, shareholder, director, officer or employee of the partnership or company, has been struck off the roll for more than 3 months or has had his professional permit revoked, unless the partner, shareholder, director, officer or employee

i. ceases to hold a position of director or officer within the partnership or company within 15 days of the date on which the mandatory striking off or revocation of permit has become effective;

ii. ceases, if applicable, to attend any shareholder meetings and to exercise his right to vote within 15 days of the date on which the mandatory striking off or revocation of permit has become effective; or

iii. disposes of his voting shares or turns them over to a trustee within 15 days of the date on which the mandatory striking off or revocation of permit has become effective; and

(q) intimidating a person or taking reprisals or threatening to take reprisals against any person who

i. has reported derogatory conduct or behaviour or intends to do so; or

ii. has taken part or cooperated in an inquiry into derogatory conduct or behaviour or intends to do so.”.

**18.** The following is added at the end:

**“DIVISION V  
RESTRICTIONS AND OBLIGATIONS RELATING  
TO ADVERTISING**

**5.01.** A hearing-aid acoustician may, in a statement or advertisement, inform the public of any aspect of the practice of his profession, subject to the conditions set out in this Code and to the laws and regulations governing the practice of his profession.

**5.02.** No hearing-aid acoustician may, by any means whatsoever, engage in or allow advertising that is false, deceitful, incomplete or likely to be misleading.

**5.03.** No hearing-aid acoustician may claim specific qualities or skills, in particular as to his level of competence or the scope or effectiveness of his professional services, unless they can be substantiated.

**5.04.** No hearing-aid acoustician may use or allow to be used in advertising any endorsement or statement of gratitude in the hearing-aid acoustician’s regard.

**5.05.** No hearing-aid acoustician may use advertising practices likely to denigrate or discredit the competence, knowledge or services of a colleague or of another professional.

**5.06.** A hearing-aid acoustician must avoid, in advertising, all methods and attitudes likely to give a profit-seeking or commercialistic character to the profession.

**5.07.** A hearing-aid acoustician must keep an integral copy of every advertisement in its original form for a period of 12 months following the date on which it was last published or broadcast. On request, the copy must be given to the syndic.

**5.08.** In a statement or advertisement concerning a price, rebate, discount, free goods or services advertised by a hearing-aid acoustician, the hearing-aid acoustician must legibly indicate the functional features of the product, the model, brand, type, technology, guarantee and services covered by the price.

The hearing-aid acoustician must include in his or her publicity a precautionary mention that an assessment by a hearing-aid acoustician is required in order to determine if the product is suitable for the patient’s needs.

**5.09.** In a statement or advertisement concerning a price, rebate, discount or free goods or services, a hearing-aid acoustician must mention the period of validity of the price, rebate, discount or free goods or services, if any.

**5.10.** No hearing-aid acoustician may, in a statement or advertisement, by any means whatsoever, give more importance to a price, rebate, discount or free goods or services than to the product or service offered.

**5.11.** In a statement or advertisement concerning fees or prices, a hearing-aid acoustician must specify the services covered by those fees or prices.

**5.12.** No hearing-aid acoustician may, in a statement or advertisement, by any means whatsoever, indicate the price of any of the products or services forming part of a set without indicating the total price of that set of products or services.

**5.13.** No hearing-aid acoustician may, in a statement or advertisement, by any means whatsoever, give less importance to the fees or prices of a set of products or services than to the fees or prices of any of the products or services forming part of that set.

**5.14.** No hearing-aid acoustician may, in a statement or advertisement, by any means whatsoever, disclose the amount of the instalments to be paid to acquire a product or receive a service without disclosing and also stressing in a more obvious manner the total price or fees for the product or service.

**5.15.** A hearing-aid acoustician must refrain from advertising trials or trial periods.

**5.16.** A hearing-aid acoustician must indicate on his business card, stationery and in a statement or advertisement, his name, title, the address and telephone number of his consulting-rooms and, if applicable, the name of the partnership or joint-stock company within which he carries on professional activities.

**5.17.** All hearing-aid acousticians who are partners or work together in carrying on their professional activities are solidarily responsible for complying with the rules respecting advertising, unless the advertising clearly indicates the name of the hearing-aid acoustician who is responsible for it or unless the other hearing-aid acousticians establish that the advertising was done without their knowledge and consent and despite the measures taken to ensure compliance with those rules.

**5.18.** A hearing-aid acoustician who carries on professional activities within a partnership or joint-stock company must take reasonable measures to ensure that advertising by the partnership or company or by any other person carrying on activities within the partnership or company complies with the rules set out in this Division.

## **DIVISION VI**

### **GRAPHIC SYMBOL OF THE ORDER**

**6.01.** The Order is represented by a graphic symbol that conforms to the original held by the secretary of the Order.

**6.02.** The use of the graphic symbol of the Order must conform to the original held by the secretary of the Order.”.

**19.** Section 18 of this Regulation replaces the Regulation respecting advertising by hearing-aid acousticians (R.R.Q., 1981, c. A-33, r.7) that, in accordance with section 10 of the Act to amend the Professional Code and various Acts constituting professional corporations with respect to professional advertising and certain registers (1990, c. 76), ceases to have effect on the date of coming into force of section 18 of this Regulation.

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

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## **Draft regulation**

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

### **Hearing-aid acousticians — Practice of the profession of hearing-aid acoustician within a partnership or a joint-stock company**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the practice of the profession of hearing-aid acoustician within a partnership or a joint-stock company, made by the board of directors of the Ordre professionnel des audioprothésistes du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

According to the Ordre professionnel des audioprothésistes du Québec, the draft Regulation contains specific provisions intended to govern the terms and conditions authorizing the practice of the profession of hearing-aid acoustician within a partnership or a joint-stock company, in particular as regards the administration of the partnership or joint-stock company and the holding of partnership units or company shares.

In accordance with Chapter VI.3 of the Professional Code (R.S.Q., c. C-26), the conditions also include the requirement to take out insurance to cover liability which may arise from fault on the part of members in carrying on professional activities within the partnership or joint-stock company. The members must also provide the Order with the required information on the partnership or joint-stock company and maintain the information up to date.

The Ordre professionnel des audioprothésistes du Québec advises that the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Claude Forest, Secretary General, Ordre des audioprothésistes du Québec, 11370, rue Notre-Dame Est, bureau 202-A, Montréal-Est (Québec) H1B 2W6, telephone: 514 640-5117; fax: 514 640-5291.

Any person wishing to comment on the draft Regulation may do so in writing to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3, within

the 45-day period. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*

## Regulation respecting the practice of the profession of hearing-aid acoustician within a partnership or a joint-stock company

Professional Code  
(R.S.Q., c. C-26, s. 93, pars. *g* and *h* and s. 94, par. *p*;  
2008, c. 11, ss. 1 and 61)

### DIVISION I GENERAL

**1.** Hearing-aid acousticians may, subject to the terms, conditions and restrictions established in this Regulation, carry on their professional activities within a limited liability partnership or a joint-stock company within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26).

Hearing-aid acousticians must at all times ensure that the partnership or joint-stock company allows them to comply with the Professional Code, the Hearing-aid Acousticians Act (R.S.Q., c. A-33) and the regulations made under that Code or that Act.

**2.** If a hearing-aid acoustician is struck off the roll for a period in excess of 3 months or has had his or her permit revoked, the hearing-aid acoustician may not, during the period of the striking off or revocation, directly or indirectly hold any unit or share in the partnership or joint-stock company.

During that period, the hearing-aid acoustician may not hold the position of director, officer or representative of the partnership or joint-stock company.

### DIVISION II CONDITIONS

**3.** Hearing-aid acousticians may carry on their professional activities within a limited liability partnership or a joint-stock company if at all times,

(1) all of the voting rights attached to the partnership units or company shares are held

(a) by 1 or more hearing-aid acousticians;

(b) by a legal person, trust or any other enterprise whose voting rights attached to the units, shares, equity securities or other rights are held entirely by one or more hearing-aid acousticians; or

(c) in any combination by a person, a trust or another enterprise referred to in subparagraphs *a* and *b*;

(2) in the case of a joint-stock company, all of the non-voting shares are held

(a) by 1 or more hearing-aid acousticians;

(b) by a relative, either by direct or indirect line of descent, of a hearing-aid acoustician, who holds shares referred to in subparagraph 1;

(c) by the spouse of a hearing-aid acoustician who holds shares referred to in subparagraph 1;

(d) by a legal person, trust or another enterprise whose voting rights attached to the units, shares, equity securities or other rights are held entirely by a person referred to in subparagraphs *a*, *b* or *c*; or

(e) in any combination by a person, a trust or an enterprise referred to in subparagraphs *a*, *b*, *c* or *d*;

(3) the partners or, as the case may be, the directors are hearing-aid acousticians carrying on their professional activities within the partnership or joint-stock company; and

(4) no brand of hearing aids may be sold within the partnership or joint-stock company if a partner or shareholder has an interest in an undertaking for the manufacture or wholesale of such a brand of hearing aids.

Hearing-aid acousticians must ensure that the conditions are listed, as the case may be, in the partnership contract, the joint-stock company articles, the shareholders' agreement or any other document relating to the constitution and operation of the partnership or joint-stock company.

**4.** A hearing-aid acoustician may carry on professional activities within a partnership or joint-stock company if, before starting to carry on the activities, the hearing-aid acoustician provides the Order with the following:

(1) the declaration required by section 5 accompanied by the fees fixed by the board of directors of the Order;

(2) a written document from a competent authority certifying that the partnership or joint-stock company is covered by security in compliance with Division III;

(3) if the hearing-aid acoustician practises within a joint-stock company, a written document from the competent authority certifying the existence of the joint-stock company;

(4) where applicable, a certified true copy of the declaration from the competent authority stating that the general partnership has been continued as a limited liability partnership;

(5) written confirmation from the competent authority certifying that the partnership or joint-stock company is duly registered in Québec;

(6) a written document certifying that the partnership or joint-stock company has an establishment in Québec; and

(7) an irrevocable written authorization from the partnership or joint-stock company within which the hearing-aid acoustician practises, allowing a person, committee, council or tribunal referred to in section 192 of the Professional Code to require disclosure of and obtain any document listed in section 10, or to obtain a copy of such a document.

A hearing-aid acoustician is however exempt from satisfying the conditions set out in the first paragraph if a representative of the partnership or joint-stock company with which the representative has become associated has already provided the Order with the documents concerned.

**5.** A hearing-aid acoustician must fill out a declaration under oath on the form provided by the Order that contains the following information:

(1) the partnership or joint-stock company name and any other names used in Québec by the partnership or joint-stock company within which the hearing-aid acoustician carries on professional activities and the business number assigned to them by the competent authority for every partnership or joint-stock company;

(2) the legal form of the partnership or joint-stock company;

(3) the list of all hearing-aid acousticians who carry on their professional activities within the partnership or joint-stock company;

(4) the hearing-aid acoustician's name and place of residence and the place where he or she principally carries on professional activities;

(5) where the hearing-aid acoustician carries on professional activities within a limited liability partnership, the addresses of the establishments of the partnership in Québec specifying the address of the principal establishment, the names and home addresses of all the partners, their percentage of units and an indication of their management functions, as the case may be;

(6) where the hearing-aid acoustician carries on professional activities within a joint-stock company, the name, the address of the head office of the joint-stock company and the addresses of its establishments in Québec, the names and home addresses of all the shareholders, their percentage of voting shares and non-voting shares and an indication of their functions of director and officer, as the case may be;

(7) a written document provided by the hearing-aid acoustician certifying that the units or shares held and the rules of administration of the partnership or joint-stock company comply with the conditions set out in this Regulation.

**6.** To retain the right to carry on professional activities within a partnership or joint-stock company, a hearing-aid acoustician must

(1) update and provide, before 31 March of each year, the declaration prescribed in section 5 and pay the fees fixed by the board of directors of the Order; and

(2) promptly notify the Order of any change in the security prescribed in Division III or in the information given in the declaration prescribed in section 5 that might violate the conditions set out in section 3.

**7.** If more than one hearing-aid acoustician carries on professional activities within a partnership or joint-stock company, a representative and a substitute must be designated to act on behalf of all the hearing-aid acousticians practising in the partnership or joint-stock company to satisfy the conditions set out in sections 4 and 6.

The representative and the substitute must be hearing-aid acousticians and carry on professional activities in Québec within the partnership or joint-stock company.

**DIVISION III**  
**SECURITY AGAINST THE PROFESSIONAL**  
**FAULT OF PARTNERSHIP OR JOINT-STOCK**  
**COMPANY MEMBERS**

**8.** To be authorized to carry on professional activities in accordance with this Regulation, a hearing-aid acoustician carrying on professional activities within a partnership or joint-stock company must furnish and maintain security, on behalf of the partnership or joint-stock company, by means of an insurance or suretyship contract, or by joining a group plan contract entered into by the Order, against the liability of the partnership or joint-stock company arising from fault on the part of a hearing-aid acoustician in carrying on professional activities within the partnership or joint-stock company.

**9.** The security must include

(1) an undertaking by the insurer to pay in lieu of the partnership or joint-stock company, over and above the amount of the security to be furnished by the hearing-aid acoustician pursuant to the Regulation respecting the professional liability insurance of hearing-aid acousticians, approved by Order in Council 1188-94 dated 3 August 1994, up to the amount of the security, any sum that the partnership or joint-stock company may be legally bound to pay to an injured third party on a claim arising from fault on the part of a hearing-aid acoustician in the carrying on of professional activities within the partnership or joint-stock company;

(2) an undertaking by the insurer to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all legal costs of actions against the partnership or joint-stock company, including the costs of the inquiry and defence and interest on the amount of the security;

(3) an undertaking that the security is not less than \$1,000,000 per claim and \$5,000,000 for all claims filed against the partnership or joint-stock company within a 12-month coverage period;

(4) an undertaking by the insurer or surety to give the secretary of the Order a 30-day prior notice before terminating or modifying the insurance or suretyship contract when the modification affects a condition set out in this section; and

(5) an undertaking by the insurer or surety to provide the secretary of the Order with a notice that the insurance or suretyship contract has not been renewed; the notice must be sent within 15 days following the expiry of the contract.

The suretyship contract referred to in section 8 must be with a bank, savings and credit union, trust or insurance company and provide that the surety will provide the coverage in accordance with the conditions set out in this Regulation and will pay, by waiving the benefit of division and discussion, in lieu of the partnership or joint-stock company up to the amount of the suretyship.

**DIVISION IV**  
**DOCUMENT ACCESSIBILITY**

**10.** The documents that may be required from the partnership or joint-stock company under subparagraph 7 of the first paragraph of section 4 are the following:

(1) if the hearing-aid acoustician practises within a limited liability partnership,

(a) the partnership agreement and amendments;

(b) the declaration of registration of the partnership and any update;

(c) an up-to-date register of the partners;

(d) an up-to-date register of the partners performing management functions within the partnership and their home addresses;

(2) if the hearing-aid acoustician practises within a joint-stock company,

(a) an up-to-date register of the articles and by-laws of the joint-stock company;

(b) the declaration of registration of the joint-stock company and any update;

(c) an up-to-date register of the securities of the joint-stock company;

(d) any shareholders' agreement and voting agreement and amendments;

(e) an up-to-date register of the directors of the joint-stock company; and

(f) the names of all the directors and officers and their home addresses.

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



## Draft regulation

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

### Standards for the issue and holding of radiology permits

#### — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting standards for the issue and holding of radiology permits, made by the Office des professions du Québec, may be submitted to the Government, which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation amends the standards for the issue of permits to practise radiology and provides for the possibility of obtaining the recognition of a training equivalence for that purpose.

The Regulation should have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Jean-Luc Hunlédé, Direction des affaires juridiques, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973; e-mail: courrier@opq.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional orders concerned and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*

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## Regulation to amend the Regulation respecting standards for the issue and holding of radiology permits\*

Professional Code  
(R.S.Q., c. C-26, s. 186)

**1.** The Regulation respecting standards for the issue and holding of radiology permits is amended in section 2 by replacing paragraph 2 by the following:

“(2) has acquired, within the 5 years preceding the year of his application, training in radiology at an educational institution issuing diplomas that give access to a permit of a professional order referred to in section 1 or training recognized as equivalent by the order of which he is a member, that includes a minimum of

- (a) 55 hours in radiation protection;
- (b) 120 hours in radiological technique;
- (c) 125 hours in diagnostic radiology; and
- (d) 25 hours in radiation biology.

In appraising the training referred to in an application for training equivalence, the following factors are taken into account:

- (a) the fact that the member holds one or more diplomas;
- (b) the type of courses taken by the member, course content, the number of hours or credits for each course and the results obtained;
- (c) the training periods successfully completed by the member and any other relevant continuing training or refresher activities; and
- (d) the type and duration of the relevant work experience of the member.”.

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

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\* The Regulation respecting standards for the issue and holding of radiology permits, approved by Order in Council 1210-87 dated 5 August 1987 (1987, *G.O.* 2, 3195), was amended once, by the Act to amend the Professional Code and other Acts respecting the professions (S.Q., 1994, c. 40, s. 457).



## Treasury Board

Gouvernement du Québec

**T.B. 207977, 22 June 2009**

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

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

CONCERNING 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

WHEREAS, under Section 451 of the Education Act (R.S.Q., c. I-13.3), the Minister of Education, Recreation and Sports may, with authorization from the Conseil du Trésor, by regulation in all or some school boards and with the Comité de gestion de la taxe scolaire de l'île de Montréal, establish 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 of 13 December 2005, and amended by C.T. 203751 of 23 May 2006;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to the 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 16 June 2009, 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, herewith appended;

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

*Le greffier du Conseil du trésor,*  
SERGE MARTINEAU

**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.** Section 1 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 replacing, in the definition of the word “salary”, the words “or premiums for regional disparities” by the words “, premiums for regional disparities or the salary increase to compensate for the lack of social benefits”.

**2.** Section 46 of the Regulation is replaced by the following:

“**46.** A person who is not already employed by a school board when temporarily assigned, shall receive, in addition to his remuneration, a lump sum equal to 19% of his salary to compensate for any other working conditions, including vacation and paid legal holidays. For the person referred to in Section 54.1, the 6% increase provided for in order to compensate for the lack of coverage shall be included in the 19% lump sum. This

\* 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 of 13 December 2005 (2006, *G.O.* 2, 283) and modifications to this Regulation were approved by C.T. 203751 of 23 May 2006 (2006, *G.O.* 2, 2307).

lump sum shall be determined proportionately to the duration of the temporary assignment and shall be paid according to the same terms as those for the payment of salary.

Notwithstanding the first paragraph, if the duration of the temporary assignment is for at least one year, the insurance plan provisions described in Division 7 of this chapter shall apply to the senior staff member for the duration of the temporary assignment. In this case, the lump sum shall be reduced to 13%.”

**3.** This Regulation is amended by inserting, after Section 54, the following:

“**54.1** The senior staff member who is contributing to the group insurance plan for retired management staff in the public and parapublic sectors or who is receiving superannuation benefits from a pension plan managed by the Commission administrative des régimes de retraite et d’assurances, with the exception of the Pension Plan of Elected Municipal Officers, of the Retirement Plan for Mayors and Councillors of Municipalities or the Pension Plan of the Members of the National Assembly, shall not be covered by the group insurance plans referred to in Section 54. The salary of this senior staff member shall be increased by 6% to compensate for the lack of coverage.

The senior staff member who, on 14 July 2009, is covered by the insurance plans referred to in Section 54, shall be entitled to continued coverage for a maximum period of 90 days, calculated as of this date. At the end of the period for which coverage is maintained, in conformity with the first paragraph, the senior staff member shall no longer be covered by these insurance plans and his salary shall then be increased by 6%.

Notwithstanding the foregoing, the senior staff member who is covered by the insurance plans referred to in Section 54, who is totally disabled on 15 July 2009, shall continue to be covered by these insurance plans until the end of his salary insurance benefits or until the termination date of these benefits, as prescribed in the working conditions or in the master policy. As of the end or termination date, the senior staff member shall no longer be covered by these insurance plans and his salary shall then be increased by 6%.”

**4.** Section 3 of Schedule 9 of the Regulation is amended by inserting, after the words “of Sections 4 to 6”, the words “of this Appendix and of Section 54.1”.

**5.** The Regulation comes into effect on the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

## **T.B. 207978, 22 June 2009**

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

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

CONCERNING the 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, and amended by C.T. 203752 dated 23 May 2006;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to the 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 16 June 2009, 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, herewith appended;
2. To ask for the publication of the Regulation in the *Gazette officielle du Québec*.

*Le greffier du Conseil du trésor,*  
SERGE MARTINEAU

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

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

**1.** Section 16 of the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges is amended by replacing the words “, excluding any premium, lump sum and any other amount prescribed in Division IV of Chapter VII.” with the words “, excluding any premium, lump sum, any amount prescribed in Division IV of Chapter VII, and any salary increase to compensate for the lack of social benefits”.

**2.** The second paragraph of Section 25 of the Regulation is amended, at the end, by adding the following sentence: “For the person referred to in Section 47.1, the 6% increase provided for in order to compensate for the lack of coverage shall be included in the 11.12% lump sum.”.

**3.** This Regulation is amended by inserting, after Section 47, the following:

“**47.1** The senior staff member who is contributing to the group insurance plan for retired management staff in the public and parapublic sectors or who is receiving superannuation benefits from a pension plan managed by the Commission administrative des régimes de retraite et d’assurances, with the exception of the Pension Plan of Elected Municipal Officers, of the Retirement Plan for Mayors and Councillors of Municipalities or the Pension Plan of the Members of the National Assembly, shall not be covered by the group insurance plans referred to in Section 47. The salary of this senior staff member shall be increased by 6% to compensate for the lack of coverage.

The senior staff member who, on 14 July 2009, is covered by the insurance plans referred to in Section 47, shall be entitled to continued coverage for a maximum period of 90 days, calculated as of this date. At the end of the period for which coverage is maintained, in conformity with the first paragraph, the senior staff member shall no longer be covered by these insurance plans and his salary shall then be increased by 6%.

\* The Regulation determining certain conditions of employment for senior staff of general and vocational colleges was approved by the Conseil du trésor, CT 202574 of 21 June 2005 (2005, G.O. 2, 3446) and modifications to this Regulation were approved by CT 203752 of 23 May 2006 (2006, G.O. 2, 2318).

Notwithstanding the foregoing, the senior staff member who is covered by the insurance plans referred to in Section 47, who is totally disabled on 15 July 2009, shall continue to be covered by these insurance plans until the end of his salary insurance benefits or until the termination date of these benefits, as prescribed in the working conditions or in the master policy. As of the end or termination date, the senior staff member shall no longer be covered by these insurance plans and his salary shall then be increased by 6%.”

**4.** Schedule 1 of this Regulation is amended by replacing, in the classification table for senior staff positions, the title “Associate Academic Dean” by “Deputy Academic Dean”.

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

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Gouvernement du Québec

**C.T. 207979, 22 June 2009**

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

CONCERNING 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

WHEREAS, under Section 451 of the Education Act (R.S.Q., c. I-13.3), the Minister of Education, Recreation and Sports may, with authorization from the Conseil du Trésor, by regulation in all or some school boards and with the Comité de gestion de la taxe scolaire de l’île de Montréal, establish 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 of 30 November 2004, and amended by C.T. 202576 of 21 June 2005, C.T. 202857 of 11 October 2005, C.T. 203161 of 13 December 2005, C.T. 203163 of 13 December 2005 and C.T. 203753 of 23 May 2006;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to the 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 18 June 2009, 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, herewith appended;

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

SERGE MARTINEAU,  
*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\***

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

**1.** Section 4 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, in the definition of the word “salary”, the words “or premiums

for regional disparities” by the words “, premiums for regional disparities or the salary increase to compensate for the lack of social benefits”.

**2.** Section 20 of the Regulation is replaced by the following:

“**20.** In the case of a temporary assignment exceeding one month, Section 19 shall apply retroactively to the first day of the assignment.

A person who is not already employed by a school board when temporarily assigned, shall receive, in addition to his remuneration, a lump sum equal to 19% of his salary to compensate for any other working conditions, including vacation and paid legal holidays. For the person referred to in Section 43.1, the 6% increase provided for in order to compensate for the lack of coverage shall be included in the 19 % lump sum. This lump sum shall be determined proportionately to the duration of the temporary assignment and shall be paid according to the same terms as those for the payment of salary.

A person on a temporary assignment who subscribes to the insurance plans of senior executives shall be paid a lump sum of 13%.”

**3.** This Regulation is amended by inserting, after Section 43, the following:

“**43.1** The senior executive who is contributing to the group insurance plan for retired management staff in the public and parapublic sectors or who is receiving superannuation benefits from a pension plan managed by the Commission administrative des régimes de retraite et d'assurances, with the exception of the Pension Plan of Elected Municipal Officers, of the Retirement Plan for Mayors and Councillors of Municipalities or the Pension Plan of the Members of the National Assembly, shall not be covered by the group insurance plans referred to in Section 43. The salary of this senior executive shall be increased by 6% to compensate for the lack of coverage.

The senior executive who, on 14 July 2009, is covered by the insurance plans referred to in Section 43 shall be entitled to continued coverage for a maximum period of 90 days, calculated as of this date. At the end of the period for which coverage is maintained, in conformity with the first paragraph, the senior executive shall no longer be covered by these insurance plans and his salary shall then be increased by 6%.

Notwithstanding the foregoing, the senior executive who is covered by the insurance plans referred to in Section 43, who is totally disabled on 15 July 2009, shall continue to be covered by these insurance plans until the end of

\* 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 were approved by the Conseil du trésor, C.T. 201768 of 30 November 2004 (2004, *G.O.* 2, 5323), and modifications to this Regulation were approved by C.T. 202576 of 21 June 2005 (2005, *G.O.* 2, 3479), C.T. 202857 of 11 October 2005 (2005, *G.O.* 2, 6199), C.T. 203161 of 13 December 2005 (2006, *G.O.* 2, 282), C.T. 203163 of 13 December 2005 (2006, *G.O.* 2, 356) and C.T. 203753 of 23 May 2006 (2006, *G.O.* 2, 2328).

his salary insurance benefits or until the termination date of these benefits, as prescribed in the working conditions or in the master policy. As of the end or termination date, the senior executive shall no longer be covered by these insurance plans and his salary shall then be increased by 6%.”

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

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Gouvernement du Québec

**C.T. 207980, 22 June 2009**

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

**Senior executives of general and vocational colleges  
— Certain conditions of employment of senior staff  
— Amendments**

CONCERNING the 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 has been approved by the Conseil du trésor, C.T. 202573 of 21 June 2005, and amended by C.T. 203754 of 23 May 2006 and by C.T. 207141 of 9 December 2008;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to the 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 18 June 2009, 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, herewith appended;

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

SERGE MARTINEAU,  
*Clerk of the Conseil du trésor*

**The Regulation to amend the Regulation  
respecting certain conditions of  
employment of senior executives of  
general and vocational colleges\***

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

**1.** Section 10 of the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges is amended by replacing the words “, excluding any premium, lump sum” with the words “, excluding any premium, lump sum and any salary increase to compensate for the lack of social benefits”.

**2.** The Regulation is amended by inserting, after Section 66, the following:

“**66.1** Notwithstanding section 66, the senior executive who is contributing to the group insurance plan for retired management staff in the public and parapublic sectors or who is receiving superannuation benefits from a pension plan managed by the Commission administrative des régimes de retraite et d’assurances, with the exception of the Pension Plan of Elected Municipal Officers, of the Retirement Plan for Mayors and Councillors of Municipalities or the Pension Plan of the Members of the National Assembly, shall not be covered by the group insurance

\* The Regulation determining certain conditions of employment for senior executives of general and vocational colleges was approved by the Conseil du trésor, C.T. 202573 of 21 June 2005 (2005, *G.O.* 2, 3419), and modifications to this Regulation were approved by C.T. 203754 of 23 May 2006 (2006, *G.O.* 2, 2338) and C.T. 207141 of 9 December 2008 (2008, *G.O.* 2, 6519).

plans referred to in this section. The salary of this senior executive shall be increased by 6% to compensate for the lack of coverage.

The senior executive who, on 14 July 2009, is covered by the insurance plans referred to in Section 66 shall be entitled to continued coverage for a maximum period of 90 days, calculated as of this date. At the end of the period for which coverage is maintained, in conformity with the first paragraph, the senior executive shall no longer be covered by these insurance plans and his salary shall then be increased by 6%.

Notwithstanding the foregoing, the senior executive who is covered by the insurance plans referred to in Section 66, who is totally disabled on 15 July 2009, shall continue to be covered by these insurance plans until the end of his salary insurance benefits or until the termination date of these benefits, as prescribed in the working conditions or in the master policy. As of the end or termination date, the senior executive shall no longer be covered by these insurance plans and his salary shall then be increased by 6%.”

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



## Erratum

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### **M.O., 2009**

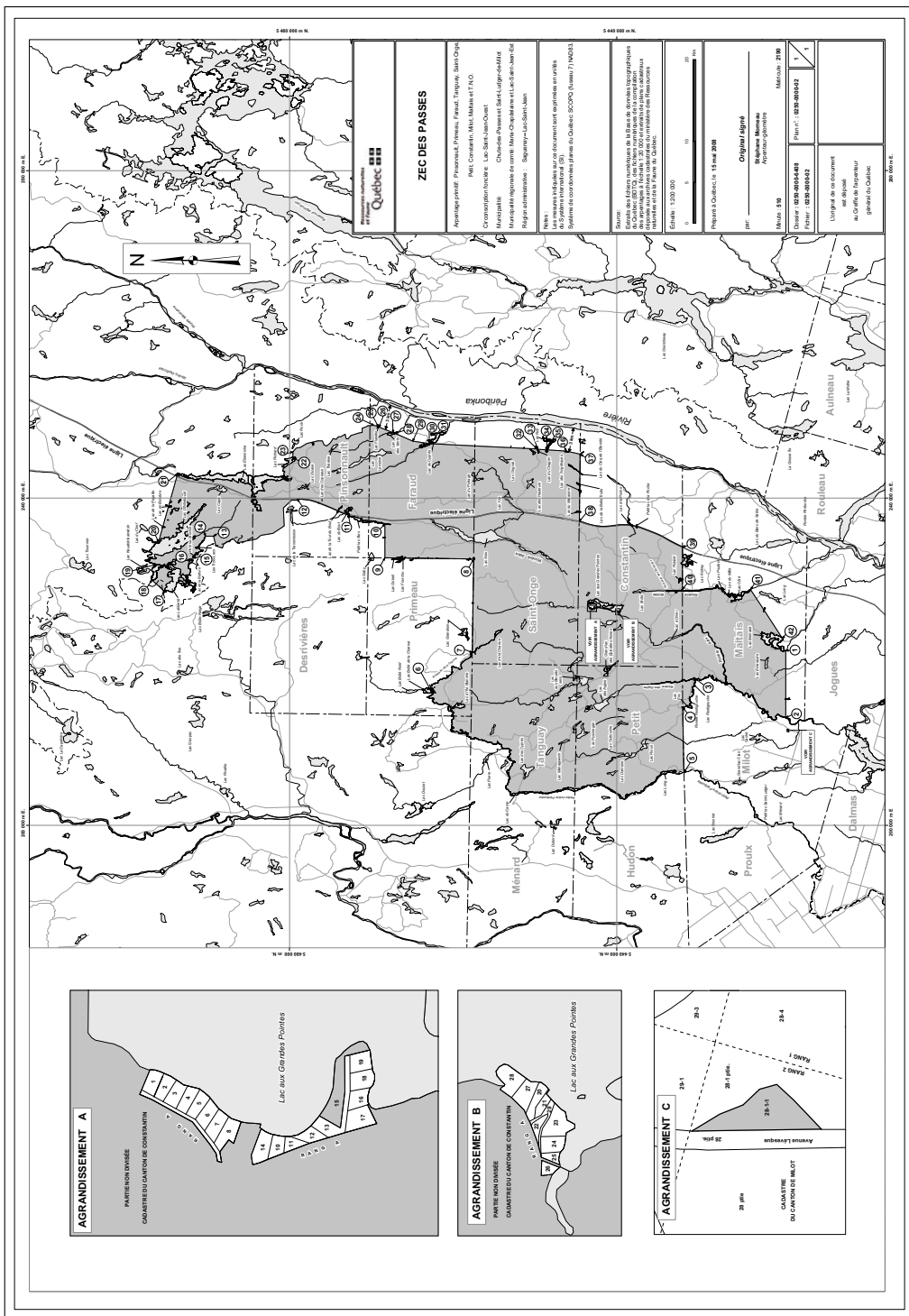
#### **Order number AM 2009-025 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife dated 27 May 2009**

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

CONCERNING the Des Passes Controlled Zone

*Gazette officielle du Québec*, Part 2, June 10, 2009, Vol. 141, No. 23, page 1808.

On page 1809, the map published should have been as follows:



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

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