

**Gazette**  
officielle  
<sup>DU</sup>**Québec**

Part

**2**

No. 4

25 January 2012

**Laws and Regulations**

Volume 144

**Summary**

Table of Contents

Acts 2011

Regulations and other Acts

Notices

Index

Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
© Éditeur officiel du Québec, 2012

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.

# NOTICE TO USERS

---

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Centre de services partagés du Québec (R.S.Q., c. C-8.1.1) and the Regulation respecting the *Gazette officielle du Québec* (Order in Council 1259-97 dated 24 September 1997), amended by the Regulation to amend the Regulation respecting the *Gazette officielle du Québec* (Order in Council 264-2004 dated 24 March 2004 (2004, G.O. 2, 1176). Partie 1, entitled “Avis juridiques”, is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday. Partie 2, entitled “Lois et règlements”, and the English edition, Part 2 “Laws and Regulations”, are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

## Part 2 – LAWS AND REGULATIONS

### Internet

The *Gazette officielle du Québec* Part 2 will be available on the Internet at noon each Wednesday at the following address:

[www.publicationsduquebec.gouv.qc.ca](http://www.publicationsduquebec.gouv.qc.ca)

### Contents

Part 2 contains:

- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
- (4) decisions of the Conseil du trésor and ministers’ orders whose publications in the *Gazette officielle du Québec* is required by law or by the Government;
- (5) regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by law;
- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

### French edition

In addition to the documents referred to in paragraphs 1 to 7 above, the French version of the *Gazette officielle du Québec* contains the orders in council of the Government.

### Rates \*

1. Annual subscription:

	Printed version	Internet
Partie 1 “Avis juridiques”:	\$195	\$171
Partie 2 “Lois et règlements”:	\$266	\$230
Part 2 “Laws and Regulations”:	\$266	\$230

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$10.03 per copy.

3. Downloading of documents from the Internet version of the *Gazette officielle du Québec* Part 2: \$7.09.

4. Publication of a notice in Partie 1: \$1.35 per agate line.

5. Publication of a notice in Part 2: \$0.90 per agate line. A minimum rate of \$196 is applied, however, in the case of a publication of fewer than 220 agate lines.

\* **Taxes not included.**

### General conditions

The Division of the *Gazette officielle du Québec* must receive manuscripts, **at the latest, by 11:00 a.m. on the Monday** preceding the week of publication. Requests received after that time will appear in the following edition. All requests must be accompanied by a signed manuscript. In addition, the electronic version of each notice to be published must be provided by e-mail, to the following address: [gazette.officielle@cspq.gouv.qc.ca](mailto:gazette.officielle@cspq.gouv.qc.ca)

For information concerning the publication of notices, please call:

**Gazette officielle du Québec**  
**1000, route de l’Église, bureau 500**  
**Québec (Québec) G1V 3V9**  
**Telephone: 418 644-7794**  
**Fax: 418 644-7813**  
**Internet: [gazette.officielle@cspq.gouv.qc.ca](mailto:gazette.officielle@cspq.gouv.qc.ca)**

### Subscriptions

Internet: [www.publicationsduquebec.gouv.qc.ca](http://www.publicationsduquebec.gouv.qc.ca)

Printed:

**Les Publications du Québec**  
Customer service – Subscriptions  
1000, route de l’Église, bureau 500  
Québec (Québec) G1V 3V9  
Telephone: 418 643-5150  
Toll free: 1 800 463-2100  
Fax: 418 643-6177  
Toll free: 1 800 561-3479

**All claims must be reported to us within 20 days of the shipping date.**

---

## Table of Contents

Page

---

### Acts 2011

35	An Act to prevent, combat and punish certain fraudulent practices in the construction industry and make other amendments to the Building Act . . . . .	283
39	An Act to amend the Act respecting the Québec Pension Plan and other legislative provisions . . . . .	305
41	An Act to amend the Pharmacy Act . . . . .	315
120	An Act respecting political party leadership campaigns . . . . .	321
207	An Act to amend the Act to establish the Société du chemin de fer de la Gaspésie . . . . .	343
209	An Act respecting Rosemère Curling Club Inc. . . . .	347

---

### Regulations and other Acts

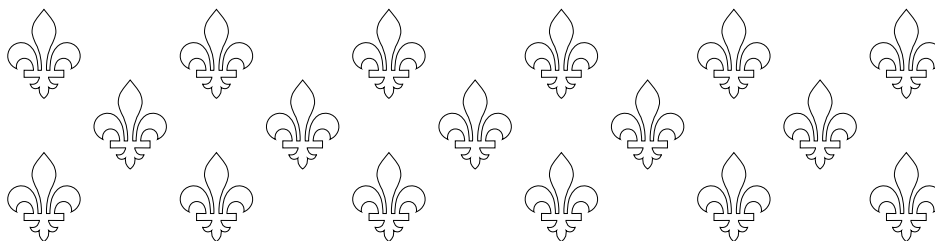
Certain terms of employment applicable to officers of agencies and health and social services institutions . . . . .	362
Certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions . . . . .	351

---

### Notices

Mont-Yamaska Nature Reserve (Secteur Onil Caouette) — Recognition . . . . .	379
---	-----





---

---

# NATIONAL ASSEMBLY

---

---

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 35  
(2011, chapter 35)

**An Act to prevent, combat and punish  
certain fraudulent practices in the  
construction industry and make other  
amendments to the Building Act**

---

---

**Introduced 26 October 2011  
Passed in principle 29 November 2011  
Passed 8 December 2011  
Assented to 9 December 2011**

---

**Québec Official Publisher  
2011**

## EXPLANATORY NOTES

*This Act amends the Building Act in order to prevent, combat and punish certain fraudulent practices in the construction industry and revise the amounts of fines imposed under that Act.*

*It makes certain adjustments to the governance of the Régie du bâtiment du Québec (the Board) and makes other amendments to improve the regulation and terms of financial guaranties in the construction industry. It also amends the Act respecting contracting by public bodies as regards the register of enterprises ineligible for public contracts.*

*It provides that a person convicted of an offence under a fiscal law or of an indictable offence must now file any declaration, information or document required by the Board concerning the offence. Failure to comply entails the denial of a licence or, if the person holds a licence, its suspension or cancellation. Furthermore, requirements concerning the contractor's good moral character, competence and integrity are added to the conditions for the issue and maintenance of a licence. As well, the licence of any contractors convicted of certain offences under a fiscal law in the last five years will be restricted for the purposes of bidding for a public contract.*

*Fines under the Building Act are substantially increased, including those that may be imposed on any person for acting as a contractor without holding a licence, on a contractor for the illegal transfer of a licence and on any person for using the name of a licence holder for the purpose of carrying out construction work.*

*The composition of the Board's board of directors is altered, as are certain aspects of its operation. A third vice-president is added to oversee investigations. Commissioners are appointed to take charge of certain functions, including the issue, suspension and cancellation of licences.*

*The Board is given the power to impose a continuing education system on contractors, by regulation, so that they keep their skills and knowledge up to date.*

*The financial guaranties offered to purchasers of new residential buildings are revisited. For instance, the Building Act now requires*

*that guaranty plan managers be non-profit legal persons and that their board of directors meet the criteria prescribed by regulation of the Board. A guaranty fund, of which the Board will be trustee, is set up to step in should an exceptional or unforeseeable major loss occur or should a guaranty plan manager no longer be able to meet its obligations owing to its financial situation.*

*The Act respecting contracting by public bodies is amended to fine-tune the mechanics of the register of enterprises ineligible for public contracts and specify the cases in which contractors are named in the register.*

**LEGISLATION AMENDED BY THIS ACT:**

- Building Act (R.S.Q., chapter B-1.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- Act respecting contracting by public bodies (R.S.Q., chapter C-65.1);
- Master Electricians Act (R.S.Q., chapter M-3);
- Master Pipe-Mechanics Act (R.S.Q., chapter M-4);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01).





## Bill 35

### AN ACT TO PREVENT, COMBAT AND PUNISH CERTAIN FRAUDULENT PRACTICES IN THE CONSTRUCTION INDUSTRY AND MAKE OTHER AMENDMENTS TO THE BUILDING ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### BUILDING ACT

**1.** Section 58 of the Building Act (R.S.Q., chapter B-1.1) is amended

(1) by inserting the following subparagraphs after subparagraph 8.2 of the first paragraph:

“(8.3) he has filed any declaration, information or document required by the Board concerning offences under a fiscal law or indictable offences of which he or a person referred to in subparagraph 8.2 has been convicted;

“(8.4) he has not, in the five years preceding the application, been convicted by a foreign court of an offence referred to in subparagraph 8 which, if committed in Canada, would have resulted in criminal proceedings;”;

(2) by striking out the third paragraph.

**2.** Section 58.1 of the Act is repealed.

**3.** Section 60 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 6 of the first paragraph:

“(6.0.1) none of the officers of any of its members, in the case of a partnership, or of any of its shareholders, in the case of a legal person, has, in the five years preceding the application, been convicted of an offence under a fiscal law or an indictable offence referred to in subparagraph 6;”;

(2) by inserting the following subparagraphs after subparagraph 6.2 of the first paragraph:

“(6.3) it has filed any declaration, information or document required by the Board concerning offences under a fiscal law or indictable offences of which it or a person referred to in subparagraph 6 or 8 has been convicted;

“(6.4) neither it nor any of its officers have, in the five years preceding the application, been convicted by a foreign court of an offence referred to in subparagraph 6 which, if committed in Canada, would have resulted in criminal proceedings;”;

(3) by striking out the third paragraph.

**4.** Section 61 of the Act is amended by striking out the third paragraph.

**5.** The Act is amended by inserting the following sections after section 62:

**“62.0.1.** The Board may refuse to issue a licence if issuing the licence would be contrary to the public interest, for example because the applicant or, in the case of a partnership or a legal person, it or any of its officers is unable to prove good moral character and a capacity to exercise activities as a contractor with competence and integrity, given the past conduct of the applicant or the officer.

The Board may, in that regard, conduct or commission any verifications it considers necessary.

**“62.0.2.** The Board may refuse to issue a licence to a natural person, a partnership or a legal person that is, in actual fact, directly or indirectly under the direction or control of a person who does not meet the conditions set out in subparagraph 8 of the first paragraph of section 58, subparagraph 6 of the first paragraph of section 60 or section 62.0.1.”

**6.** Section 65 of the Act is amended by replacing “30” by “60”.

**7.** Section 65.1 of the Act is amended

(1) by replacing “or section 5” in subparagraph 1 of the second paragraph by “or has been convicted, in the last five years, under paragraph *a* of subsection 1 of section 380 of that Code, subparagraph *i* of paragraph *b* of that subsection, any of sections 467.11 to 467.13 of that Code or section 5”;

(2) by striking out subparagraph 2 of the second paragraph;

(3) by inserting the following subparagraphs after subparagraph 2 of the second paragraph:

“(3) if the licence holder or, in the case of a partnership or a legal person, a person referred to in subparagraph 6 of the first paragraph of section 60, has, in the last five years, been convicted of an offence under any of sections 62, 62.0.1 and 62.1 of the Tax Administration Act (chapter A-6.002), section 68 or 68.0.1 of that Act insofar as it is related to any of those sections, section 239 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement) or section 327 of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15); or

“(4) if an officer of the licence holder is also an officer of a partnership or a legal person whose licence contains a restriction as regards the obtention of a public contract and for the same period of time, unless the licence holder proves to the Board that the offence that resulted in the restriction was not committed in the exercise of the person’s functions within the partnership or legal person.”;

(4) by striking out the last three paragraphs.

**8.** The Act is amended by inserting the following section after section 65.1:

“**65.1.1.** A licence holder whose licence has been restricted must send the Board, within the time limit set by the Board, the name of every party referred to in section 65.4 with which the licence holder has a contract in process and the name and, if applicable, Québec business number of every partnership or legal person of which the licence holder is an officer.”

**9.** The Act is amended by inserting the following section after section 65.2:

“**65.2.1.** If the holder’s licence has been restricted, the holder must cease to perform any public contract if the other party to the contract, referred to in section 65.4, fails to apply to the Board, within 20 days after the restriction is registered, for authorization for continued performance of the contract or the Board does not grant the authorization within 10 days after it is applied for.

The Board may subject its authorization to certain conditions, including that the licence holder agree to the implementation, at the licence holder’s own expense, of oversight and monitoring measures determined by regulation of the Board.”

**10.** Section 70 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 3.2 of the first paragraph:

“(3.3) has failed to file any declaration, information or document required by the Board concerning offences under a fiscal law or indictable offences of which the licence holder or a person referred to in subparagraph 8.2 of the first paragraph of section 58 or subparagraph 6 or 8 of the first paragraph of section 60 has been convicted;”;

(2) by striking out the second paragraph.

**11.** Section 81 of the Act is amended

(1) by inserting “non-profit” before “legal person”;

(2) by adding the following paragraph:

“The composition of such a legal person’s board of directors must be in accordance with the criteria determined by the regulation.”

**12.** The Act is amended by inserting the following section after section 81:

**“31.0.1.** A guaranty fund is set up as a social trust patrimony to intervene should an exceptional or unforeseeable major loss occur or should the manager of a guaranty plan no longer be able to meet the obligations of the guaranty plan, owing to the manager’s financial position.

The Board is trustee of the guaranty fund. It acts in constant pursuit of the objectives of the fund.”

**13.** Section 81.1 of the Act is replaced by the following section:

**“31.1.** The manager of a guaranty plan must, in keeping with the terms prescribed by regulation, pay the prescribed amounts into a reserve account and into the guaranty fund.

Those amounts are unassignable and unseizable.”

**14.** Section 83 of the Act is amended by replacing the last paragraph by the following paragraph:

“The Board may, in such cases, appoint a provisional administrator.”

**15.** The Act is amended by inserting the following sections after section 83:

**“33.0.1.** Before withdrawing its authorization and appointing a provisional administrator, the Board must give the manager an opportunity to submit observations.

However, in an urgent situation, the Board may first appoint the provisional administrator, provided that the manager is allowed at least 10 days to submit observations.

**“33.0.2.** The decision to appoint a provisional administrator must give reasons and be notified in writing by the Board to the manager.

**“33.0.3.** The provisional administrator shall have the necessary powers to carry out the mandate assigned by the Board.

Subject to the restrictions included in the mandate, the provisional administrator may, on his own initiative, in particular,

(1) take possession of all the assets and funds held in trust or otherwise by or for the manager;

- (2) commit the funds to carrying out the mandate and enter into such contracts as are necessary for that purpose;
- (3) determine the number of guaranty plan beneficiaries and their identity;
- (4) assign, transfer or otherwise dispose of guaranty contracts;
- (5) transact on any claim made by a guaranty plan beneficiary for the performance of a guaranty contract; and
- (6) go before the courts for the purpose of carrying out the mandate.

In no case may the provisional administrator be sued for acts done in good faith in the performance of duty.

**“83.0.4.** When a provisional administrator is appointed, every person in possession of documents, records, books, electronic data, computer programs or other effects relating to the manager’s affairs must hand them over on request to the provisional administrator and give him access to such premises, equipment or computers as he may require.

**“83.0.5.** After receiving a notice to that effect from the provisional administrator appointed for a manager, no depository of funds for the manager may make any withdrawal or payment from the funds except with the written authorization of the provisional administrator. The funds must, on request, be put in the possession of the provisional administrator according to his directives.

**“83.0.6.** The costs of the provisional administration and the provisional administrator’s fees shall be taken out of the manager’s assets and become payable on being approved by the Board. If the manager fails to pay the account within 30 days of its presentation, the costs and fees shall be payable out of the security required of the manager and, in case of a lack or insufficiency of funds, they shall be payable out of the guaranty fund.”

**16.** Section 83.1 of the Act is amended

- (1) by striking out “exclusively” in subparagraph 1 of the first paragraph;
- (2) by replacing the last paragraph by the following paragraph:

“The body must maintain a website that allows the public to access the full text of any decision made by its arbitrators within 30 days.”

**17.** Section 90 of the Act is amended by replacing “nine” by “13”.

**18.** Section 91 of the Act is amended

(1) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) two chosen from among persons identified with building contractors associations;”;

(2) by inserting the following subparagraph after subparagraph 1 of the second paragraph:

“(1.1) one chosen from among persons identified with corporations incorporated under the Master Electricians Act (chapter M-3) or the Master Pipe-Mechanics Act (chapter M-4);”;

(3) by replacing “one chosen” in subparagraph 3 of the second paragraph by “two chosen”;

(4) by replacing “one chosen” in subparagraph 4 of the second paragraph by “two chosen”;

(5) by replacing “one chosen” in subparagraph 5 of the second paragraph by “two chosen”;

(6) by replacing “one chosen” in subparagraph 6 of the second paragraph by “two chosen”.

**19.** Section 91.3 of the Act is amended by inserting the following paragraph after the first paragraph:

“The chair shall also see to the proper operation of the board committees and may participate in their meetings. The chair shall evaluate the performance of the other board members according to criteria established by the board.”

**20.** Section 91.5 of the Act is amended by replacing “two vice-presidents” in the first paragraph by “three vice-presidents, including a vice-president in charge of investigations,”.

**21.** Section 101 of the Act is replaced by the following section:

“**101.** The Board shall adopt internal by-laws. The internal by-laws must, among other things, provide for the establishment of

(1) a governance and ethics committee; and

(2) an audit committee at least one of whose members must be a member of one of the professional orders of accountants governed by the Professional Code (chapter C-26).

The internal by-laws come into force on the date of their approval by the Government.”

**22.** The Act is amended by inserting the following division after section 109.5:

**“DIVISION 1.2**

**“COMMISSIONERS**

**“109.6.** The Government shall appoint not more than five commissioners for the exclusive exercise of the following functions under the administrative authority of the president and chief executive officer:

(1) to decide whether a licence or an amendment to a licence may be refused in light of the conditions prescribed in any of subparagraphs 4, 8, 8.2 and 8.3 of the first paragraph of section 58, sections 59 and 59.1, subparagraphs 6, 6.0.1, 6.3 and 8 of the first paragraph of section 60, the third paragraph of section 60 and sections 61 to 62.0.2;

(2) to decide to indicate a restriction on a licence under subparagraph 4 of the second paragraph of section 65.1;

(3) to grant the holder of a licence that contains a restriction the authorization to continue to perform a contract in accordance with section 65.2.1 and to subject the authorization to certain conditions;

(4) to decide to suspend or cancel a licence under any of subparagraphs 1 to 6, 11 and 12 of the first paragraph of section 70 or the second paragraph of that section;

(5) to revoke, limit, suspend, amend or refuse to renew a permit granted under section 35.2 or 37 pursuant to section 128.3;

(6) to revoke the recognition of a person or body referred to in section 16, 35 or 37.4 pursuant to section 128.4; and

(7) to render decisions, in accordance with sections 160 to 164, on applications for review of a ruling of the Board.

**“109.7.** The commissioners shall be appointed for a term of up to five years. The term is renewable.

The president and chief executive officer may allow a commissioner to continue the examination of an application and render a decision although the commissioner’s term has expired.

**“109.8.** The Government shall determine the commissioners’ remuneration, employee benefits and other conditions of employment.”

**23.** Section 111 of the Act is amended

(1) by inserting the following paragraph after paragraph 5:

“(5.1) subsidizing services or bodies whose purpose is to protect guaranty plan beneficiaries;”;

(2) by inserting “a guaranty fund or” after “administer” in paragraph 11.

**24.** Section 112 of the Act is amended

(1) by replacing “enter a building or” by “enter a building, an establishment where the manager of a guaranty plan carries on activities or a”;

(2) by inserting “of the manager of a guaranty plan,” after “files” in paragraph 2.

**25.** Section 114 of the Act is amended by inserting “the manager of a guaranty plan,” after “require”.

**26.** Section 115 of the Act is amended by inserting “establishment where the manager of a guaranty plan carries on activities,” after “building,”.

**27.** Section 130 of the Act is amended

(1) by inserting “109.6,” after “sections” in the first paragraph;

(2) by replacing subparagraph 1 of the third paragraph by the following subparagraph:

“(1) the exercise of the functions assigned to it by this Act, except those conferred by sections 109.6, 130.1, 132, 173 to 179 and 185, to a member of its personnel;”.

**28.** Section 130.1 of the Act is amended by replacing “58.1” in the first paragraph by “58”.

**29.** Section 141 of the Act is amended by inserting “a commissioner,” after “vice-president,” in the first paragraph.

**30.** Section 145 of the Act is amended by inserting “a commissioner,” after “vice-president,” in the first paragraph.

**31.** Section 160 of the Act is amended by replacing “58.1” in paragraph 1 by “84”.

**32.** Section 164.1 of the Act is amended

(1) by striking out “or is made under section 58.1” in subparagraph 1 of the first paragraph;



(2) by inserting “84,” after “section” in subparagraph 2 of the first paragraph.

**33.** Section 185 of the Act is amended

(1) by inserting the following paragraph after paragraph 9:

“(9.1) determine the continuing education requirements, or the framework for continuing education requirements, with which all or certain natural persons who are licence holders and all or certain natural persons referred to in section 52 must comply, in accordance with the conditions set by resolution of the Board; the regulation must include the procedure for monitoring, supervising or evaluating compliance with the requirements, penalties for a failure to comply and, if applicable, any exemptions from the requirements;”;

(2) by inserting the following paragraph after paragraph 16:

“(16.1) determine, for the purposes of section 65.2.1, the oversight and monitoring measures applicable to the holder of a restricted licence and determine the cases, conditions, period and manner—including the sanctions for non-compliance—in which these measures apply to such a licence holder, who must in all cases assume the expenses;”;

(3) by striking out paragraph 18.1;

(4) by inserting the following subparagraph before subparagraph *a* of paragraph 19.5:

“(0.a) prescribe the governance rules applicable to a non-profit legal person designated by the Board to act as manager, including rules as to the composition of its board of directors and as to the content of its internal by-laws, which by-laws must be approved by the Board;”;

(5) by replacing “he” in subparagraph *a* of paragraph 19.5 by “the person”;

(6) by inserting the following subparagraph after subparagraph *c* of paragraph 19.5:

“(c.1) determine the amount that the person must pay into the guaranty fund;”;

(7) by inserting the following paragraphs after paragraph 19.5:

“(19.5.1) determine how the guaranty fund is to be managed, and in particular

(a) prescribe the amount and form of required contributions and prescribe how and when they are to be collected and paid as well as how they are to be administered and used;

(b) determine the target amount to be accumulated in the fund;

“(19.5.2) prescribe the financial penalties that the Board may impose if its intervention is necessary owing to a guaranty plan manager’s failure to comply with the Act or the regulation or with the policies established by the Board;”;

(8) by striking out “maximum” in subparagraph *b* of paragraph 19.6.

**34.** Section 196 of the Act is amended

(1) by replacing “Any offence under section 194, except paragraphs 1, 2 and 5,” in the first paragraph by “Subject to sections 196.1 and 196.1.1, any offence under section 194”;

(2) by replacing “between \$330 and \$710” and “between \$710 and \$1,420” in the first paragraph by “\$1,000 to \$5,000” and “\$3,000 to \$15,000”, respectively;

(3) by replacing “between \$659 and \$1,420” and “between \$1,420 and \$2,839” in the second paragraph by “\$2,000 to \$6,000” and “\$6,000 to \$30,000”, respectively;

(4) by replacing “between \$1,977 and \$4,259” and “between \$4,259 and \$8,518” in the third paragraph by “\$6,000 to \$18,000” and “\$18,000 to \$90,000”, respectively.

**35.** Section 196.1 of the Act is amended by replacing “\$659 to \$1,420” and “\$1,420 to \$5,071” in the first paragraph by “\$2,500 to \$12,500” and “\$7,500 to \$37,500”, respectively.

**36.** The Act is amended by inserting the following section after section 196.1:

“**196.1.1.** Any person who contravenes the second paragraph of section 56 or paragraph 5 of section 194 is liable to a fine of \$10,000 to \$75,000 in the case of an individual and \$30,000 to \$150,000 in the case of a legal person.”

**37.** Section 196.2 of the Act is amended by replacing “\$1,014 to \$10,141” and “\$2,028 to \$50,705” by “\$5,000 to \$25,000” and “\$15,000 to \$75,000”, respectively.

**38.** Section 197 of the Act is amended

(1) by striking out “any of sections 46, 48 and 64,”;

(2) by replacing “65.2,” by “65.2 or”;

(3) by striking out “or paragraph 5 of section 194”;

(4) by replacing “between \$710 to \$1,420” and “between \$1,420 and \$2,839” by “\$5,000 to \$25,000” and “\$15,000 to \$75,000”, respectively.

**39.** The Act is amended by inserting the following section after section 197:

**“197.1.** Any person who contravenes section 46 or 48 by not holding a licence of the appropriate class or subclass is liable to a fine of \$5,000 to \$25,000 in the case of an individual and \$15,000 to \$75,000 in the case of a legal person, and any person who contravenes either of those sections by not holding a licence is liable to a fine of \$10,000 to \$75,000 in the case of an individual and \$30,000 to \$150,000 in the case of a legal person.”

**40.** Section 198 of the Act is amended by replacing “between \$710 and \$1,420” and “between \$1,420 and \$2,839” by “\$5,000 to \$25,000” and “\$15,000 to \$75,000”, respectively.

**41.** Section 199 of the Act is amended

(1) by replacing “between \$1,648 and \$2,840” and “between \$7,099 and \$28,395” in the first paragraph by “\$5,000 to \$25,000” and “\$15,000 to \$75,000”, respectively;

(2) by replacing “between \$3,296 and \$5,679” and “between \$14,197 and \$70,987” in the second paragraph by “\$10,000 to \$75,000” and “\$30,000 to \$150,000”, respectively.

#### CITIES AND TOWNS ACT

**42.** Section 573.3.3.2 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 41 of chapter 17 of the statutes of 2011, is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts and every municipality is deemed to be a public body, and the Minister of Municipal Affairs, Regions and Land Occupancy exercises, in respect of those contracts, the responsibility conferred on the Conseil du trésor by section 21.3 of that Act and that conferred on the minister responsible by section 21.5 of that Act.”

#### MUNICIPAL CODE OF QUÉBEC

**43.** Article 938.3.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), enacted by section 43 of chapter 17 of the statutes of 2011, is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts and every municipality is deemed to be a public body, and the

Minister of Municipal Affairs, Regions and Land Occupancy exercises, in respect of those contracts, the responsibility conferred on the Conseil du trésor by section 21.3 of that Act and that conferred on the minister responsible by section 21.5 of that Act.”

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

**44.** Section 118.1.1 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01), enacted by section 44 of chapter 17 of the statutes of 2011, is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts and the Community is deemed to be a public body, and the Minister of Municipal Affairs, Regions and Land Occupancy exercises, in respect of those contracts, the responsibility conferred on the Conseil du trésor by section 21.3 of that Act and that conferred on the minister responsible by section 21.5 of that Act.”

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

**45.** Section 111.1.1 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02), enacted by section 46 of chapter 17 of the statutes of 2011, is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts and the Community is deemed to be a public body, and the Minister of Municipal Affairs, Regions and Land Occupancy exercises, in respect of those contracts, the responsibility conferred on the Conseil du trésor by section 21.3 of that Act and that conferred on the minister responsible by section 21.5 of that Act.”

#### ACT RESPECTING CONTRACTING BY PUBLIC BODIES

**46.** Section 21.1 of the Act respecting contracting by public bodies (R.S.Q., chapter C-65.1), enacted by section 49 of chapter 17 of the statutes of 2011, is replaced by the following section:

**“21.1.** A contractor described in section 1 who is convicted, by a final judgment, of any offence determined by regulation is ineligible for public contracts as of the recording of the conviction in the register provided for in section 21.6. The conviction must be recorded in the register within 30 days after the date on which the judgment becomes final.”

**47.** Section 21.2 of the Act, enacted by section 49 of chapter 17 of the statutes of 2011, is amended by replacing the first paragraph by the following paragraph:

**“21.2.** If an associate of a contractor described in section 1 is convicted, by a final judgment, of any offence referred to in section 21.1, the contractor is ineligible for public contracts as of the recording of the situation in the register provided for in section 21.6. The situation must be recorded in the register within 30 days after the date on which the judgment becomes final.”

**48.** The Act is amended by inserting the following section after section 21.2, enacted by section 49 of chapter 17 of the statutes of 2011:

**“21.2.1.** Despite section 21.1 and the first paragraph of section 21.2, the Government may, in the cases, on the conditions and in the manner determined by regulation, prescribe that a contractor or an associate of a contractor must be convicted, by final judgments, of a minimum number of offences referred to in section 21.1. In such cases, the contractor becomes ineligible for public contracts once all the relevant convictions have been recorded in the register.

For the purposes of this section, if the offence is an offence under the regulatory provisions determined by regulation whose administration and enforcement is the responsibility of the Minister of Revenue under section 24.2, section 573.3.1.1 of the Cities and Towns Act (chapter C-19), article 938.1.1 of the Municipal Code of Québec (chapter C-27.1), section 113.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), section 106.1 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) or section 103.1 of the Act respecting public transit authorities (chapter S-30.01), the Minister of Revenue may, on a request made by the contractor within 30 days after the date on which the judgment becomes final, disregard a conviction in computing the minimum number of convictions if it is warranted in the public interest or there are extenuating circumstances.

For the purposes of the second paragraph, if the conviction involves an associate of the contractor, the Minister of Revenue must so inform the contractor.”

**49.** Section 21.3 of the Act, enacted by section 49 of chapter 17 of the statutes of 2011, is replaced by the following section:

**“21.3.** The performance of a contract described in section 3 entered into with a public body or a body described in section 7 must cease if the contractor becomes ineligible for public contracts while the contract is in process and the body fails to apply to the Conseil du trésor, within 20 days after becoming ineligible, for authorization for continued performance of the contract or the Conseil du trésor does not grant the authorization within 10 days after it is applied for.

The Conseil du trésor may subject its authorization to certain conditions, including that the contractor agree to the implementation, at the contractor's own expense, of oversight and monitoring measures determined by regulation.

This section does not apply when section 65.2.1 of the Building Act (chapter B-1.1) is applicable.”

**50.** The Act is amended by inserting the following section after section 21.3, enacted by section 49 of chapter 17 of the statutes of 2011:

“**21.3.1.** A contractor that cannot continue to perform a public contract pursuant to the first paragraph of section 21.3 or the first paragraph of section 65.2.1 of the Building Act (chapter B-1.1) is deemed to have defaulted on performance of the contract.”

**51.** The Act is amended by inserting the following section after section 21.4, enacted by section 49 of chapter 17 of the statutes of 2011:

“**21.4.1.** A contractor who is ineligible for public contracts may not, for the time determined by regulation for the offence or group of offences committed, which may not exceed five years, submit a bid to obtain a contract described in section 3 with a public body or a body described in section 7, enter into such a contract by mutual agreement or enter into a subcontract that is directly related to such a contract.”

**52.** Section 21.5 of the Act, enacted by section 49 of chapter 17 of the statutes of 2011, is amended

(1) by replacing the first paragraph by the following paragraph:

“**21.5.** Despite section 21.4.1, a public body or a body described in section 7 may, with the authorization of the minister responsible, enter into a contract with a contractor who is ineligible for public contracts under section 21.1, 21.2, 21.2.1 or 21.4 if the public body or body finds itself in one of the situations described in subparagraphs 2 to 4 of the first paragraph of section 13, provided the contractor agrees to the implementation, at the contractor's expense, of oversight and monitoring measures determined by regulation.”;

(2) by inserting “, 21.2.1” after “21.2” in the second paragraph.

**53.** Section 21.7 of the Act, enacted by section 49 of chapter 17 of the statutes of 2011, is amended

(1) by inserting “, 21.2.1” after “21.2” in the portion before paragraph 1;

(2) by replacing paragraph 3 by the following paragraph:

“(3) the offence or offences of which the contractor was convicted or the offence or offences of which an associate of the contractor was convicted, resulting in the contractor being named in the register and, in the latter case, the name of the associate and the municipality in whose territory the associate resides;”.

**54.** Section 21.11 of the Act, enacted by section 49 of chapter 17 of the statutes of 2011, is amended by adding “or that the conditions prescribed in section 21.5 have been met” at the end of the first paragraph.

**55.** Section 21.12 of the Act, enacted by section 49 of chapter 17 of the statutes of 2011, is amended by adding “as well as the name and, if applicable, Québec business number, of every legal person of which the contractor holds shares carrying more than 50% of the voting rights attached to the shares of the capital stock of the legal person that may be exercised under any circumstances” at the end of the second paragraph.

**56.** Section 23 of the Act is amended

(1) by replacing “entails” in subparagraph 8 of the first paragraph by “is considered for the purposes of”;

(2) by inserting the following subparagraphs after subparagraph 8 of the first paragraph:

“(8.1) determine the cases and conditions in which and the procedure by which a contractor or an associate of the contractor must have been convicted, by a final judgment, of a minimum number of offences determined pursuant to subparagraph 8 and set the minimum number of offences;

“(8.2) determine the offences under regulatory provisions in respect of which a conviction may be disregarded by the Minister of Revenue pursuant to the second paragraph of section 21.2.1;”;

(3) by replacing subparagraph 9 of the first paragraph by the following subparagraph:

“(9) determine, for each offence or group of offences, the period of ineligibility for public contracts;”.

**57.** Section 59 of the Act is amended by adding “, except the second and third paragraphs of section 21.2.1, the administration of which falls under the responsibility of the Minister of Revenue” at the end.

#### MASTER ELECTRICIANS ACT

**58.** Section 21 of the Master Electricians Act (R.S.Q., chapter M-3) is amended by replacing “between \$500 and \$1,000” and “between \$1,000 and

\$2,000” in the introductory clause by “\$5,000 to \$25,000” and “\$15,000 to \$75,000”, respectively.

#### MASTER PIPE-MECHANICS ACT

**59.** Section 20 of the Master Pipe-Mechanics Act (R.S.Q., chapter M-4) is amended by replacing “between \$500 and \$1,000” and “between \$1,000 and \$2,000” in the introductory clause by “\$5,000 to \$25,000” and “\$15,000 to \$75,000”, respectively.

#### ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**60.** Section 108.1.1 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01), enacted by section 63 of chapter 17 of the statutes of 2011, is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts and a transit authority is deemed to be a public body, and the Minister of Municipal Affairs, Regions and Land Occupancy exercises, in respect of those contracts, the responsibility conferred on the Conseil du trésor by section 21.3 of that Act and that conferred on the minister responsible by section 21.5 of that Act.”

#### TRANSITIONAL AND FINAL PROVISIONS

**61.** The amounts paid into the reserve account over and above those required under section 50 of the Regulation respecting the guarantee plan for new residential buildings (R.R.Q., chapter B-1.1, r. 0.2) by La Garantie habitation du Québec inc (Qualité Habitation) and La Garantie Abris inc to cover exceptional losses may be paid into the guaranty fund as of its establishment, in accordance with an agreement to that effect between those managers and the Board.

**62.** The guaranty fund may, on the conditions prescribed by regulation, be used to compensate beneficiaries whose certificates were registered in a plan under the Regulation respecting the guarantee plan for new residential buildings before the coming into force of this section.

**63.** For a period of five years as of the coming into force of section 12 or the attainment of the target amount set by regulation, whichever occurs first, the Board may, as needed, advance the sums required to the guaranty fund, on the conditions the Board determines, when the manager of a guaranty plan is no longer able to meet the obligations of the guaranty plan, owing to its financial position.

**64.** To facilitate the transition between new managers and former managers, a non-profit legal person authorized by the Board to act as manager may be appointed to act, in accordance with the mandate assigned by the Board, as



provisional administrator of the managers authorized before the coming into force of section 11.

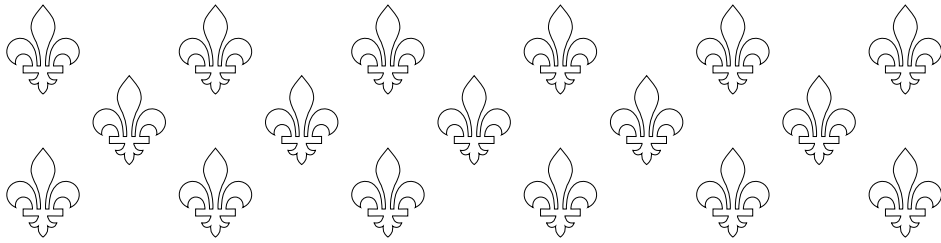
**65.** The results of an examination passed under section 58.1 of the Building Act (R.S.Q., chapter B-1.1), repealed by section 2, remain valid for a period of three years following the application for admission to the examination.

**66.** Pending cases that involve the exercise of a function described in section 109.6 of the Building Act may be continued and decided by the president and chief executive officer or a vice-president of the Board.

**67.** Despite section 11 of the Regulations Act (R.S.Q., chapter R-18.1), any first draft regulation under subparagraphs 8 to 13 of the first paragraph of section 23 of the Act respecting contracting by public bodies (R.S.Q., chapter C-65.1) may be adopted as early as the fifteenth day following the day it is published in the *Gazette officielle du Québec*.

**68.** This Act comes into force on 9 December 2011, except sections 11 to 13, 22, 29 and 30, which come into force on the date or dates to be set by the Government, sections 42 to 45, which come into force on the same date as that to be set by the Government for the coming into force of sections 41, 43, 44 and 46 of chapter 17 of the statutes of 2011, respectively, sections 46 to 55, which come into force on the same date as that to be set by the Government for the coming into force of section 49 of chapter 17 of the statutes of 2011, and section 60, which comes into force on the same date as that to be set by the Government for the coming into force of section 63 of chapter 17 of the statutes of 2011.





---

---

# NATIONAL ASSEMBLY

---

---

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 39  
(2011, chapter 36)

**An Act to amend the Act respecting the  
Québec Pension Plan and other  
legislative provisions**

---

---

**Introduced 10 November 2011  
Passed in principle 24 November 2011  
Passed 9 December 2011  
Assented to 9 December 2011**

---

**Québec Official Publisher  
2011**

## EXPLANATORY NOTES

*This Act amends the Act respecting the Québec Pension Plan, mainly as regards pensions and benefits payable under the Québec Pension Plan.*

*A person will be able to qualify for a retirement pension at age 60 without having ceased working. An additional amount for disability after retirement is also established. Furthermore, amendments are proposed to the payment of retirement pensions. Thus, the maximum period of 60 months for the retroactive payment of the retirement pension a person over 65 years of age is entitled to but has not applied for is reduced to 12 months. Earnings subsequent to the end of the contributory period may be excluded from the calculation of the additional pension in the case of beneficiaries of a retirement pension who are working and who pay contributions to the Canada Pension Plan.*

*A person must have paid contributions for at least four of the last six years preceding a disability to be entitled to a disability pension from the age of 60.*

*Orphan's pensions are increased and the definition of child of the contributor is amended with respect to the payment of an orphan's pension or a disabled contributor's child's pension.*

*The years of contribution to the pension plan after payment of the retirement pension has begun may be taken into account in determining entitlement to death benefits, and entitlement to death benefits is increased.*

*Lastly, administrative, consequential and transitional provisions are introduced.*

## LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- Supplemental Pension Plans Act (R.S.Q., chapter R-15.1).

## Bill 39

### AN ACT TO AMEND THE ACT RESPECTING THE QUÉBEC PENSION PLAN AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ACT RESPECTING THE QUÉBEC PENSION PLAN

**1.** Section 12 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by inserting the following paragraph after the second paragraph:

“In addition to administering the Québec Pension Plan, the Board is responsible, among other things, for encouraging financial planning for retirement. To that end, it promotes the establishment and improvement of pension plans.”

**2.** Section 23.6 of the Act is amended by adding the following paragraph at the end:

“The Board may also, on the conditions it fixes, allow a document to be binding on it or attributed to it without it being signed.”

**3.** Section 86 of the Act is replaced by the following section:

**“86.** A child of the contributor is

(a) the contributor’s minor child; or

(b) a minor child who has been residing with the contributor for at least one year and to whom the contributor stands *in loco parentis*, on the condition that no person other than the contributor, a person residing with the contributor or the father or mother not residing with the child maintains that child in the conditions prescribed by regulation.

The contributor and the person referred to in the first paragraph do not cease to reside together if their separation is only temporary or is a result of illness or the pursuit of studies or any other cause considered valid by the Board.”

**4.** Section 96 of the Act is amended

(1) by inserting “or of the additional amount for disability after retirement” after “for the purposes of the disability pension” in the second paragraph;

(2) by inserting “or of an additional amount for disability after retirement” after “The beneficiary of a disability pension” in the third paragraph.

**5.** Section 105 of the Act is amended

(1) by adding “and *an additional amount for disability after retirement* to the beneficiary of a retirement pension who becomes a qualified disabled contributor” at the end of paragraph *a*;

(2) by adding “if no retirement pension is payable to him under this Act or under a similar plan” at the end of paragraph *e*.

**6.** The Act is amended by inserting the following section after section 105:

**“105.0.1.** A contributor is qualified for an additional amount for disability after retirement only if

(1) he is the beneficiary of the retirement pension;

(2) the time granted to cancel his application for a retirement pension has expired;

(3) he is considered disabled under the second paragraph of section 95; and

(4) he paid contributions for at least four of the last six years wholly or partly included in his contributory period.

For the purposes of this section, the contributory period of the contributor ends at the end of the month during which the contributor became disabled. However, no month included between the month prior to the beginning of the retirement pension and the month following the month in which the contributor became disabled may be excluded under the second paragraph of section 101.”

**7.** Section 106 of the Act is amended

(1) by inserting the following paragraph after the first paragraph:

“However, a contributor 60 years of age or over referred to in the third paragraph of section 95 qualifies for a disability pension only if he paid contributions for at least four of the last six years wholly or partly included in his contributory period.”;

(2) by replacing “the first paragraph” in the second paragraph by “this section”.

**8.** Section 106.3 of the Act is amended by replacing the first paragraph by the following paragraph:

“**106.3.** A contributor is qualified for a retirement pension from the age of 60.”

**9.** Section 107 of the Act is amended by adding the following paragraphs at the end:

“However, in the case of a death subsequent to 31 December 2012, the contributor may be considered qualified if

(1) he was entitled, during his contributory period, to a tax credit for a severe and prolonged impairment in mental or physical functions under section 752.0.14 of the Taxation Act (chapter I-3), or to a tax credit or deduction of a similar nature;

(2) he made contributions for at least one fourth of the total number of years wholly or partly included in his contributory period, but for at least three years; and

(3) no retirement pension or disability pension was payable to him under this Act or under a similar plan.

For the purposes of death benefits, a contributor who dies after 31 December 2012 and who has not paid contributions for the number of years required may nevertheless be considered qualified if

(1) he paid at least \$500 in contributions; and

(2) no retirement pension or disability pension was payable to him under this Act or under a similar plan.”

**10.** The Act is amended by inserting the following section after section 107:

“**107.0.1.** Where a contributor who dies after 31 December 2012 has not paid contributions for the number of years required to qualify for survivors’ benefits under the first and second paragraphs of section 107, the contributions paid for a year subsequent to 1997 and to the end of the contributory period, within the meaning of subparagraph *a* or *b* of the first paragraph of section 101, may, for qualification purposes, be substituted, after the second paragraph of section 101 is applied, for the years included in the contributory period for which no contributions were paid. In such a case, the contributor may be considered to have paid contributions for the number of years required if he meets the conditions set out in the first and second paragraphs of section 107.”

**11.** Section 107.1 of the Act is amended by replacing “section 106 or 106.1 or for the survivors’ benefits under” in the first paragraph by “the first paragraph of section 106 or section 106.1 or for the survivors’ benefits under the first or second paragraph of”.

**12.** The Act is amended by inserting the following section after section 120:

“**120.0.1.** An additional amount for disability after retirement is added to the amount obtained under section 120 when the beneficiary of a retirement pension becomes disabled.

That amount is equivalent to the amount established in accordance with section 124.”

**13.** Section 120.3 of the Act is amended by inserting “, subject to section 120.4” after “the first paragraph of section 101” in the first paragraph.

**14.** The Act is amended by inserting the following section after section 120.3:

“**120.4.** From the year 2013, for the calculation of the basic monthly amount of the additional pension under the second paragraph of section 120.3, the amount obtained under subparagraph 2 of subparagraph *b* of the first paragraph of section 98 for each of the years subsequent to the end of the contributory period under subparagraph *a* or *b* of the first paragraph of section 101 is excluded from the total unadjusted pensionable earnings of the contributor for the year concerned.

However, for the year in which the contributory period of the contributor ends in accordance with subparagraph *a* or *b* of the first paragraph of section 101, the amount excluded from the total unadjusted pensionable earnings of the contributor for the year concerned is the amount obtained under subparagraph 2 of subparagraph *b* of the first paragraph of section 98 multiplied by the proportion that the number of months subsequent to the end of the contributory period bears to 12 less the number of months referred to in subparagraph *a* of the second paragraph of section 101.”

**15.** Section 128 of the Act is amended by adding the following paragraph at the end:

“However, the death benefit of a contributor who died after 31 December 2012, who is nevertheless considered qualified under the fourth paragraph of section 107, corresponds to the amount of the contributions paid, up to \$2,500.”

**16.** Section 136 of the Act is amended



(1) by adding “, taking into account the fact that the ratio by which the adjustment factor is multiplied in those two sections is equal to one” at the end of the definition of “c”;

(2) by replacing “payable” in the definition of “d” by “which is payable”;

(3) by adding “, and to which is added, if applicable, the additional amount for disability after retirement” at the end of the definition of “d”;

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

“Nevertheless, if the basic monthly amount thus calculated is less than zero, the amount is deemed to be nil.”

**17.** Section 137 of the Act is amended by inserting the following paragraph after the first paragraph:

“If the death of the contributor occurs after 31 December 2012, the monthly amount of the deceased contributor’s additional pension established as provided in section 120.3 for the month of the contributor’s death is added to that amount.”

**18.** Section 138 of the Act is amended by adding the following paragraph at the end:

“However, for the year 2012, the basic monthly amount of an orphan’s pension is equal to \$218.50 adjusted by multiplying that amount by the ratio between the Pension Index for the year 2012 and the Pension Index for the year 2011. For 2013 and subsequent years, that amount is adjusted in accordance with section 119.”

**19.** Section 157.1 of the Act is replaced by the following section:

**“157.1.** When an application is made on or after 1 January 2014, the retirement pension is payable from the latest of the following months:

(a) the month of the contributor’s sixtieth birthday;

(b) the month following the month of the application of a contributor under 65 years of age;

(c) the month of the contributor’s sixty-fifth birthday or the eleventh month preceding the month of the application of a contributor over 65 years of age, whichever is earlier;

(d) the month designated in the contributor’s application for the first payment of the retirement pension; and

(e) January 2014.

Notwithstanding the first paragraph, the retirement pension that is payable only by reason of the allotment of unadjusted pensionable earnings following a partition under section 102.1 or 102.10.3 shall not be payable before the month following the month in which the application for partition was made.”

**20.** The Act is amended by inserting the following section after section 157.1:

“**157.2.** The additional amount for disability after retirement is payable for each month, commencing with the fourth month following the month in which the beneficiary of the retirement pension became disabled.”

**21.** Section 158 of the Act is amended by adding the following paragraph at the end:

“The additional amount for disability after retirement ceases at the end of the month in which the beneficiary ceases to be disabled or dies or at the end of the month preceding that in which he reaches 65 years of age.”

**22.** Sections 158.1 and 158.2 of the Act are repealed.

**23.** Section 173 of the Act is amended by inserting the following paragraph after the second paragraph:

“However, a beneficiary who, had it not been for the first and second paragraphs, would have been entitled to an orphan’s pension from 1 January 2012 under this Act may, upon application and if the beneficiary meets the requirements set out in section 86, receive the higher of the pensions.”

**24.** Section 219 of the Act is amended by striking out paragraph *k.1*.

#### SUPPLEMENTAL PENSION PLANS ACT

**25.** Section 245 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended by striking out the second paragraph.

#### TRANSITIONAL AND FINAL PROVISIONS

**26.** Section 86 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) as it reads on 31 December 2011 applies to an orphan’s pension that is in payment for a death that occurs before 1 January 2012 and to a disabled contributor’s child’s pension that is in payment and payable without interruption for a disability that occurs before 1 January 2012. It also applies to applications regarding a death or a disability that occurs before 1 January 2012 if the application is made before 1 January 2013.

**27.** In the case referred to in section 105.0.1 of the Act respecting the Québec Pension Plan, enacted by section 6, the date of disability may not be prior to 1 January 2013.

**28.** Sections 106.3, 157.1, 158.1 and 158.2 of the Act respecting the Québec Pension Plan as they read on 31 December 2013 apply to retirement pensions that become payable before 1 January 2014.

**29.** The retirement pension of a contributor, for which an application is made before 1 January 2014 and which is payable after January 2014 under subparagraph *c* of the second paragraph of section 157.1 of the Act respecting the Québec Pension Plan as it reads on 31 December 2013, is payable from the month of the contributor's sixtieth birthday or January 2014, whichever comes last.

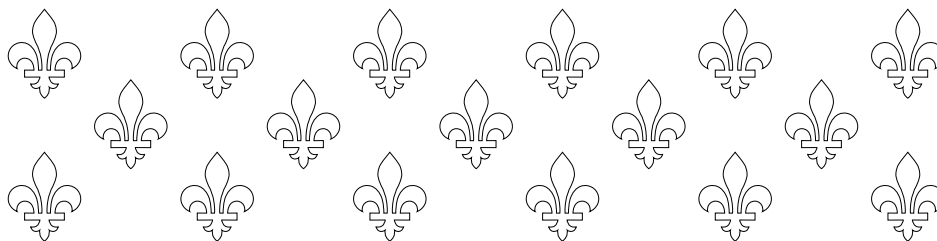
**30.** Sections 157.1 and 158.2 of the Act respecting the Québec Pension Plan as they read on 31 December 2013 continue to apply to applications for a retirement pension made in 2014 by contributors who are 65 years of age or over on 1 January 2014, if the retirement pension becomes payable before 1 January 2014.

**31.** This Act comes into force on 1 January 2012, except

(1) sections 4 to 7, 9 to 15, paragraphs 2, 3 and 4 of section 16 and sections 17, 20 and 21, which come into force on 1 January 2013; and

(2) section 8, paragraph 1 of section 16 and sections 19, 22 and 24, which come into force on 1 January 2014.





---

---

# NATIONAL ASSEMBLY

---

---

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 41  
(2011, chapter 37)

## **An Act to amend the Pharmacy Act**

---

---

**Introduced 15 November 2011**  
**Passed in principle 22 November 2011**  
**Passed 8 December 2011**  
**Assented to 9 December 2011**

---

**Québec Official Publisher**  
**2011**

**EXPLANATORY NOTES**

*This Act amends the Pharmacy Act to add to the activities reserved to pharmacists the renewal of prescriptions for a specified period, the adjustment of prescriptions, the substitution of another medication in the case of a complete disruption in the supply of the prescribed medication in Québec, the administration of medications to demonstrate proper usage, the prescription of certain medications when no diagnosis is required and, for pharmacists practising in a centre operated by a health or social services institution, the prescription and interpretation of laboratory analyses.*

**LEGISLATION AMENDED BY THIS ACT:**

- Health Insurance Act (R.S.Q., chapter A-29);
- Professional Code (R.S.Q., chapter C-26);
- Pharmacy Act (R.S.Q., chapter P-10).

## Bill 41

### AN ACT TO AMEND THE PHARMACY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### PHARMACY ACT

**1.** Section 10 of the Pharmacy Act (R.S.Q., chapter P-10) is amended

(1) by replacing “second paragraph” in subparagraph *a* of the first paragraph by “second and third paragraphs”;

(2) by adding the following subparagraphs at the end of the first paragraph:

“(g) establish standards for the form and content of pharmacists’ prescriptions within the scope of the activities described in subparagraphs 6, 7, 8 and 10 of the second paragraph of section 17 and the activity described in the third paragraph of that section;

“(h) determine conditions and procedures for the activities described in subparagraphs 6 to 10 of the second paragraph of section 17;

“(i) determine the cases in which a pharmacist may prescribe a medication under the third paragraph of section 17, as well as the applicable conditions and procedures.”;

(3) by inserting the following paragraph after the second paragraph:

“Before adopting a regulation under subparagraphs *g* to *i* of the first paragraph, the board of directors shall consult the Ordre professionnel des médecins du Québec.”

**2.** Section 17 of the Act is amended

(1) by replacing subparagraph 6 of the second paragraph by the following subparagraphs:

“(6) renewing a physician’s prescription, in accordance with the conditions and procedure determined by regulation, to avoid the interruption of the treatment prescribed to the patient by the physician; the renewal period cannot be longer than the original prescription period or, if the original prescription period was longer than one year, the renewal period cannot exceed one year;

“(7) adjusting a physician’s prescription, in accordance with the conditions and procedure determined by regulation, by modifying the form, dosage, quantity or directions of the prescribed medication;

“(8) in the case of a complete disruption in the supply of the prescribed medication in Québec, substitute another medication from the same therapeutic subclass, in accordance with the conditions and procedure determined by regulation;

“(9) administering a medication by oral, topical, subcutaneous, intradermal or intramuscular route or by inhalation, in accordance with the conditions and procedure determined by regulation, in order to demonstrate proper usage;

“(10) for pharmacists practising in a centre operated by an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5), prescribing and interpreting laboratory analyses for the purpose of monitoring the medication therapy, in accordance with the conditions and procedure determined by regulation.”;

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

“Despite the first paragraph, prescribing a medication when no diagnosis is required, including for preventive purposes, in the cases and in accordance with the conditions and procedure determined by regulation, is also reserved to pharmacists.

A pharmacist may engage in the professional activities described in subparagraphs 7, 8 and 9 of the second paragraph once a training certificate has been issued to the pharmacist by the Order pursuant to a regulation under paragraph *o* of section 94 of the Professional Code (chapter C-26).”

**3.** Section 35 of the Act is amended by replacing “second paragraph” in the first paragraph by “second and third paragraphs”.

#### HEALTH INSURANCE ACT

**4.** Section 3 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing “, a dentist or a midwife” in the fourth paragraph by “, a dentist, a midwife or another professional authorized by law or a regulation under subparagraph *b* of the first paragraph of section 19 of the Medical Act”.

#### PROFESSIONAL CODE

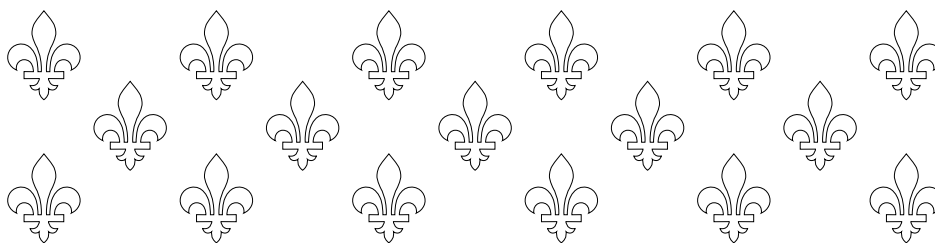
**5.** Section 39.3 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing “subparagraph 5” in the third paragraph by “subparagraphs 5 and 10”.



## FINAL PROVISION

- 6.** The provisions of this Act come into force on the date or dates to be set by the Government.





---

---

# NATIONAL ASSEMBLY

---

---

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 120  
(2011, chapter 38)

## **An Act respecting political party leadership campaigns**

---

---

**Introduced 20 October 2010  
Passed in principle 9 December 2010  
Passed 9 December 2011  
Assented to 9 December 2011**

---

**Québec Official Publisher  
2011**

## EXPLANATORY NOTES

*This Act introduces new rules to govern the financing of leadership campaigns of authorized parties under the Election Act or the Act respecting elections and referendums in municipalities.*

*The rules, modeled after those relating to the financing of political parties, apply to the solicitation and payment of contributions, to loans and sureties, to expenses incurred by candidates and the party, to claims by creditors and to returns required to be filed. Penal provisions are also introduced.*

*In another connection, this Act increases the amount of certain fines imposed under the Election Act.*

## LEGISLATION AMENDED BY THIS ACT:

- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting school elections (R.S.Q., chapter E-2.3);
- Election Act (R.S.Q., chapter E-3.3);
- Taxation Act (R.S.Q., chapter I-3).

## Bill 120

### AN ACT RESPECTING POLITICAL PARTY LEADERSHIP CAMPAIGNS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ELECTION ACT

**1.** The heading of Title III of the Election Act (R.S.Q., chapter E-3.3) is replaced by the following heading:

“AUTHORIZATION AND FINANCING OF POLITICAL PARTIES, INDEPENDENT MEMBERS OF THE NATIONAL ASSEMBLY AND INDEPENDENT CANDIDATES, AND FINANCING OF POLITICAL PARTY LEADERSHIP CAMPAIGNS”.

**2.** Section 88 of the Act is amended by adding the following paragraphs at the end:

“(9) the payment to the official representative of the party by a leadership candidate of the cost of goods and services furnished in accordance with section 417 referred to in section 127.11;

“(10) remaining sums of money transferred in accordance with section 127.18.”

**3.** Section 91 of the Act is amended by inserting “Except for a contribution described in section 127.7,” at the beginning of the first paragraph.

**4.** Section 114 of the Act is amended by inserting the following paragraph after paragraph 3.1:

“(3.2) the total of the amounts paid to the official representative of the party for the goods and services furnished in accordance with section 417 referred to in section 127.11;”.

**5.** Section 115 of the Act is amended by adding the following paragraph after paragraph 5:

“(5.1) the total amount of the remaining sums of money referred to in section 127.18;”.

**6.** The Act is amended by inserting the following after section 127:

**“CHAPTER III****“FINANCING OF A POLITICAL PARTY LEADERSHIP CAMPAIGN****“DIVISION I****“REQUIRED INFORMATION AND REGISTER**

**“127.1.** When an authorized political party decides to call a leadership campaign, the leader or interim leader of the party, or the person designated in writing by the leader or interim leader, as applicable, shall file with the Chief Electoral Officer a declaration stating the name of the person designated to oversee the leadership vote, the date on which the party leadership campaign is to begin, the final date for entering the race, the date of the leadership vote and the maximum amount of authorized expenses per candidate.

**“127.2.** The leader or interim leader of the party, or the person designated in writing by the leader or interim leader, as applicable, shall communicate in writing to the Chief Electoral Officer the given name, surname and domiciliary address of every leadership candidate and the date on which the candidate entered the race.

The leader, the interim leader or the designated person shall also communicate in writing to the Chief Electoral Officer the given name, surname and domiciliary address of every financial representative of a leadership candidate and the name of the leadership candidate on whose behalf the financial representative is acting. A document containing the written consent of each financial representative must also be filed.

For the purposes of this chapter, a person who has stated his or her intention to run as a leadership candidate and the person’s financial representative are presumed to have been, respectively, a candidate and the candidate’s financial representative from the time the intention was stated, even if that time was before the date on which the leadership campaign began.

**“127.3.** The Chief Electoral Officer shall keep a register of the leadership candidates, their financial representatives, any substitutes for those representatives, the person designated to oversee the leadership vote and the maximum amount of authorized expenses per candidate.

The Chief Electoral Officer shall make this register available to the public on the Chief Electoral Officer’s website.

**“DIVISION II****“CONTRIBUTIONS, EXPENSES AND PAYMENT OF CLAIMS**

**“127.4.** Contributions may only be solicited under the responsibility of a leadership candidate’s financial representative, who shall choose persons and

authorize them in writing to solicit and collect contributions for the exclusive purposes of the candidate's campaign.

Any person authorized to solicit and collect contributions must, on request, produce a certificate of authorization signed by the candidate's financial representative.

**“127.5.** A leadership candidate's financial representative shall open an account in a Québec branch of a bank, trust company or financial services cooperative.

Only sums of money collected under this chapter for the candidate's leadership campaign and the loans contracted in accordance with the first paragraph of section 127.10 may be deposited into that account.

In no case may the financial representative or a deputy financial representative pay a leadership campaign expense of their candidate otherwise than out of that account.

**“127.6.** The official representative or a deputy official representative of the party shall, for the purposes of the party leadership campaign, use an account referred to in the third paragraph of section 99 that is held by the official representative in the name of the party.

Loans contracted under the third paragraph of section 127.10 are paid into that account.

In no case may the official representative or a deputy official representative of the party pay a leadership campaign expense otherwise than out of that account.

**“127.7.** Only an elector may make a contribution in support of one or more leadership candidates.

Contributions must be paid to the candidate's financial representative or to a person authorized by the financial representative in accordance with section 127.4.

The total amount of an elector's contributions may not exceed \$1,000 during a given leadership campaign.

**“127.8.** Section 88 except subparagraphs 5 and 8 of the second paragraph, sections 89 and 90, the second and third paragraphs of section 91, sections 95 and 95.1, the last paragraph of section 96 and sections 98 and 100 apply, with the necessary modifications, to the contributions referred to in this chapter.

A leadership candidate's financial representative who, during political activities or rallies held for the purposes of the candidate's leadership campaign, collected amounts totalling over 3% of the total contributions collected by the

representative for the purposes of that campaign shall, within 30 days after the last return the representative is required to submit under Division III of this chapter, remit to the Chief Electoral Officer an amount equivalent to the portion of the amounts that exceeds that percentage. The Chief Electoral Officer shall remit the amount to the Minister of Finance.

The Chief Electoral Officer shall issue a receipt to a contributor annually for any contributions paid in accordance with section 127.7. All cheques or orders of payment must be made to the order of the candidate.

**“127.9.** On the seventh day after the date on which the leadership campaign begins and every seven days after that until the leadership vote, and every 30 days after the leadership vote, a candidate’s financial representative must send the Chief Electoral Officer the contribution slips related to the contributions received by the financial representative.

Not later than five working days after receipt of the contribution slips referred to in the first paragraph, the Chief Electoral Officer shall post on the Chief Electoral Officer’s website the name of each contributing elector, the city and postal code of the elector’s domicile, the amount paid and the name of the candidate who received the contribution.

**“127.10.** A leadership candidate’s financial representative may contract a loan, in accordance with section 105, to fund the candidate’s leadership campaign expenses.

Any such loan must first be authorized in writing by the candidate concerned. The authorization must include the information listed in section 105.

The official representative of the party may contract a loan, in accordance with section 105, to fund the leadership campaign expenses of the party.

**“127.11.** For the purposes of this chapter, leadership campaign expenses are the expenses incurred for the purposes of the campaign by

(1) the financial representative or any deputy or substitute financial representative of a leadership candidate, on behalf of that candidate; or

(2) the official representative or any deputy or substitute official representative of the party, on behalf of the party.

Sections 401 to 404, 406 to 413, 415 to 417, 421, 423, 424, 430 and 431 apply, with the necessary modifications. For the purposes of those sections, a leadership candidate’s financial representative is the candidate’s official agent, the official representative of the party is the official agent of the party and the person designated to oversee the leadership vote is the returning officer.

**“127.12.** Any person to whom an amount is due for an expense incurred under this chapter by a leadership candidate’s financial representative must



present a claim to the financial representative within 60 days after the leadership vote.

If the financial representative has died or resigned, or is unable to act, and has not been replaced, the claim must be presented within the same time to the candidate.

Failure to present the claim within the time prescribed in the first paragraph entails prescription of the claim.

**“127.13.** Any person to whom an amount is due for an expense incurred under this chapter by the official representative of the party must present a claim to the official representative within 60 days after the leadership vote.

If the official representative has died or resigned, or is unable to act, and has not been replaced, the claim must be presented within the same time to the party leader or interim leader.

Failure to present a claim within the time prescribed in the first paragraph entails prescription of the claim.

**“127.14.** Subject to section 127.15, a leadership candidate’s financial representative must, within 12 months after the leadership vote, pay all claims received in accordance with the first paragraph of section 127.12, except any claim he or she contests, and all loans contracted.

**“127.15.** A leadership candidate’s financial representative who, because of a lack of funds in the account referred to in section 127.5, is unable to pay all claims received and loans contracted may continue to collect contributions during the 12-month period following the leadership vote for the sole purpose of paying the outstanding claims and loans.

If there remains an unpaid balance on a claim or loan at the expiry of that period, the Chief Electoral Officer may authorize the financial representative to continue collecting contributions during an additional period of 12 months for the purpose of paying that balance. That 12-month period may be renewed once, with the authorization of the Chief Electoral Officer.

Contributions collected under the first and second paragraphs are deemed to have been collected for the purposes of the leadership campaign of the candidate concerned.

Any unpaid balance on a claim or loan at the expiry of the 36-month period following the leadership vote is deemed to be a contribution for which the candidate alone is accountable. Sections 100 and 567 do not apply to such a contribution.

### “DIVISION III

#### “RETURNS

“**127.16.** Within 90 days after the leadership vote, the financial representative of each leadership candidate must, whether the candidate remained in the race, withdrew, was excluded or died, file a return of the candidate’s leadership campaign income and expenses with the official representative of the party in the form prescribed by the Chief Electoral Officer.

All relevant vouchers and, if applicable, the written authorizations referred to in the second paragraph of section 127.10, and the deeds of appointment of any deputy financial representatives appointed under section 406 and any amendment to those deeds, must be filed with the return. The vouchers must be kept by the official representative of the party for a period of five years, and be filed with the Chief Electoral Officer at the latter’s request.

“**127.17.** If a leadership candidate’s financial representative has not, as of the filing date of the return referred to in section 127.16, paid all claims received and loans contracted, the financial representative must, every three months after that date and until full payment of the claims and loans or until the expiry of the applicable time limit under sections 127.14 and 127.15, file a complementary return with the official representative of the party in the form prescribed by the Chief Electoral Officer.

All relevant vouchers and, if applicable, the written authorizations referred to in the second paragraph of section 127.10 must be filed with the complementary return. The vouchers must be kept by the official representative of the party for a period of five years, and be filed with the Chief Electoral Officer at the latter’s request.

On receipt of a complementary return, the official representative must forward it to the Chief Electoral Officer.

“**127.18.** A leadership candidate’s financial representative must send to the official representative of the party, along with the return required under section 127.16 or the last complementary return required under section 127.17, any sum of money remaining after the payment of all claims and loans.

The official representative of the party must deposit that sum in an account referred to in section 99 that is held by the official representative of the party in the party’s name.

“**127.19.** Within 120 days after the leadership vote, the official representative of the party must file a return of the leadership campaign expenses of the party with the Chief Electoral Officer in the form prescribed by the Chief Electoral Officer.

The official representative shall file with the return all the returns received from the financial representatives of leadership candidates under section 127.16.

All relevant vouchers relating to the return and, if applicable, the deeds of appointment of any deputy official representatives appointed under section 406 and any amendment to those deeds must be kept by the official representative of the party for a period of five years, and be filed with the Chief Electoral Officer at the latter's request.

**“127.20.** If an error is found in a return filed under this chapter, the financial representative or the official representative concerned may correct the error at any time within the period prescribed for filing the return.

After the date prescribed for filing the return, the financial representative or the official representative concerned must obtain leave from the Chief Electoral Officer to correct the error on establishing that it was made through inadvertence.

**“127.21.** If a leadership candidate or the party leader or interim leader shows to the Chief Electoral Officer that the absence, death, illness or misconduct of the candidate's financial representative or the official representative of the party or any other reasonable cause has prevented the preparation and filing of a return required under this chapter, the Chief Electoral Officer may grant an extension of not more than 30 days for the preparation and filing of the return.”

**7.** Section 487 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) receive, examine and, if necessary, audit financial reports and returns of election expenses;”.

**8.** The Act is amended by inserting the following section after section 487:

**“487.1.** In respect of political party leadership campaigns, the Chief Electoral Officer shall, in particular,

- (1) verify that the party leadership candidates are complying with the law;
- (2) receive, examine and, if necessary, audit reports and returns from the candidates and the party; and
- (3) inquire into the legality of leadership campaign contributions and expenses.”

**9.** Section 551 of the Act is amended

- (1) by replacing “\$100 to \$1,000” by “\$500 to \$2,000”;
- (2) by replacing “\$200 to \$2,000” by “\$3,000 to \$30,000”.

**10.** Section 551.1 of the Act is amended by replacing “\$500 to \$2,000” by “\$5,000 to \$20,000 for a first offence, and of \$10,000 to \$30,000 for any subsequent offence within 10 years”.

**11.** Section 551.1.1 of the Act is amended by replacing “\$500 to \$2,000” by “\$1,000 to \$10,000 in the case of a natural person, and of \$3,000 to \$30,000 in the case of a legal person”.

**12.** Section 551.2 of the Act is amended

- (1) by replacing “\$1,000” by “\$5,000”;
- (2) by replacing “\$3,000” by “\$10,000”.

**13.** Section 551.3 of the Act is amended

- (1) by replacing “\$1,000” by “\$5,000”;
- (2) by replacing “\$3,000” by “\$10,000”.

**14.** Section 552 of the Act is amended

- (1) by replacing “\$100 to \$1,000” by “\$500 to \$10,000”;
- (2) by replacing “\$200 to \$2,000” by “\$3,000 to \$30,000”.

**15.** Section 553 of the Act is amended

- (1) by replacing “\$100 to \$1,000” by “\$500 to \$2,000”;
- (2) by replacing “\$200 to \$2,000” by “\$3,000 to \$30,000”.

**16.** Section 553.1 of the Act is amended by replacing “\$500 to \$2,000” by “\$5,000 to \$20,000 for a first offence, and of \$10,000 to \$30,000 for any subsequent offence within 10 years”.

**17.** Section 554 of the Act is amended

- (1) by replacing “\$100 to \$1,000” by “\$5,000 to \$20,000”;
- (2) by replacing “\$200 to \$2,000” by “\$10,000 to \$30,000”;
- (3) by replacing “five” by “10”.

**18.** Section 555 of the Act is amended

- (1) by replacing “\$100 to \$1,000” by “\$500 to \$2,000”;
- (2) by replacing “\$200 to \$2,000” by “\$3,000 to \$30,000”.

**19.** Section 556 of the Act is amended by replacing “The following persons are liable to a fine of \$100 to \$1,000 for a first offence and of \$200 to \$2,000 for every subsequent offence within five years, in the case of a natural person, or, in the case of a legal person, to a fine of \$300 to \$3,000 for a first offence and of \$600 to \$6,000 for every subsequent offence within five years:” by “The following persons are liable to a fine of \$1,000 to \$10,000 for a first offence and of \$10,000 to \$30,000 for any subsequent offence within 10 years in the case of a natural person, or to a fine of \$5,000 to \$30,000 for a first offence and of \$20,000 to \$60,000 for any subsequent offence within 10 years in the case of a legal person:”.

**20.** Section 556.1 of the Act is amended by replacing “\$200 to \$1,000” by “\$500 to \$2,000”.

**21.** Section 557 of the Act is amended

(1) by replacing “\$1,000 to \$10,000” by “\$5,000 to \$20,000 for a first offence, and of \$10,000 to \$30,000 for any subsequent offence within 10 years”;

(2) by replacing “\$3,000 to \$30,000” by “\$10,000 to \$50,000 for a first offence, and of \$50,000 to \$200,000 for any subsequent offence within 10 years”.

**22.** Section 558 of the Act is amended by replacing “\$1,000 to \$10,000” in the first paragraph by “\$5,000 to \$20,000 for a first offence, and of \$10,000 to \$30,000 for any subsequent offence within 10 years”.

**23.** Section 559 of the Act is amended by replacing “\$1,000 to \$10,000” in the first paragraph by “\$5,000 to \$20,000”.

**24.** Section 559.0.1 of the Act is amended by replacing “\$1,000 to \$10,000” by “\$5,000 to \$20,000”.

**25.** The Act is amended by inserting the following section after section 559.0.1:

**“559.0.2.** Every financial representative of a political party leadership candidate is liable to a fine of \$5,000 to \$20,000 who

(1) files a false return or declaration;

(2) produces a false or falsified invoice, receipt or other voucher; or

(3) pays a claim otherwise than as permitted by sections 127.14 and 127.15.”

**26.** Section 559.1 of the Act is amended by replacing “\$1,000 to \$10,000” by “\$5,000 to \$20,000”.

**27.** Section 560 of the Act is replaced by the following section:

**“560.** Every candidate, party leader or interim leader who allows an election expense or party leadership campaign expense to be incurred or paid otherwise than as permitted by this Act is liable to a fine of \$5,000 to \$20,000.”

**28.** Section 561 of the Act is amended

(1) by replacing “\$1,000 to \$10,000” by “\$5,000 to \$20,000”;

(2) by replacing “\$3,000 to \$30,000” by “\$10,000 to \$50,000”;

(3) by inserting “or the financial representative of a party leadership candidate, as applicable,” after “Chief Electoral Officer”.

**29.** Section 563 of the Act is amended by inserting “, to send contribution slips in accordance with section 127.9” after “IV”.

**30.** Section 564 of the Act is amended

(1) by inserting “127.1, 127.2 and 127.4, the second paragraph of section 127.7, the third paragraph of section 127.8, sections 127.10,” after “106,”;

(2) by replacing “and 457.11 to 457.17” by “and 457.11 to 457.17, and the first paragraph of section 127.8 and section 127.11 to the extent that they refer to any of those sections”.

**31.** Section 564.2 of the Act is amended

(1) by replacing “413 to 415, 429 and 429.1” in the first paragraph by “127.5, 127.6, the first and third paragraphs of section 127.7, sections 413 to 415, 429 and 429.1, and the first paragraph of section 127.8 and section 127.11 to the extent that they refer to any of those sections”;

(2) by inserting “, the first and third paragraphs of section 127.7, and section 127.8 to the extent that it refers to any of those sections” after “91” in the second paragraph.

**32.** Section 564.3 of the Act is amended by inserting “, the first and third paragraphs of section 127.7, and the first paragraph of section 127.8 to the extent that it refers to section 90,” after “91” in the first paragraph.

**33.** Section 565 of the Act is amended by replacing “liable to a fine of not more than” by “sentenced to a fine of”.

**34.** Section 567 of the Act is amended

(1) by replacing “560” in the first paragraph by “559.1, in section 560”;

(2) by replacing “and 91” in the first paragraph by “, 91, the first and third paragraphs of section 127.7 and the first paragraph of section 127.8 to the extent that it refers to section 90”.

#### ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**35.** The heading of Chapter XIII of Title I of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is replaced by the following heading:

“AUTHORIZATION AND FINANCING OF MUNICIPAL POLITICAL PARTIES AND INDEPENDENT CANDIDATES, FINANCING OF POLITICAL PARTY LEADERSHIP CAMPAIGNS AND CONTROL OF ELECTION EXPENSES”.

**36.** Section 368 of the Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) receive, examine and, if necessary, audit the reports and returns filed with the Chief Electoral Officer;”.

**37.** Section 379 of the Act is replaced by the following section:

“**379.** If the office of leader of an authorized party becomes vacant, the party must, within 30 days, appoint an interim leader and notify the Chief Electoral Officer of the appointment.”

**38.** Section 428 of the Act is amended by replacing paragraph 7.1 by the following paragraphs:

“(8) ancillary revenue collected at a political activity or rally in accordance with the Chief Electoral Officer’s directives;

“(9) the payment to the official representative of the party by a leadership candidate of the cost of goods and services furnished in accordance with section 461 referred to in section 499.11;

“(10) remaining sums of money transferred in accordance with section 499.18.”

**39.** Section 431 of the Act is amended by inserting “Except for a contribution described in section 499.7,” at the beginning.

**40.** Section 480 of the Act is amended by inserting the following paragraph after paragraph 4.1:

“(4.2) the total amount of the sums paid to the official representative of the party for goods and services furnished in accordance with section 461 referred to in section 499.11;”.

**41.** Section 481 of the Act is amended by adding the following subparagraph after subparagraph 6 of the first paragraph:

“(7) the total amount of the remaining sums of money referred to in section 499.18.”

**42.** The Act is amended by inserting the following after section 499:

#### “DIVISION VI.1

#### “FINANCING OF A POLITICAL PARTY LEADERSHIP CAMPAIGN

“§1. — *Required information and register*

“**499.1.** When an authorized political party decides to call a leadership campaign, the leader or interim leader of the party, or the person designated in writing by the leader or interim leader, as applicable, shall file with the Chief Electoral Officer a declaration stating the name of the person designated to oversee the leadership vote, the date on which the party leadership campaign is to begin, the final date for entering the race, the date of the leadership vote and the maximum amount of authorized expenses per candidate.

“**499.2.** The leader or interim leader of the party, or the person designated in writing by the leader or interim leader, as applicable, shall communicate in writing to the Chief Electoral Officer the given name, surname and domiciliary address of every leadership candidate and the date on which the candidate entered the race.

The leader, the interim leader or the designated person shall also communicate in writing to the Chief Electoral Officer the given name, surname and domiciliary address of every financial representative of a leadership candidate and the name of the candidate on whose behalf the financial representative is acting. A document containing the written consent of each financial representative must also be filed.

For the purposes of this division, a person who has stated his or her intention to run as a leadership candidate and the person’s financial representative are presumed to have been, respectively, a candidate and the candidate’s financial representative from the time the intention was stated, even if that time was before the date on which the leadership campaign began.

“**499.3.** The Chief Electoral Officer shall keep a register of the leadership candidates, their financial representatives, any substitutes for those representatives, the person designated to oversee the leadership vote and the maximum amount of authorized expenses per candidate.



The Chief Electoral Officer shall make this register available to the public on the Chief Electoral Officer's website.

“§2. — *Contributions, expenses and payment of claims*

“**499.4.** Contributions may only be solicited under the responsibility of a leadership candidate's financial representative, who shall choose persons and authorize them in writing to solicit and collect contributions for the exclusive purposes of the candidate's campaign.

Any person authorized to solicit and collect contributions must, on request, produce a certificate of authorization signed by the candidate's financial representative.

“**499.5.** A leadership candidate's financial representative shall open an account in a Québec branch of a bank, trust company or financial services cooperative.

Only sums of money collected under this division for the candidate's leadership campaign and the loans contracted in accordance with the first paragraph of section 499.10 may be deposited into that account.

In no case may the financial representative or a deputy financial representative pay a leadership campaign expense of their candidate otherwise than out of that account.

“**499.6.** The official representative or a deputy official representative of the party shall, for the purposes of the party leadership campaign, use an account referred to in the third paragraph of section 439 that is held by the official representative in the name of the party.

Loans contracted under the third paragraph of section 499.10 are paid into that account.

In no case may the official representative or a deputy official representative of the party pay a leadership campaign expense otherwise than out of that account.

“**499.7.** Only an elector of the municipality may make a contribution in support of one or more leadership candidates.

Contributions must be paid to the candidate's financial representative or to a person authorized by the financial representative in accordance with section 499.4.

The total amount of an elector's contributions may not exceed \$1,000 during a given leadership campaign.

**“499.8.** Section 427, section 428 except paragraph 6 and sections 430, 434, 436, 438 and 440 apply, with the necessary modifications, to the contributions referred to in this division.

A leadership candidate’s financial representative who, during political activities or rallies held for the purposes of the candidate’s leadership campaign, collected amounts totalling over 3% of the total contributions collected by the representative for the purposes of that campaign shall, within 30 days after the last return the representative must file under subdivision 3 of this division, remit to the Chief Electoral Officer an amount equivalent to the portion of the amounts that exceeds that percentage. The Chief Electoral Officer shall transfer the amount to the treasurer, who shall pay it into the general fund of the municipality.

**“499.9.** On the seventh day after the date on which the leadership campaign begins and every seven days after that until the leadership vote, and every 30 days after the leadership vote, a leadership candidate’s financial representative must file with the Chief Electoral Officer the receipts relating to the contributions received by the financial representative.

**“499.10.** A leadership candidate’s financial representative may contract a loan, in accordance with section 447 and, with the necessary modifications, section 447.1, to fund the candidate’s leadership campaign expenses.

Any such loan must first be authorized in writing by the candidate concerned. The authorization must include the information listed in section 447.

The official representative of the party may contract a loan, in accordance with section 447 and, with the necessary modifications, section 447.1, to fund the leadership campaign expenses of the party.

**“499.11.** For the purposes of this division, leadership campaign expenses are the expenses incurred for the purposes of the campaign by

(1) the financial representative or any deputy or substitute financial representative of a leadership candidate, on behalf of that candidate; or

(2) the official representative, or any deputy or substitute official representative of the party, on behalf of the party.

Sections 381, 383, 385 to 387, 450 to 456, 459 to 461, 463, 464 and 466 apply, with the necessary modifications. For the purposes of those sections, a leadership candidate’s financial representative is the candidate’s official agent and the official representative of the party is the official agent of the party.

**“499.12.** Any person to whom an amount is due for an expense incurred under this division by a leadership candidate’s financial representative must present a claim to the financial representative within 60 days after the leadership vote.

If the financial representative has died or resigned, or is unable to act, and has not been replaced, the claim must be presented within the same time to the candidate.

Failure to present the claim within the time prescribed in the first paragraph entails prescription of the claim.

**“499.13.** Any person to whom an amount is due for an expense incurred under this division by the official representative of the party must present a claim to the official representative within 60 days after the leadership vote.

If the official representative has died or resigned, or is unable to act, and has not been replaced, the claim must be presented within the same time to the party leader or interim leader.

Failure to present the claim within the time prescribed in the first paragraph entails prescription of the claim.

**“499.14.** Subject to section 499.15, a leadership candidate’s financial representative must, within 12 months after the leadership vote, pay all claims received in accordance with the first paragraph of section 499.12, except any claim he or she contests, and all loans contracted.

**“499.15.** A leadership candidate’s financial representative who, because of a lack of funds in the account referred to in section 499.5, is unable to pay all claims received and loans contracted may continue to collect contributions during the 12-month period following the leadership vote for the sole purpose of paying the outstanding claims and loans.

If there remains an unpaid balance on a claim or loan at the expiry of that period, the Chief Electoral Officer may authorize the financial representative to continue collecting contributions during an additional period of 12 months for the purpose of paying that balance. That 12-month period may be renewed once, with the authorization of the Chief Electoral Officer.

Contributions collected under the first and second paragraphs are deemed to have been collected for the purposes of the leadership campaign of the candidate concerned.

Any unpaid balance on a claim or loan at the expiry of the 36-month period following the leadership vote is deemed to be a contribution for which the candidate alone is accountable. Sections 440 and 645 do not apply to such a contribution.

**“§3. — Returns**

**“499.16.** Within 90 days after the leadership vote, the financial representative of each leadership candidate must, whether the candidate remained in the race, withdrew, was excluded or died, file a return of the

candidate's leadership campaign income and expenses with the official representative of the party in the form prescribed by the Chief Electoral Officer.

All relevant vouchers and, if applicable, the written authorizations referred to in the second paragraph of section 499.10, and the deeds of appointment of any deputy financial representatives appointed under section 385 and any amendment to those deeds, must be filed with the return. The vouchers must be kept by the official representative of the party for a period of five years, and be filed with the Chief Electoral Officer at the latter's request.

**“499.17.** If a leadership candidate's financial representative has not, as of the filing date of the return referred to in section 499.16, paid all claims received and loans contracted, the financial representative must, every three months after that date and until full payment of the claims and loans or until the expiry of the applicable time limit under sections 499.14 and 499.15, file a complementary return with the official representative of the party in the form prescribed by the Chief Electoral Officer.

All relevant vouchers and, if applicable, the written authorizations referred to in the second paragraph of section 499.10 must be filed with the complementary return. The vouchers must be kept by the official representative of the party for a period of five years, and be filed with the Chief Electoral Officer at the latter's request.

On receipt of a complementary return, the official representative must forward it to the Chief Electoral Officer.

**“499.18.** A leadership candidate's financial representative must send to the official representative of the party, along with the return required under section 499.16 or the last complementary return required under section 499.17, any sum of money remaining after the payment of all claims and loans.

The official representative of the party must deposit that sum in an account referred to in section 439 that is held by the official representative of the party in the party's name.

**“499.19.** Within 120 days after the leadership vote, the official representative of the party must file a return of the leadership campaign expenses of the party with the Chief Electoral Officer in the form prescribed by the Chief Electoral Officer.

The official representative shall file with the return all the returns received from the financial representatives of leadership candidates under section 499.16.

All relevant vouchers relating to the return and, if applicable, the deeds of appointment of any deputy official representatives appointed under section 385 and any amendment to those deeds must be kept by the official representative of the party for a period of five years, and be filed with the Chief Electoral Officer at the latter's request.

**“499.20.** If an error is found in a return filed under this division, the financial representative or the official representative concerned may correct the error at any time within the period prescribed for filing the return.

After the date prescribed for filing the return, the financial representative or the official representative concerned must obtain leave from the Chief Electoral Officer to correct the error on establishing that it was made through inadvertence.

**“499.21.** If a leadership candidate or the party leader or interim leader shows to the Chief Electoral Officer that the absence, death, illness or misconduct of the candidate’s financial representative or the official representative of the party or any other reasonable cause has prevented the preparation and filing of a return required under this division, the Chief Electoral Officer may grant an extension of not more than 30 days for the preparation and filing of the return.”

**43.** The Act is amended by inserting the following section after section 595:

**“595.0.1.** Every financial representative or deputy financial representative of a party leadership candidate is guilty of an offence who

(1) files a return, statement, invoice, receipt or other voucher that is incomplete or contains a false indication or false information; or

(2) pays a claim otherwise than as permitted by sections 499.14 and 499.15.”

**44.** Section 595.1 of the Act is replaced by the following section:

**“595.1.** Every candidate, party leader or interim leader who allows an election expense or party leadership campaign expense to be incurred or paid for otherwise than as permitted by Divisions V and VI.1 of Chapter XIII of Title I is guilty of an offence.”

**45.** Section 599 of the Act is amended by inserting the following paragraphs after paragraph 2:

“(3) every party leadership candidate who allows contributions to be solicited or collected, expenses to be incurred or loans to be contracted for the purposes of the candidate’s leadership campaign without a written authorization from the candidate’s financial representative;

“(4) every person who solicits or collects contributions, incurs expenses or contracts a loan for a party leadership candidate without a written authorization from the candidate’s financial representative.”

**46.** Section 610 of the Act is amended

(1) by inserting “, and every financial representative of a party leadership candidate or person authorized by the financial representative to solicit or collect contributions,” after “collect contributions” in paragraph 1;

(2) by adding “or 499.7” at the end of subparagraph *d* of paragraph 1.

**47.** The Act is amended by inserting the following section after section 625:

**“625.1.** Every person is guilty of an offence who contravenes

(1) any of sections 499.1, 499.2 and 499.4, the second paragraph of section 499.7, section 499.10, either of sections 434 and 436 referred to in section 499.8 or any of sections 381, 387, 460, 461, 464 and 466 referred to in section 499.11; or

(2) any of sections 499.5, 499.6, 427 except the third paragraph, 428 except paragraph 6 and 440 referred to in section 499.8, or either of the first paragraph of section 455 and section 459 referred to in section 499.11.”

**48.** Section 626 of the Act is replaced by the following section:

**“626.** Every official representative, official agent or financial representative of a leadership candidate, including one who has ceased prematurely to exercise such functions, who fails to file a report or return required under section 420, 479, 484, 485, 487, 492, 496, 499.16, 499.17 or 499.19 or the documents required to be filed with such a report or return within the time prescribed in those sections, or who fails to file the receipts required under section 499.9 within the time prescribed in that section, is guilty of an offence.”

**49.** Section 628 of the Act is amended

(1) by inserting “, official representative of a party or financial representative of a party leadership candidate” after “official agent”;

(2) by inserting “or party leadership campaign expenses” after “election expenses”.

**50.** Section 636.3 of the Act is amended by inserting “or paragraph 2 of section 625.1” after “622”.

**51.** Section 640 of the Act is amended by replacing “in any of sections 594 to 598” by “in section 594, paragraph 1 of section 596 or section 598”.

**52.** The Act is amended by adding the following section after section 640:

**“640.0.1.** Every person who is guilty of an offence described in any of sections 595 to 595.1, paragraph 2 of section 596 or section 597 is liable to a fine of not less than \$5,000 nor more than \$20,000.”

**53.** Section 641 of the Act is amended by inserting “and paragraph 1 of section 625.1” after “625”.

**54.** Section 641.1 of the Act is amended by replacing “and 636.3” in the first paragraph by “, paragraph 2 of section 625.1 and section 636.3”.

**55.** Section 659 of the Act is amended by replacing “or independent candidate and not required to appear in the financial report of the party or candidate” in the second paragraph by “, an authorized independent candidate or a leadership candidate of an authorized party and not required to appear in a financial report, return of leadership campaign income and expenses or complementary return, as applicable.”.

#### ACT RESPECTING SCHOOL ELECTIONS

**56.** Section 206.3 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) receive, examine and, if necessary, audit the reports and returns filed with the Chief Electoral Officer.”

**57.** Section 221.1 of the Act is amended by replacing “219.1 to” by “219.1 and”.

**58.** The Act is amended by adding the following section after section 221.1:

“**221.1.0.1.** Every person who commits an offence under section 219.2 is liable to a fine of not less than \$5,000 nor more than \$20,000.”

#### TAXATION ACT

**59.** Section 776 of the Taxation Act (R.S.Q., chapter I-3) is amended

(1) by inserting “or to the financial representative of a party leadership candidate” after “independent candidate” in subparagraph *a* of the first paragraph;

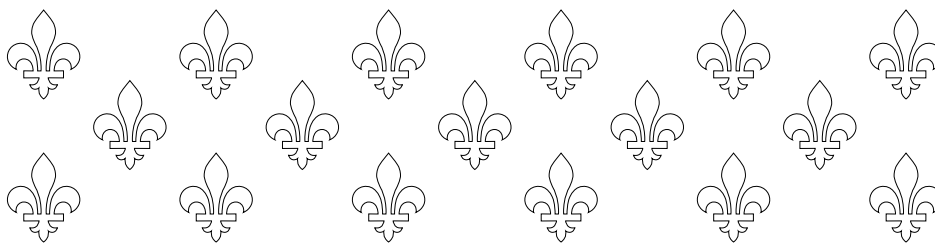
(2) by replacing “or independent candidate” in subparagraph *b* of the first paragraph by “, independent candidate or party leadership candidate”.

#### FINAL PROVISION

**60.** This Act comes into force on 9 December 2011.







---

---

# NATIONAL ASSEMBLY

---

---

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 207

(Private)

## **An Act to amend the Act to establish the Société du chemin de fer de la Gaspésie**

---

---

**Introduced 15 November 2011**

**Passed in principle 9 December 2011**

**Passed 9 December 2011**

**Assented to 9 December 2011**

---

**Québec Official Publisher  
2011**



## **Bill 207**

(Private)

### **AN ACT TO AMEND THE ACT TO ESTABLISH THE SOCIÉTÉ DU CHEMIN DE FER DE LA GASPÉSIE**

AS the Société du chemin de fer de la Gaspésie was established as a non-profit legal person by the Act to establish the Société du chemin de fer de la Gaspésie (2007, chapter 54);

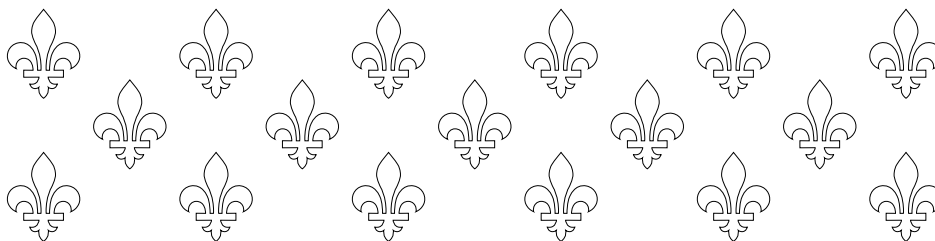
AS it is in the public interest that that Act be amended in order to confer certain powers on the Société du chemin de fer de la Gaspésie;

AS it is in the public interest that the Act to establish the Société du chemin de fer de la Gaspésie and this Act be published in the land register;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Section 4 of the Act to establish the Société du chemin de fer de la Gaspésie (2007, chapter 54) is amended by inserting “, sell or otherwise dispose of” after “acquire” in paragraph 1.
- 2.** The Act to establish the Société du chemin de fer de la Gaspésie and this Act must be published in the land register, by way of a summary certified by a notary and containing a description of the property concerned, in the index of immovables for each of the registration divisions concerned and for all the lots of the cadastre of Québec or of any other cadastre owned by the Corporation du chemin de fer de la Gaspésie (C.C.F.G.) inc. on 21 December 2007, and, if applicable, in the register of public service networks and immovables situated in territory without a cadastral survey for each of the registration divisions concerned and for all the networks owned by the Corporation on that date.
- 3.** This Act comes into force on 9 December 2011.





---

---

# NATIONAL ASSEMBLY

---

---

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 209

(Private)

## **An Act respecting Rosemère Curling Club Inc.**

---

---

**Introduced 15 November 2011**

**Passed in principle 9 December 2011**

**Passed 9 December 2011**

**Assented to 9 December 2011**

---

**Québec Official Publisher  
2011**



## **Bill 209**

(Private)

### **AN ACT RESPECTING ROSEMÈRE CURLING CLUB INC.**

AS Rosemère Curling Club Inc. was incorporated under the name Rosemère Curling Club Inc. by letters patent granted under Part III of the Quebec Companies Act (R.S.Q., 1941, chapter 276) on 9 July 1956;

AS, on 28 September 1984, supplementary letters patent were granted that converted the company into a joint stock company governed by Part I of the Companies Act (R.S.Q., chapter C-38) under the name Rosemère Curling Club Inc. and its French version Club de curling de Rosemère Inc., in accordance with section 17 of that Act;

AS its authorized capital stock consists of 3,800 preferred shares having a par value of \$100 each, and 2,000 common shares having a par value of \$10 each;

AS, on 31 March 2011, the date of the end of its last fiscal year, the book value of the 1,439 issued and outstanding preferred shares was \$100 each, and that of the 1,362 issued and outstanding common shares was \$10 each;

AS the chief aim of the company is to operate three curling sheets, a swimming pool and tennis courts solely for social and sporting purposes;

AS its mode of operation and the objects it has pursued until now are similar to those of a non-profit legal person;

AS it appears necessary to the company that it be continued as a non-profit legal person governed by Part III of the Companies Act;

AS a notice stating the company's intention to be so continued has been sent to all the shareholders registered in the register;

AS, in addition, the company has had a notice of its intention published in the newspapers *La Presse* and *The Gazette* for the benefit of the shareholders it was unable to reach;

AS the decision to continue the company as a non-profit legal person has been duly ratified by an annual general meeting of the shareholders;

AS the application for letters patent of conversion to be submitted under section 221 of the Companies Act must be accompanied by a by-law approved

by at least two thirds of the members at a special meeting, in accordance with the Companies Act;

AS the Companies Act does not permit a legal person having capital stock and governed by Part I of that Act to be continued under Part III of that Act;

AS it is expedient that the company be authorized to apply for continuation under Part III of the Companies Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Rosemère Curling Club Inc. is authorized to apply for the issue of letters patent under section 221 of the Companies Act (R.S.Q., chapter C-38) to constitute its members as a legal person governed by Part III of that Act. For that purpose, the shareholders of the company are deemed to be its members.

**2.** On the date the letters patent are granted by the enterprise registrar,

(1) the authorized capital stock of the company and all its issued shares are cancelled; and

(2) the holders of shares are entitled

(a) to give their shares to the legal person;

(b) to claim the amount of \$100 per preferred share and \$10 per common share according to the following procedure:

i. payment to preferred share holders will be given priority over payment to common share holders;

ii. should the payment of shares of a particular class be partial, it will be made in proportion to the number of issued shares of that class; and

iii. no payment may be made if there are reasonable grounds for believing that, after the payment, the legal person will be unable to pay its liabilities as they become due;

(c) to claim a credit of \$100 per preferred share and \$10 per common share on the amount of the subscription for the current year and for the coming years, if applicable.

**3.** This Act comes into force on 9 December 2011.



## Regulations and other Acts

**M.O., 2011**

**Minister's Order number 2011 018 of the Minister of Health and Social Services dated 22 December 2011**

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions

CONSIDERING the Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional boards and of public health and social services institutions made by Order in Council 121796 dated 25 September 1996;

CONSIDERING section 205 of the Act to amend the Act respecting health services and social services and amending various legislative provisions (1998, c. 39) to the effect that the Regulation is deemed to have been made by the Minister of Health and Social Services under section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING the replacement of the title of the Regulation by “Regulation respecting certain terms of employment applicable to senior administrators of regional boards and of public health and social services institutions”, approved by T.B. 193820 dated 21 September 1999;

CONSIDERING the replacement of the words “ regional boards “in the title of the Regulation by the word “agencies “, pursuant to paragraph 2 of section 309 of chapter 32 of the Statutes of 2005 which came into force on 1 January 2006;

CONSIDERING the necessity to amend the Regulation;

CONSIDERING the first paragraph of section 487.2 of the Act respecting health services and social services;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with the third paragraph of section 487.2 of the Act respecting health services and social services;

THEREFORE, the Minister of Health and Social Services hereby makes the Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions.

YVES BOLDUC,  
*Minister of Health and Social Services*

**Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions\***

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 487.2)

**1.** Section 8 of the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions is amended by replacing, in the second paragraph, the number “16” by the number “17”.

**2.** Section 12 of this Regulation is amended by adding, after the third paragraph, the following paragraph:

“These two notices may be replaced by identical notices published or distributed by electronic or automated means that can reach as many potential candidates as possible at a lower cost.”

**3.** Section 24.3 of this Regulation is replaced by the following:

“**24.3.** Moving expenses payable to the senior administrator under sections 24.1 and 24.2 are the same as those prescribed in the *Directive concernant l'ensemble des conditions de travail des cadres*, adopted by the

\* The last amendment to the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions made by Order in Council N° 1217-96 dated September 25, 1996 (1996, G.O. 2, 5721) was made by the regulation enacted by Ministerial Order N° 2011-002 dated April 20, 2011 (2011, G.O. 2, 1503). For previous amendments, refer to the *Tableau des modifications et index sommaire*, Éditeur officiel du Québec, 2010, updated to April 1st, 2011.

Conseil du trésor on April 20, 2010 (C.T. 208914), and its amendments for the public sector, with the necessary modifications.”.

**4.** This Regulation is amended by replacing, in the title of section 37, the word “Reassignment” by the word “Assignment”.

**5.** Section 39 of this Regulation is amended by replacing, in the 6th paragraph, the number “38.2” by the number “38”.

**6.** Section 40.2 of this Regulation is amended:

1° by adding, after the number “5”, the words “or end-of-engagement measures provided for in Chapter 6”;

2° by adding, after the last paragraph, the following paragraph:

“This section does not apply to a senior administrator who receives a retirement pension from a pension plan managed by the *Commission administrative des régimes de retraite et d’assurance* (CARRA), other than the Pension Plan of Elected Municipal Officers (PEMO), the Retirement Plan for Mayors and Councillors of Municipalities (RPMCM) or the Pension Plan of the Members of the National Assembly (PPMNA).”.

**7.** Chapter 4.1 of this Regulation, including sections 87.1 to 87.61 is replaced by the following sections: 87.1 to 87.61:

#### “CHAPTER 4.1 PARENTAL RIGHTS PLAN

##### DIVISION 1 GENERAL

**87.1.** In this chapter, the following terms and expressions mean:

“spouse”: either of two persons who

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

However, persons shall cease to be considered as spouses upon the dissolution of their marriage through divorce or annulment or upon dissolution of their civil union by court decision, notarized joint declaration or by annulment of the civil union or, if they are living in a conjugal relationship, upon a *de facto* separation for a period exceeding three (3) months.

“weekly salary”: salary of a senior administrator, including the lump sums paid under sections 33, 36, 37 and the last paragraph of section 106, without any additional remuneration.

**87.2.** Unless expressly stipulated otherwise, no provision in this chapter shall have the effect of giving a senior administrator a monetary or non-monetary benefit which the senior administrator would not have had had he or she remained at work.

**87.3.** Compensation for maternity leave, paternity 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.

Subject to paragraph 1° of section 87.16 and section 87.17, compensation for maternity leave, paternity leave and adoption leave, however, is paid only during the weeks the senior administrator receives or would receive, after submitting an application for benefits, benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan.

If a senior administrator shares adoption or parental benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan with his or her spouse, an allowance shall be paid only if the senior administrator actually receives a benefit under one of these plans during the maternity leave provided for in section 87.7, the paternity leave provided for in section 87.30 or the adoption leave provided for in section 87.41.

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

**87.5.** The employer shall not reimburse a senior administrator for amounts that may be claimed from the senior administrator by the Minister of Employment and Social Solidarity under the Act respecting parental insurance (R.S.Q., c. A-29.011) or by Human Resources and Skills Development Canada (HRSDC) under the Employment Insurance Act (L.C., 1996, ch.23).

**87.6.** The weekly salary, weekly deferred salary and severance payments shall not be increased or decreased by the amounts received under the Québec Parental Insurance Plan or the Employment Insurance Supplemental Unemployment Benefit Plan.

## **DIVISION 2**

### **MATERNITY LEAVE**

**87.7.** A pregnant senior administrator who is eligible for the Québec Parental Insurance Plan is entitled to twenty-one (21) weeks of maternity leave which, subject to sections 87.10 or 87.11, must be consecutive.

A pregnant senior administrator who is not eligible for the Québec Parental Insurance Plan is entitled to twenty (20) weeks of maternity leave which, subject to sections 87.10 or 87.11, must be consecutive.

Maternity leave may be for a shorter duration than the durations mentioned in the two preceding paragraphs. A senior administrator who returns to work within two (2) weeks following the birth must, at the employer's request, submit a medical certificate attesting that she has sufficiently recovered to return to work.

A senior administrator who becomes pregnant while on leave without pay or partial leave without pay provided for in this chapter is also entitled to maternity leave and to the benefits provided for in sections 87.14, 87.16 and 87.17, as the case may be.

If a senior administrator's spouse dies, the remainder of the maternity leave and the rights and benefits attached thereto shall be transferred to the senior administrator.

**87.8.** A senior administrator is also entitled to maternity leave if her pregnancy is terminated after the beginning of the twentieth (20th) week preceding the expected date of delivery.

**87.9.** The distribution of maternity leave, before and after delivery, shall be decided by the senior administrator. However, this leave 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.

For a senior administrator who is eligible for benefits under the Employment Insurance Plan, maternity leave must include the day of the delivery.

**87.10.** A senior administrator may suspend her maternity leave and return to work when she has sufficiently recovered from the delivery and the child is unable to

leave the health institution. The suspension shall end when the child is brought home. A senior administrator whose child is hospitalized within fifteen (15) days of birth also has this right.

Furthermore, when a senior administrator has sufficiently recovered from delivery and her child is hospitalized more than fifteen (15) days after leaving the health institution, the senior administrator may suspend her maternity leave, upon agreement with her employer, and return to work for the duration of this hospitalization.

**87.11.** At a senior administrator's request, maternity leave may be divided into weeks if her child is hospitalized, or if one of the situations, other than a pregnancy-related illness, provided for in sections 79.1 or 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1) occurs.

The maximum number of weeks during which the maternity leave may be suspended is equal to the number of weeks during which the child is hospitalized. For other maternity leave division options, the number of weeks of suspension is that prescribed in the Act respecting labour standards (R.S.Q., c. N-1.1) for such a situation.

During such suspension, a senior administrator is deemed to be on leave without pay and shall not receive any allowance or benefit from the employer; however, she receives the benefits provided for in section 87.56.

**87.12.** When a senior administrator resumes a maternity leave that was suspended or divided under section 87.10 or 87.11, the employer shall pay unto the senior administrator 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 sections 87.14, 87.16 or 87.17, as the case may be, subject to section 87.3.

**87.13.** To obtain maternity leave, a senior administrator must give the employer a written notice at least two (2) 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 expected date of delivery.

The time period to give notice may be shorter if a medical certificate certifies that the senior administrator must stop working earlier than expected. In case of unforeseen events, the senior administrator shall not be required to give notice, subject to submitting a medical certificate to her employer stating that she must immediately stop working.

**§1. Senior administrator who is eligible for the Québec Parental Insurance Plan**

**87.14.** A senior administrator who has accumulated twenty (20) weeks of service and is eligible for benefits under the *Québec Parental Insurance Plan* is also entitled to receive, during the twenty-one (21) weeks of her maternity leave, an allowance equal to the difference between ninety-three (93)% of her weekly salary and the amount of maternity or parental benefits she receives, or would receive under the Québec Parental Insurance Plan, after submitting an application for benefits,...

The allowance is calculated on the basis of the benefits that a senior administrator is entitled to receive under the Québec Parental Insurance Plan, 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, if a change is made to the amount of the allowance paid under the Québec Parental Insurance Plan as the result of a change in the information provided by the employer, the employer shall correct the amount of the allowance accordingly.

A senior administrator who works for more than one employer shall receive an allowance equal to the difference between ninety-three (93)% of the weekly salary paid by the employer and the percentage of benefits paid under the Québec Parental Insurance Plan that represents the weekly salary paid by the employer proportionate to the sum of the weekly salaries paid by all the employers. For that purpose, the senior administrator shall submit to each employer a statement of the weekly salary paid by each employer, along with the amount of benefits paid to her under the Act respecting parental insurance.

**87.15.** The employer may not use the maternity leave compensation that it pays to the senior administrator to offset the reduction in Québec Parental Insurance Plan benefits attributable to the salary earned with another employer.

Notwithstanding the preceding paragraph, the employer shall offset such a reduction if the senior administrator shows that the salary earned is a regular salary, by means of a letter to that effect from the employer paying it. If the senior administrator shows that only a portion of this salary is regular, the compensation shall be limited to that portion.

An employer paying a regular salary as prescribed in the preceding paragraph must provide such a letter at the request of the senior administrator.

The total amounts that a senior administrator receives during her maternity leave in benefits under the Québec Parental Insurance Plan, allowances and salary, may not exceed ninety-three (93)% of the weekly salary paid by her employer or, as the case may be, employers.

**§2. Senior administrator who is eligible for the Employment Insurance Plan**

**87.16.** A senior administrator who has accumulated twenty (20) weeks of service and who is eligible for the Employment Insurance Plan but is not eligible for the Québec Parental Insurance Plan is entitled to receive:

1° for each week of the waiting period prescribed under the Employment Insurance Plan, an allowance equal to ninety-three (93)% of her weekly salary;

2° for each week following the period mentioned in paragraph 1°, compensation equal to the difference between ninety-three (93)% of her weekly salary and the maternity or parental benefit under the Employment Insurance Plan that she receives or could receive after submitting an application for benefits, up to the end of the twentieth (20th) week of her maternity leave.

The allowance is calculated on the basis of the employment insurance benefits that a senior administrator 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, if a change is made to the amount of the benefit paid under the Employment Insurance Plan as the result of a change in the information provided by the employer, the employer shall correct the amount of the allowance accordingly.

A senior administrator who works for more than one employer shall receive an allowance from each of her employers. In such a case, the allowance is equal to the difference between ninety-three (93)% of the weekly salary paid by the employer and the percentage of the employment insurance benefit that represents the weekly salary that it pays proportionate to the weekly salaries paid by all the employers. For that purpose, the senior administrator shall submit to each of her employers a statement of the weekly salary paid by each employer, along with the amount of the benefits payable to her under the Employment Insurance Act.

Moreover, if Human Resources and Skills Development Canada (HRSDC) reduces the number of weeks of employment insurance benefits to which a senior administrator would have otherwise been entitled had she not

received employment insurance benefits before her maternity leave, the senior administrator shall continue to receive, for a period equivalent to the weeks subtracted by HRSDC, the allowance provided for in this paragraph as if she had received employment insurance benefits during that period.

Section 87.15 applies, with the necessary changes.

**§3. Senior administrator who is ineligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan**

**87.17.** A senior administrator who is ineligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan is also excluded from any allowance provided for in sections 87.14 and 87.16.

However, a full-time senior administrator who has accumulated twenty (20) weeks of service, as defined in paragraph 3° of section 87.18, is entitled to an allowance equal to ninety-three (93)% of her weekly salary for twelve (12) weeks, if she does not receive benefits under a parental rights plan established by another province or a territory.

A part-time senior administrator who has accumulated twenty (20) weeks of service is entitled to compensation equal to ninety-five (95)% of her weekly salary for twelve (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 administrator is exempt from contributing to pension plans and to the Québec Parental Insurance Plan, the compensation rate is set at ninety-three (93)% of her weekly salary.

**§4. Special provisions**

**87.18.** In the cases provided for by sections 87.14, 87.16 and 87.17:

1° no compensation may be paid during a vacation period during which a senior administrator receives her salary.

2° unless the salary is paid on a weekly basis, the allowance shall be paid at two (2)-week intervals, the first payment being due, in the case of a senior administrator eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan, only fifteen (15) days after the employer obtains proof that she is receiving benefits under one of those plans. For the purposes

of this paragraph, 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 by Human Resources and Skills Development Canada (HRSDC) shall be accepted as proof.

3° 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 standards and scales of remuneration 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 twenty (20) weeks of service under sections 87.14, 87.16 and 87.17 is deemed to have been met, if the senior administrator has satisfied this requirement with any employer mentioned in this paragraph.

4° the weekly salary of a part-time senior administrator is the average weekly salary of the last twenty (20) weeks preceding her maternity leave.

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

Moreover, any period during which a senior administrator on special leave as provided for in section 87.25 did not receive an indemnity from the Commission de la santé et de la sécurité du travail, as well as the weeks during which the senior administrator was on annual leave or was absent without pay in accordance with the Regulation, are excluded for the purpose of calculating the average weekly salary.

If the period of twenty (20) weeks preceding a part-time senior administrator's maternity leave includes the date on which salaries are adjusted, the calculation of the weekly salary shall be made on the basis of the salary in force on that date. Moreover, if the maternity leave includes the date on which salaries are adjusted, the weekly salary shall change on that date in accordance with the adjustment formula applicable to her salary class.

The provisions of this paragraph constitute one of the express provisions covered by section 87.2.

**87.19.** During her maternity leave and the extensions prescribed in section 87.21, a senior administrator shall receive, where she is normally entitled thereto, the following benefits:

- accumulation of vacation days;
- accumulation of continuous service;
- any salary increase following the adjustment of salary classes;
- any increase for satisfactory performance.

**87.20.** A senior administrator may defer vacation leave that falls within maternity leave, provided that she informs her employer in writing of the date of deferral, no later than two (2) weeks prior to the expiry of her leave.

**87.21.** Where the birth takes place after the expected due date, the senior administrator is entitled to an extension of her maternity leave equal to the delay, unless she already has at least two (2) weeks of maternity leave remaining after the birth.

A senior administrator is entitled to an extension of her maternity leave if her own or her child's state of health requires it. The duration of this extension is the period that is specified in the medical certificate that must be provided by the senior administrator.

During such extensions, a senior administrator is considered to be on leave without pay and shall not receive any allowance or benefit from the employer. The senior administrator receives the benefits provided for in section 87.19 only during the first six (6) weeks in which the leave is extended, and thereafter, receives the benefits mentioned in section 87.45, provided that she is normally entitled thereto.

**87.22.** During her maternity leave, a senior administrator shall maintain her participation in the mandatory group insurance plans provided for in section 62, but the employer shall make a payment equal to both its own contribution and the senior administrator's contribution to those plans. Furthermore, the senior administrator shall be exempt from contributing to the optional insurance plans in accordance with the provisions of the master policy.

**87.23.** A senior administrator receiving an allowance for regional disparities under this regulation shall continue to receive the allowance during her maternity leave.

**87.24.** An employer shall send a senior administrator, in the fourth (4th) week preceding the expiry of her maternity leave, a notice indicating the scheduled date of expiry of said leave.

A senior administrator to whom the employer has sent the notice referred to in the 1st paragraph must report for work on the expiry date of the maternity leave, unless the leave is extended in the manner prescribed in Division 7 of this chapter.

A senior administrator who does not comply with the preceding paragraph is considered to be on leave without pay for a period not exceeding four (4) weeks. At the end of this period, a senior administrator who is not at work is deemed to have resigned.

**87.25.** While on maternity leave and special leave for pregnancy and breast-feeding, a senior administrator shall retain the employment relationship with the employer. Her contract must be renewed. Her employment may not be terminated. She may not be dismissed, except for gross negligence.

At the end of her maternity leave, a senior administrator shall resume her position with her employer, subject to the provisions respecting employment stability provided for in Chapter 5. Her terms of employment, including her salary, shall be the same as those to which she would have been entitled had she remained at work.

### **DIVISION 3** **SPECIAL LEAVE FOR PREGNANCY AND** **BREAST-FEEDING**

#### *§1. Temporary assignment and special leave*

**87.26.** A senior administrator may request to be temporarily assigned to another position or to other tasks corresponding to her training or experience in the following cases:

1° she is pregnant and the conditions of employment involve risks of infectious diseases or physical danger to her or her unborn child;

2° the conditions of employment are dangerous for the child she is breast-feeding.

The senior administrator must submit a medical certificate to that effect as promptly as possible.

If the reassignment is not carried out immediately, the senior administrator is entitled to a special leave beginning immediately. Unless a temporary reassignment is subsequently made terminating the special leave, the special

leave ends, for a senior administrator who is pregnant, on the date of delivery and, for a senior administrator who is breast-feeding, at the end of the breast-feeding period.

However, for a senior administrator who is eligible for benefits under the Act respecting parental insurance, the special leave shall end as of the fourth (4th) week preceding the expected date of delivery.

During the special leave provided for in this section, the senior administrator shall be governed in respect of her allowance by the provisions of the Act respecting occupational health and safety (R.S.Q., c. S-2.1) respecting preventive withdrawal of a pregnant worker or a worker who is breast-feeding.

Following a written request, however, the employer shall pay to the senior administrator an advance on the allowance receivable from the Commission de la santé et de la sécurité du travail (CSST) on the basis of anticipated payments. If the Commission pays the allowance, repayment of the advance shall be deducted therefrom. Otherwise, repayment is at the rate of ten (10)% of the amount disbursed per pay period, until the debt is fully paid.

## §2. *Other special leave*

**87.27.** A senior administrator is also entitled to special leave in the following cases:

1° where a pregnancy complication or a risk of miscarriage requires stopping work for a period, the duration of which is prescribed by a medical certificate; however, this special leave may not be extended beyond the beginning of the fourth (4th) week preceding the expected date of delivery;

2° upon presentation of a medical certificate prescribing the duration of the special leave, where a spontaneous or induced termination of pregnancy occurs before the beginning of the twentieth (20th) week preceding the expected date of delivery;

3° for pregnancy-related consultations with a health professional, attested to by a medical certificate or a written report signed by a midwife.

**87.28.** For the consultations mentioned in paragraph 3 of section 87.27, a senior administrator is entitled to special leave, with pay, for up to four (4) days, which may be taken in half-days.

During a special leave provided for in this Division, a senior administrator shall be granted the benefits provided for in section 87.19, provided that she is entitled thereto.

## **DIVISION 4** **CHILDBIRTH LEAVE**

**87.29.** A senior administrator is entitled, after informing the employer as promptly as possible, to take leave with pay for a maximum of five (5) working days to attend the birth of his child. A senior administrator is also entitled to this leave in the event of a termination of pregnancy after the beginning of the twentieth (20th) week preceding the expected date of delivery. The leave with pay may be discontinuous, but must be taken between the beginning of the delivery and the fifteenth (15th) day following the mother's or the child's return home.

One (1) of the five (5) days may be used for the baptism or registration of the child.

A senior administrator whose spouse is giving birth is also entitled to this leave if she is designated as one of the child's mothers.

## **DIVISION 5** **PATERNITY LEAVE**

**87.30.** Upon the birth of his child, a senior administrator is also entitled to a paternity leave not exceeding 5 weeks, which, subject to sections 87.34 and 87.35, must be consecutive.

Paternity leave may be taken after giving written notice of no less than three (3) weeks to the employer indicating the dates scheduled for the beginning of the leave and for the return to work. The time period for giving notice may be shorter if the child is born before the expected date of delivery. The leave shall end no later than the end of the fifty-second (52nd) week following the week in which the child was born.

The leave of the senior administrator 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.

A senior administrator whose spouse is giving birth is also entitled to this leave if she is designated as one of the child's mothers.

**87.31.** During the paternity leave provided for in section 87.30, a senior administrator shall receive an allowance equal to the difference between his basic weekly salary and the amount of benefits he receives, or would receive after submitting an application for benefits, under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The 2nd, 3rd and 4th paragraphs of section 87.14 or the 2nd, 3rd and 4th subparagraphs of paragraph 2° of section 87.16, as the case may be, as well as section 87.15, apply to this paragraph, with the necessary modifications.

**87.32.** A senior administrator who is not eligible for paternity benefits under the Québec Parental Insurance Plan nor benefits under the Employment Insurance Plan shall receive, during the paternity leave provided for in section 87.30, an allowance equal to his basic weekly salary.

**87.33.** Paragraphs 1°, 2° and 4° of section 87.18 apply to a senior administrator who receives the compensation provided for in section 87.31 and 87.32, with the necessary modifications.

**87.34.** If his child is hospitalized, a senior administrator may suspend his paternity leave, upon agreement with his employer, and return to work for the period during which the child is hospitalized.

**87.35.** At a senior administrator's request, paternity leave may be divided into weeks if his child is hospitalized or if a situation described in sections 79.1 or 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1) occurs.

The maximum number of weeks the paternity leave may be suspended is equal to the number of weeks the child is hospitalized. For other paternity leave division options, the maximum number of weeks of suspension is that prescribed by the Act respecting labour standards (R.S.Q., c. N-1.1) for the applicable situation.

During such suspension, the senior administrator is considered to be on leave without pay and shall not receive any allowance or benefit from the employer; however, the senior administrator receives the benefits provided for in section 87.56.

**87.36.** When a senior administrator resumes a paternity leave that was suspended or divided under section 87.34 or 87.35, the employer shall pay the senior administrator the allowance to which he would have been entitled had he not availed himself of the suspension or division and do so, for the number of weeks remaining under section 87.30.

**87.37.** A senior administrator who sends to his employer, before the expiry date of his paternity leave, a notice accompanied by a medical certificate attesting that his child's state of health makes it necessary, is entitled to an extension of his paternity leave. The duration of this extension is that specified in the medical certificate.

During such extension, a senior administrator is considered to be on leave without pay and shall not receive any allowance or benefit from the employer; however, the senior administrator receives the benefits provided for in section 87.56.

**87.38.** A senior administrator who goes on paternity leave under section 87.30 is entitled to the benefits provided for in sections 87.19, 87.20, 87.23 and 87.25.

The senior administrator who is on paternity leave maintains his participation in all of the mandatory group insurance plans in which he participates. The employer and the senior administrator make their respective payments on the basis of the salary that the senior administrator would receive if he were at work and the full provisions of the group insurance plans apply.

**87.39.** The senior administrator must report for work on the expiry date of the paternity leave provided for in section 87.30, unless the leave is extended in the manner prescribed in Division 7 of this chapter.

A senior administrator who does not comply with the 1st paragraph is deemed to be on leave without pay for a period not exceeding four (4) weeks. At the end of this period, a senior administrator who is not at work is deemed to have resigned.

## **DIVISION 6**

### **ADOPTION LEAVE AND LEAVE FOR ADOPTION PURPOSES**

**87.40.** A senior administrator is entitled, after informing the employer as promptly as possible, to leave with pay for a maximum of five (5) working days to adopt a child other than his or her spouse's child. This leave may be discontinuous and may not be taken after the fifteenth (15th) day following the child's arrival in the home.

One (1) of the five (5) days may be used for the baptism or registration of the child.

**87.41.** A senior administrator who legally adopts a child, other than his or her spouse's child, is entitled to adoption leave not exceeding five (5) weeks which, subject to sections 87.42 and 87.43, must be consecutive.



Adoption leave may be taken after giving written notice of no less than three (3) weeks to the employer indicating the dates scheduled for the beginning of the leave and for the return to work. The leave must be terminated no later than the end of the fifty-second (52nd) week following the child's arrival in the home.

The leave of a senior administrator who is 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 (R.S.Q., c. A-29.011) are paid and must begin no later than the week following the start of parental insurance benefit payments.

The leave of a senior administrator who is ineligible for benefits under the Québec Parental Insurance Plan must be taken either following the order of placement of the child or its equivalent, in the case of an international adoption, in accordance with the adoption plan or at another time agreed upon with the employer.

**87.42.** A senior administrator whose child is hospitalized may suspend the adoption leave provided for in section 87.41, upon agreement with the employer and return to work for the duration of the hospitalization.

**87.43.** At the senior administrator's request, the adoption leave provided for in section 87.41 may be divided into weeks if the child is hospitalized or if a situation described in sections 79.1 and 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1) occurs.

The maximum number of weeks during which adoption leave may be suspended is equal to the number of weeks during which the child is hospitalized. For other adoption leave division options, the maximum number of weeks of suspension is that prescribed by the Act respecting labour standards (R.S.Q., c. N-1.1) for the applicable situation.

During such suspension, a senior administrator is considered to be on leave without pay and shall not receive any allowance or benefit from the employer; however, the senior administrator receives the benefits provided for in section 87.56.

**87.44.** When a senior administrator resumes an adoption leave that was suspended or divided under section 87.42 or 87.43, the employer shall pay the senior administrator 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 87.41.

**87.45.** A senior administrator who sends to his employer, before the expiry date of the adoption leave, a notice accompanied by a medical certificate attesting that his or her child's state of health requires it, is entitled to an extension of the adoption leave provided for in section 87.41. The duration of this extension is that specified in the medical certificate.

During such an extension, a senior administrator is considered to be on leave without pay and shall not receive any allowance or benefit from the employer; however, the senior administrator receives the benefits provided for in section 87.56.

**87.46.** During the adoption leave provided for in section 87.41, the senior administrator shall receive an allowance equal to the difference between his or her weekly salary and the amount of benefits 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 2nd, 3rd and 4th paragraphs of section 87.14 or the 2nd, 3rd and 4th paragraphs of paragraph 2° of section 87.16, as the case may be, as well as section 87.15, apply, with the necessary modifications.

**87.47.** A senior administrator who is not eligible 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, during the adoption leave provided for in section 87.41, an allowance equal to the senior administrator's weekly salary.

**87.48.** Paragraphs 1°, 2° and 4° of the 1st paragraph of section 87.18 apply to a senior administrator receiving compensation under section 87.46 or 87.47, with the necessary modifications.

**87.49.** A senior administrator who takes an adoption leave provided for in section 87.40 or 87.41 is entitled to the benefits provided for in sections 87.19, 87.20, 87.23 and 87.25.

The senior administrator who is on adoption leave maintains his or her participation in all of the mandatory group insurance plans in which he or she participates. The employer and the senior administrator make their respective payments on the basis of the salary that the senior administrator would receive if he or she were at work and the full provisions of the group insurance plans apply.

**87.50.** A senior administrator must report for work on the expiry date of the adoption leave provided for in section 87.41, unless the leave is extended in the manner prescribed in Division 7 of this chapter.

A senior administrator who does not comply with the 1st paragraph is considered to be on leave without pay for a period not exceeding four (4) weeks. At the end of this period, a senior administrator who is not at work is deemed to have resigned.

**87.51.** A senior administrator who is adopting his or her spouse's child is entitled to a leave not exceeding five (5) working days, of which only the first two (2) days are with pay.

This leave may be discontinuous and may not be taken after the fifteenth (15th) day following the filing of the adoption application.

**87.52.** A senior administrator shall be granted, for the purpose of adopting a child, a leave without pay not exceeding ten (10) weeks from the date on which he or she actually takes custody of the child, unless it involves the child of a spouse.

A senior administrator who travels outside of Québec to adopt a child, except for his or her spouse's child, shall, by applying in writing to the employer, if possible, two (2) weeks in advance, obtain leave without pay for the required travel time.

Notwithstanding the provisions of the preceding paragraphs, the leave without pay shall end no later than the week following the start of benefit payments under the Québec Parental Insurance Plan or the Employment Insurance Plan, when the provisions of section 87.41 become applicable.

During the leave without pay, the senior administrator is entitled to the benefits provided for in section 87.56.

## **DIVISION 7**

### **LEAVE WITHOUT PAY AND PARTIAL LEAVE WITHOUT PAY**

**87.53.** A senior administrator is entitled to one of the following leaves:

1° a leave without pay not exceeding two (2) years immediately following the maternity leave provided for in section 87.7;

2° a leave without pay not exceeding two (2) years immediately following the paternity leave provided for in section 87.30. However, the duration of the leave must not exceed the one hundred and twenty-fifth (125th) week following the birth;

3° a leave without pay not exceeding two (2) years immediately following the adoption leave provided for in section 87.41. However, the duration of the leave must not exceed the one hundred and twenty-fifth (125th) week following the child's arrival in the home.

The full-time senior administrator who does not prevail herself or himself of the leave without pay shall be entitled, upon agreement with the employer, to a partial leave without pay not exceeding two (2) years. The duration of the leave must not exceed the one hundred and twenty-fifth (125th) week following the child's birth or arrival in the home. During the partial leave without pay, the senior administrator may be assigned to his or her position or to any other duties agreed upon between the senior administrator and the employer.

During a leave provided for in this section, the senior administrator may, upon agreement with the employer, prevail himself or herself once of one of the following modifications:

1° convert a leave without pay into a partial leave without pay, or vice versa, as the case may be;

2° convert a partial leave without pay into a different partial leave without pay.

The senior administrator who does not take his or her leave without pay or partial leave without pay may, for the part of the leave that his or her spouse did not use, elect to benefit from a leave without pay or partial leave without pay by complying with the formalities prescribed.

Where a senior administrator's spouse is not employed by an employer mentioned in paragraph 3° of section 87.18, the senior administrator may prevail himself or herself of a leave at the time his or her choosing within two (2) years following the birth or adoption, without, however, exceeding the set deadline of two (2) years, from the birth or adoption. The senior administrator may also, upon agreement with the employer, take a partial leave without pay under the same terms.

**87.54.** A senior administrator who does not take the leave provided for in section 87.53 is entitled, after the birth or adoption of the child, to a leave without pay of no more than fifty-two (52) continuous weeks beginning at the time decided by the senior administrator and ending at the latest seventy (70) weeks after the birth or, in the case of an adoption, seventy (70) weeks after the child is placed with the senior administrator.

**87.55.** A senior administrator who wants to take a leave provided for in section 87.53 or in section 87.54 must submit a written request to that effect at least three (3) weeks in advance.

**87.56.** During the leave without pay or partial leave without pay, a senior administrator's continuous service is not interrupted.

His or her participation in the uniform life insurance plan is maintained for the duration of the leave provided for in section 87.53.

Moreover, the senior administrator must maintain his or her participation in the basic compulsory accident and health plan, in compliance with the following conditions:

(a) pay his or her contributions according to this plan;

(b) pay the employer's contribution to this plan, for the period of time that exceeds the first fifty-two (52) weeks of the leave without pay or the partial leave without pay provided for in section 87.53.

The senior administrator may, upon request made to the employer before the beginning of the leave, maintain his or her participation in all insurance plans that he or she participated in before the leave, in accordance with the provisions of the master policy.

The provisions relating to the maintenance of the senior administrator's participation in the surviving spouse's pension plan are those provided for in section 61.

For the purposes of the short-term disability insurance plan, any total disability beginning during the leave without pay is deemed to have started at the end of the leave.

The provisions relating to the maintenance of the senior administrator's retirement plan apply as prescribed.

With respect to the other terms of employment, a senior administrator who is on partial leave without pay shall be governed, during his or her time at work, by the rules applicable to a part-time senior administrator.

**87.57.** A senior administrator may take any deferred annual vacation immediately before a leave without pay or partial leave without pay, provided that it is continuous with the maternity leave, paternity leave or adoption leave, as the case may be.

For the purposes of this section, statutory holidays or flexible leave accumulated before the beginning of the maternity leave, paternity leave or adoption leave are considered in the same manner as deferred annual vacation.

**87.58.** A senior administrator to whom the employer has sent, four (4) weeks in advance, a notice indicating the expiry date of his or her leave without pay or partial leave without pay must give notice of his or her return to work at least two (2) weeks before the expiry of said leave, failing which, the senior administrator is deemed to have resigned.

A senior administrator may, upon agreement with the employer, terminate his or her leave without pay or partial leave without pay before the scheduled date.

**87.59.** At the end of this leave without pay or partial leave without pay, a senior administrator shall resume his or her position with the employer, subject to the provisions respecting employment stability provided for in Chapter 5. The terms of employment, including the salary, shall be the same as those to which the senior administrator would have been entitled had he or she remained at work.

## **DIVISION 8**

### **LEAVE FOR PARENTAL RESPONSIBILITIES**

**87.60.** A senior administrator who is absent from work under sections 79.8 to 79.15 of the Act respecting labour standards (R.S.Q., c. N-1.1) must inform the employer of the reasons for his or her absence as promptly as possible and provide the employer with supporting documents to justify the absence.

The conditions set out in sections 87.56 and 87.59 shall be applicable during this absence, subject to the provisions set out in section 79.16 of the Act respecting labour standards (R.S.Q., c. N-1.1).

**87.61.** A senior administrator may, after informing the employer as promptly as possible, be absent without pay up to a maximum of ten (10) days per year to fulfil obligations relating to the custody, health or education of his or her child or spouse's child.

The days thus used shall be deducted, where possible, from the senior administrator's annual bank of vacation days or days taken without pay, as the senior administrator chooses.

This leave may be divided into half-days if the employer consents thereto."

**8.** Section 98 of this Regulation is amended by replacing the 5th paragraph by the following paragraph:

"Leaves under the Parental Rights Plan provided for in Chapter 4.1 are excluded from the reinstatement period."

**9.** Section 108 of this Regulation is replaced by the following:

“**108.** A senior administrator who is reinstated in a position located more than 50 kilometres by road from his home base and his residence is entitled to the reimbursement, from his original employer, of his or her moving expenses and temporary moving-in expenses; these expenses are the same as those prescribed in the *Directive concernant l'ensemble des conditions de travail des cadres*, adopted by the Conseil du trésor on April 20, 2010 (C.T. 208914), and its amendments for the public sector, with the necessary modifications.”

**10.** The 2nd paragraph of section 127 of this Regulation is amended by deleting the phrase “or on the date on which he changed his choice”.

**11.** The 2nd paragraph of section 132 of this Regulation is replaced by the following:

“In the case of a decision of non-renewal or termination of employment, the notice must be sent to the senior administrator at least 90 days prior to the date of end of employment.”

**12.** Section 136 of this Regulation is amended by adding, after the 1st paragraph, the following paragraph:

“Notwithstanding the foregoing, the severance pay is reduced by the flat dollar amounts received as attraction and retention allowances provided for under sections 40.2 and 161.”

**13.** Section 141 of this Regulation is amended by adding, after the 2nd sentence, the following sentence:

“However, if the senior administrator has received flat dollar amounts as attraction and retention allowances provided for under sections 40.2 and 161, the duration of the leave with pay will be reduced proportionate to the flat dollar amounts received in this respect.”

**14.** The first paragraph of section 157 of this Regulation is revoked.

**15.** Section 161 of this Regulation is amended:

1° by adding, after the number “5”, the words “or end-of-engagement measures provided for in Chapter 6”;

2° by adding, after the last paragraph, the following paragraph:

“This section does not apply to a senior administrator who receives a retirement pension from a pension plan managed by the *Commission administrative des régimes de retraite et d'assurance* (CARRA), other than the Pension Plan of Elected Municipal Officers (PPEMO), the Retirement Plan for Mayors and Councillors of Municipalities (RPMCM) or the Pension Plan of the Members of the National Assembly (PPMNA).”

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

1885

## M.O., 2011

### Order number 2011 019 of the Minister of Health and Social Services dated 22 December 2011

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions

CONSIDERING the Regulation respecting accessibility to positions remuneration, group insurance plans and employment stability measures applicable to officers of regional boards and health and social services institutions made by Order in Council 1218-96 dated 25 September 1996;

CONSIDERING section 205 of the Act to amend the Act respecting health services and social services and amending various legislative provisions (1998, c. 39) to the effect that the Regulation is deemed to have been made by the Minister of Health and Social Services under section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING the replacement of the title of the Regulation by “Regulation respecting certain terms of employment applicable to officers of regional boards and health and social services institutions”, approved by T.B. 193821 dated 21 September 1999;

CONSIDERING the replacement of the words “regional boards” in the title of the Regulation by the word “agencies”, pursuant to paragraph 2 of section 309 of chapter 32 of the Statutes of 2005 which came into force on 1 January 2006;

CONSIDERING the necessity to amend the Regulation;

CONSIDERING the first paragraph of section 487.2 of the Act respecting health services and social services;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with the third paragraph of section 487.2 of the Act respecting health services and social services;

THEREFORE, the Minister of Health and Social Services hereby makes the Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions.

YVES BOLDUC,  
*Minister of Health and Social Services*

## **Regulation to amend the regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions\***

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 487.2)

**1.** The 2nd paragraph of section 1 of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions is amended by replacing the word “subdivision” by the word “Division”.

**2.** Section 3 of this Regulation is amended:

1° by inserting, in alphabetical order, the following definition:

“career reorientation”: the moving of an officer to a position in a lower evaluation class, at the officer’s request”;

2° by inserting, at the end of the definition of the word “demotion,” after the words “lower evaluation”, the following words: “, following a decision by the employer”;

\* The last amendment to the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions, made by Order in Council No. 1218-96 dated September 25, 1996 (1996, *G.O.* 2, 5749), was made by the regulation enacted by Ministerial Order No. 2011-003 dated April 20, 2011 (2011, *G.O.* 2, 1504). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2011, updated to April 1st, 2011.

3° by inserting, in the definition of the expression “continuous service,” after the word “senior administrator”, the words “, as a union member, as a unionizable non-member”.

**3.** Section 3.14 of this Regulation, is replaced by the following:

“**3.14.** The employer shall, within fifteen (15) days after the end of each of the thirteen (13) accounting periods in the financial year, pay the amounts collected during that period to the appropriate association of intermediate officers, indicating, for each officer from whom a contribution has been collected, the surname, given name, social insurance number, position, the period covered by the contribution and the amount collected.”.

**4.** This Regulation is amended by inserting, after section 3.14, the following sections:

“**3.15.** An intermediate officer is not required to pay the contribution prescribed in section 3.12 for a period of thirty (30) days following the date on which he or she is appointed.

Before the end of the period stipulated in the 1st paragraph, an intermediate officer who does not intend to contribute to the association shall notify the association of this decision in writing. The officer shall send a copy of the notice to the employer.

The employer shall begin to deduct the contribution from the intermediate officer’s salary during the first complete salary period following the period prescribed in the 1st paragraph, unless the intermediate officer has stated an intention not to contribute in accordance with the 2nd paragraph. [C.T. 196312, s. 5].

**3.16.** The situation of existing intermediate officers as contributors or non-contributors is continued as of the date this Regulation comes into force.

**3.17.** An intermediate officer may, at any time, decide not to pay the contribution by means of a written notice sent to the association, with a copy to the employer.

Subject to receipt of the notice prescribed in the 1st paragraph, the employer shall cease to deduct the contribution from the intermediate officer’s salary in the first complete salary period following the ninetieth (90th) day after receipt of the notice. [C.T. 196312, s. 5].

**3.18.** An intermediate officer who does not pay the contribution may change this decision at any time by notifying the association in writing. The intermediate officer shall send a copy of the notice to the employer.

An employer who receives a copy of the notice provided for in the first paragraph shall begin to deduct the contribution from the intermediate officer's salary in the first complete salary period following receipt of the copy of the notice. [C.T. 196312, s. 5].

**3.19.** An employer is relieved of the obligation to deduct the contribution from the salary of an intermediate officer as soon as it ceases to pay that salary or an amount in lieu thereof, in particular following termination of the employment relationship, suspension without pay or leave without pay. The employer shall inform the association concerned that it has ceased to deduct the contribution from the intermediate officer's salary at the same time as it sends the amounts collected for the accounting period in which the stoppage occurred. [C.T. 196312, s. 5]".

**5.** Section 5 of this Regulation is amended:

1° by adding, in paragraph 9, before the words "compensation", the words "remuneration or";

2° by replacing paragraph 10°, by the following paragraphs 10° to 13°:

"10° travel expenses, taking into account the terms and conditions established by the Minister;

11° the performance premium provided for in section 23.1;

12° the conditions for recovery of overpaid salary;

13° an appeal from the application of the management policies."

**6.** Paragraph 1° of section 5.1 of this Regulation is replaced by the following:

"1° For the purpose of calculating annual vacation, continuous service means the continuous service specified in section 3 of this Regulation;"

**7.** Section 5.2 of this Regulation is amended by replacing the words "violence, and in order to achieve this, they agree to work together to avoid or obtain the cessation of violence, using all appropriate means including the preparation of a policy" by the words "violence and psychological harassment. To achieve this, they agree to work together to avoid or obtain the cessation of violence or psychological harassment, using all appropriate means."

**8.** Section 5.3 of this Regulation is replaced by the following:

"The employer, after consulting with officers and their respective representatives, shall develop a policy on violence and psychological harassment, which can cover everyone employed by employer.

In addition to the provisions of the policy mentioned in the preceding paragraph, the provisions and remedies provided for in the Act respecting labour standards (R.S.Q., c. N-1.1) apply to psychological harassment."

**9.** Section 6 of this Regulation is amended:

1° by replacing the words "5, 5.1 and 5.2" by the words "5, 5.1 and 5.3";

2° by adding, after section 6.12, the following:

**"DIVISION 7  
PENSION PLAN**

**6.13** The Pension Plan of Management Personnel (RRPE) shall apply to the officer in accordance with the provisions of the Act respecting the pension plan of management personnel (R.S.Q., c. R-12.1) (R.S.Q., c. R-12.1)."

**10.** Section 8 of this Regulation is amended by adding, after the 1st paragraph, the following paragraphs:

"Any absence of more than thirty (30) days shall result in a suspension of the probation period.

When the employer wants to terminate the probation period, it does so in accordance with sections 129 to 129.3. A notice issued under sections 129 to 129.3 suspends the probation period.

An employer that does not give the notice prescribed by section 129.1 or by section 129.2 must pay the officer a compensatory indemnity equal to thirty (30) days of regular salary, unless the officer remains in the employ of, and performs other duties for, the employer."

**11.** Section 8.1 of this Regulation is amended by replacing the words "or emergency medical coordinator" by the words "or emergency medical coordinator or any other physician officer position thus determined by the Minister,".

**12.** Section 10 of this Regulation is amended by inserting the following paragraph between the 2nd and 3rd paragraphs:

"Notwithstanding the foregoing, an officer requested by the employer to work on Christmas Day or New Year's Day shall receive remuneration or compensation equal to the overtime worked, plus fifty (50)%."

**13.** Sections 11 to 12 of Division 2 in Chapter 3 of this Regulation and their associated chapter titles are replaced by the following:

**“DIVISION 2  
EVALUATION CLASSES AND SALARY CLASSES**

**§1. General**

**11.** The following events may result in the determination or review of the classification of management positions:

1° a change made by the Minister to the evaluation system and classification and evaluation conditions for senior administrator and officer positions;

2° the appointment of the officer, if the change of duties is the result of an administrative reorganization;

3° a change made by the employer to the duties of the position;

4° changes in the responsibilities linked to the position.

**§2. Evaluation class of a position of senior officer**

**11.1.** The evaluation class of a position of senior officer that is consistent with a standard position is determined by the executive director of the institution, in accordance with the evaluation system and with the classification and evaluation conditions for officer and senior administrator positions established by the Minister.

If, within ten (10) days following receipt of the evaluation class of his or her position, the senior officer considers that the conditions set out in the 1st paragraph have not been complied with, the senior officer asks the Minister to make a ruling. The Minister shall then determine the evaluation class of the position or order a third party to do so. There is no appeal from the decision made by the Minister or the third party.

**11.2.** The evaluation class of a position of senior officer that is not consistent with a standard position shall be determined in a draft evaluation forwarded to the senior officer by the executive director of the institution. The data relating to the application of the factors and sub-factors used to determine the evaluation class of the position shall be forwarded at the same time as the draft evaluation.

Within thirty (30) days after the draft evaluation is sent, the senior officer may make representations to the executive director. The senior officer may be accompanied by a representative. At or before the end of this period, the executive director submits the draft evaluation, along with the senior officer's representations, if any, to the Minister. The Minister shall then determine the evaluation class of the position. This decision is binding upon the senior officer and the executive director, and may not be appealed.

**§3. Evaluation class of a position of intermediate officer**

**11.3.** The evaluation class of a position of intermediate officer that is consistent with a standard position shall be determined by a representative of the employer, either the executive director of the institution or the president and executive director of the agency, if the employer is an agency. This evaluation class is determined in accordance with the evaluation system and with the classification conditions for officer and senior administrator positions established by the Minister.

The result of the application of the conditions prescribed by the Minister is sent to the intermediate officer by the employer.

If the intermediate officer accepts the result, the employer shall make the evaluation class effective for that position in the manner set out in section 17.1.

If the intermediate officer does not accept the result, he or she may make representations to the employer within thirty (30) days after the result is sent. The intermediate officer may be accompanied by a representative. If, at the end of the thirty (30)-day period, no agreement has been reached between the employer and the intermediate officer and the intermediate officer considers that the conditions set out in the 1st paragraph have not been correctly applied, the intermediate officer asks the Minister to make a ruling. The Minister then determines the evaluation class of the position or mandates a third party to do so. The decision made by the Minister or the third party cannot be appealed.

**11.4.** The evaluation class of a position of intermediate officer that is not consistent with a standard position shall be determined in a draft evaluation. This draft evaluation is forwarded to the intermediate officer by a representative of the employer, either the executive director of the institution or the president and executive director of the agency, if the employer is an agency. This draft evaluation is developed in accordance with the

evaluation system and with the classification conditions for officer and senior administrator positions established by the Minister. This draft evaluation contains, in particular, the data relating to the application of the factors and sub-factors used to determine the evaluation class of the position.

If the intermediate officer accepts the draft evaluation, the employer shall make the evaluation class for that position effective in the manner set out in section 17.1.

If the intermediate officer does not accept the draft evaluation, he or she may make representations to the employer within thirty (30) days after the draft evaluation is sent. The intermediate officer may be accompanied by a representative.

If, at the end of the thirty (30)-day period, no agreement has been reached between the employer and the intermediate officer, the employer shall submit the draft evaluation, along with the intermediate officer's representations, if any, to the Minister. The Minister shall then determine the evaluation class of the position. This decision is binding upon the intermediate officer and the employer, and may not be appealed.

#### *§4. Special provisions*

**11.5.** The evaluation class of a position of officer physician covered in section 8.1, or for a position of senior officer in an agency, shall be determined by the Minister.

**11.6.** The evaluation class of a position of senior officer in an institution that is consistent with a standard position must be confirmed by the Minister when the result of the evaluation of the position determined in accordance with the 1st paragraph of section 11.1 is Class twenty-three (23) or higher or Class C or higher if the position evaluated is an officer's position covered in section 8.1.

**11.7.** Notwithstanding sections 11.1, 11.2 and 11.6, the Minister shall remain responsible for determining the evaluation class of a position of senior officer in an institution until the Minister sends the evaluation system and the conditions for classification and evaluation of positions of senior officers to the institutions."

#### *§5. Salary classes and annual adjustment*

**12.** The salary classes determined in accordance with subdivisions 2, 3 and 4 of Division 2 of this chapter correspond to the salary classes adjusted by two (2)% on April 1, of 2006, 2007, 2008 and 2009. These adjusted salary classes are listed in Schedule 1.

For part-time officers, the salary determined in the 1st paragraph is reduced proportionally to the hours of the position."

**14.** Section 14 of this Regulation is amended:

1° by deleting, in the 1st paragraph of the French version, the adverb "ne" after the expression "31 mars";

2° by replacing, in the 6th paragraph, the word "retirement" by the word "pre-retirement".

**15.** This Regulation is amended by replacing the word "Demotion" in the title of section 20 by "Demotion and career reorientation".

**16.** Section 20 of this Regulation is amended by adding the following 3rd paragraph:

"The salary rules provided for in the 1st and 2nd paragraphs shall also apply in cases of career reorientation, with the necessary modifications."

**17.** Section 22 of this Regulation is amended

1° by replacing, in the 1st paragraph, the words "five (5)% and fifteen (15)% of the officer's salary" by the words "ten (10)% and fifteen (15)% of the salary of the officer holding a second position.";

2° by replacing the 3rd paragraph by the following:

"The plurality of positions may be held simultaneously by more than one officer. In such a case, notwithstanding the 1st paragraph, the percentage of the lump-sum remuneration paid to each officer may be lower than that of ten percent (10)% as set out in the 1st paragraph in order that it does not exceed, for all the officers holding a plurality of positions taken together, a total of fifteen (15)% of the maximum for the salary class of the second position."

**18.** The 1st paragraph of section 27 of this Regulation is amended by replacing the words "shall pay" by the words "must pay".

**19.** Section 30 of this Regulation is amended by adding, in the definition of a disability, after the word "accident," the words "an organ or bone marrow donation without compensation,"

**20.** Section 44 of this Regulation is amended:

1° by deleting, in the 1st and 2nd paragraphs, the words "or retirement benefits" after the words "disability benefits";



2° by adding, after the 2nd paragraph, the following paragraph:

“Notwithstanding the foregoing, an officer who takes advantage of coordination of benefits received under the short-term salary insurance plan with those mentioned in the 1st paragraph shall continue to be considered disabled within the meaning of section 30 and shall benefit from the terms and conditions of the short-term salary insurance plan.”

**21.** Section 49 of this Regulation is amended:

1° by replacing, in paragraph 2°, the words “progressive retirement” by the words “progressive pre-retirement”;

2° by replacing, in paragraph 3°, the semi-colon appearing after the number 121” by a period and by adding the following sentences:

“In accordance with section 94, an officer whose position is eliminated during a disability period shall continue to receive salary insurance benefits as long as the officer is disabled. The choice of opting for pre-retirement leave and retirement shall be made and come into force on the date on which the disability period ends. Moreover, if an officer becomes disabled during the twelve (12) months preceding the pre-retirement leave provided for in section 121, the provisions of section 128.1 shall apply and the officer shall receive the salary to which he or she would have been entitled had the officer been at work;”.

**22.** The 1st paragraph of section 68 is amended by replacing the words “if the position does not involve a weekly work load” by the words “if the position involves a weekly work load”.

**23.** Chapter 4.1 of this Regulation, comprising sections 76.1 to 76.61 is replaced by the following sections 76.1 to 76.61:

**“CHAPTER 4.1  
PARENTAL RIGHTS PLAN**

**DIVISION 1  
GENERAL**

**76.1.** In this chapter, the following terms and expressions mean:

“spouse”: either of two persons who

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

b) 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;

c) are of opposite sex or the same sex and have been living together in a conjugal relationship for at least one (1) year.

However, persons shall cease to be considered as spouses upon the dissolution of their marriage through divorce or annulment or upon dissolution of their civil union by court decision, notarized joint declaration or by annulment of the civil union or, if they are living in a conjugal relationship, upon a *de facto* separation for a period exceeding three (3) months.

“weekly salary” salary of an officer including the lump sums paid under sections 17, 20, 21 and sections 104.1 to 104.3, without any additional remuneration.

**76.2.** Unless expressly stipulated otherwise, no provision in this chapter shall have the effect of giving an officer a monetary or non-monetary benefit which the officer would not have had had he or she remained at work.

**76.3.** Compensation for maternity leave, paternity 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.

Subject to paragraph 1° of section 76.16 and section 76.17, compensation for maternity leave, paternity leave and adoption leave, however, is paid only during the weeks the officer receives or would receive, after submitting an application for benefits, benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan.

If an officer shares adoption or parental benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan with his or her spouse, compensation shall be paid only if the officer actually receives a benefit under one of these plans during the maternity leave provided for in section 76.7, the paternity leave provided for in section 76.30 or the adoption leave provided for in section 76.41.

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

**76.5.** The employer shall not reimburse an officer for amounts that may be claimed from the officer by the Minister of Employment and Social Solidarity under the Act respecting parental insurance (R.S.Q., c. A-29.011) or by Human Resources and Skills Development Canada (HRSDC) under the Employment Insurance Act (L.C., 1996, ch. 23).

**76.6.** The weekly salary, the weekly deferred salary and severance payments shall not be increased or decreased by the amounts received under the Québec Parental Insurance Plan or the Employment Insurance Supplemental Unemployment Benefit Plan.

## **DIVISION 2**

### **MATERNITY LEAVE**

**76.7.** A pregnant officer who is eligible for the Québec Parental Insurance Plan is entitled to twenty-one (21) weeks of maternity leave which, subject to sections 76.10 or 76.11, must be consecutive.

A pregnant officer who is not eligible for the Québec Parental Insurance Plan is entitled to twenty (20) weeks of maternity leave which, subject to sections 76.10 or 76.11, must be consecutive.

Maternity leave may be for a shorter duration than the durations mentioned in the two preceding paragraphs. An officer who returns to work within two (2) weeks following the birth must, at the employer's request, submit a medical certificate attesting that she has sufficiently recovered to return to work.

An officer who becomes pregnant while on a leave without pay or partial leave without pay provided for in this chapter is also entitled to maternity leave and to the benefits mentioned in sections 76.14, 76.16 and 76.17, as the case may be.

If an officer's spouse dies, the remainder of the maternity leave and the rights and benefits attached thereto shall be transferred to the officer.

**76.8.** An officer is also entitled to maternity leave if her pregnancy is terminated after the beginning of the twentieth (20th) week preceding the expected date of delivery.

**76.9.** The distribution of maternity leave, before and after delivery, shall be decided by the officer. However, this leave 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.

For an officer who is eligible for benefits under the Employment Insurance Plan, maternity leave must include the day of the delivery.

**76.10.** An officer may suspend her maternity leave and return to work when she has sufficiently recovered from the delivery and the child is unable to leave the health institution. The suspension shall end when the child is brought home. An officer whose child is hospitalized within fifteen (15) days of birth also has this right.

Furthermore, when an officer has sufficiently recovered from delivery and her child is hospitalized more than fifteen (15) days after leaving the health institution, the officer may suspend her maternity leave, upon agreement with her employer, and return to work for the duration of this hospitalization.

**76.11.** At an officer's request, maternity leave may be divided into weeks if her child is hospitalized or if one of the situations, other than a pregnancy-related illness, provided for in sections 79.1 and 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1) occurs.

The maximum number of weeks during which the maternity leave may be suspended is equal to the number of weeks during which the child is hospitalized. For other divided maternity leave options, the number of weeks of suspension is that provided for in the Act respecting labour standards (R.S.Q., c. N-1.1) for such a situation.

During such suspension, an officer is deemed to be on leave without pay and shall not receive any allowance or benefit from the employer; however, she receives the benefits provided for in section 76.56.

**76.12.** When an officer resumes a maternity leave that was suspended or divided under section 76.10 or 76.11, the employer shall pay unto the officer 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 sections 76.14, 76.16 or 76.17, as the case may be, subject to section 76.3.

**76.13.** To obtain maternity leave, an officer must give the employer a written notice at least two (2) 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 expected date of delivery.

The time period to give notice may be shorter if a medical certificate certifies that the officer must stop working earlier than expected. In case of unforeseen events, the officer shall not be required to give notice, subject to submitting a medical certificate to her employer stating that she must immediately stop working.

*§1. Officer who is eligible for the Québec Parental Insurance Plan*

**76.14.** An officer who has accumulated twenty (20) weeks of service and who is eligible for benefits under the Québec Parental Insurance Plan is also entitled to receive, during the twenty-one (21) weeks of her maternity leave, an allowance equal to the difference between ninety-three (93)% of her weekly salary and the amount of maternity or parental benefits she receives, or would receive under the Québec Parental Insurance Plan, after submitting an application for benefits.

The allowance is calculated on the basis of the benefits that an officer is entitled to receive under the Québec Parental Insurance Plan, 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, if a change is made to the amount of the allowance paid under the Québec Parental Insurance Plan as the result of a change in the information provided by the employer, the employer shall correct the amount of the allowance accordingly.

An officer who works for more than one employer shall receive an allowance equal to the difference between ninety-three (93)% of the weekly salary paid by the employer and the percentage of benefits paid under the Québec Parental Insurance Plan that represents the weekly salary paid by the employer proportionate to the sum of the weekly salaries paid by all the employers. For that purpose, the officer shall submit to each employer a statement of the weekly salary paid by each employer, together with the amount of benefits paid to her under the Act respecting parental insurance.

**76.15.** The employer may not use the maternity leave compensation that it pays to an officer to offset the reduction in Québec Parental Insurance Plan benefits attributable to the salary earned with another employer.

Notwithstanding the provisions of the preceding paragraph, the employer shall offset such a reduction if the officer shows that the salary earned is a regular salary, by means of a letter to that effect from the employer paying it. If the officer shows that only a portion of this salary is regular, the compensation shall be limited to that portion.

An employer paying a regular salary as prescribed in the preceding paragraph must provide such a letter at the request of the officer.

The total amounts that an officer receives during her maternity leave in benefits under the Québec Parental Insurance Plan, allowance and salary may not exceed ninety-three (93)% of the weekly salary paid by her employer or, as the case may be, employers.

*§2. Officer who is eligible for the Employment Insurance Plan*

**76.16.** An officer who has accumulated twenty (20) weeks of service and who is eligible for the Employment Insurance Plan but who is not eligible for the Québec Parental Insurance Plan is entitled to receive:

1° for each week of the waiting period prescribed under the Employment Insurance Plan, an allowance equal to ninety-three (93)% of her weekly salary;

2° for each week following the period mentioned in paragraph 1°, compensation equal to the difference between ninety-three (93)% of her weekly salary and the maternity or parental benefit under the Employment Insurance Plan that she receives or could receive after submitting an application for benefits, up to the end of the twentieth (20th) week of her maternity leave.

The allowance is calculated on the basis of the employment insurance benefits that an officer 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, if a change is made to the amount of the employment insurance benefit as a result of a change in the information provided by the employer, the employer shall correct the amount of the allowance accordingly.

An officer who works for more than one employer shall receive an allowance from each of her employers. In such case, the allowance is equal to the difference between ninety-three (93)% of the weekly salary paid by the employer and the percentage of the employment insurance benefit that represents the weekly salary that it pays proportionate to the weekly salaries paid by all the employers. For that purpose, the officer shall submit to each of her employers a statement of the weekly salary paid by each employer, together with the amount of the benefits payable to her under the Employment Insurance Act.

Moreover, if Human Resources and Skills Development Canada (HRSDC) reduces the number of weeks of employment insurance benefits to which an officer would have otherwise been entitled had she not received employment insurance benefits before her maternity leave, the officer shall continue to receive, for a period equivalent to the weeks subtracted by HRSDC, the allowance provided for in this paragraph as if she had received employment insurance benefits during that period.

Section 76.15 applies, with the necessary changes.

**§3. Officer who is ineligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan**

**76.17.** An officer who is ineligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan is also excluded from any allowances provided for in sections 76.14 and 76.16.

However, a full-time officer who has accumulated twenty (20) weeks of service, as defined in paragraph 3° of section 76.18, is entitled to an allowance equal to ninety-three (93)% of her weekly salary for twelve (12) weeks, if she does not receive benefits under a parental rights plan established by another province or a territory.

A part-time officer who has accumulated twenty (20) weeks of service is entitled to compensation equal to ninety-five (95)% of her weekly salary for twelve (12) weeks, if she does not receive benefits under a parental rights plan established by another province or a territory.

If a part-time officer is exempt from contributing to pension plans and to the Québec Parental Insurance Plan, the compensation rate is set at ninety-three (93)% of her weekly salary.

**§4. Special provisions**

**76.18.** In the cases provided for by sections 76.14, 76.16 and 76.17:

1° no compensation may be paid during a vacation period during which an officer receives her salary;

2° unless the salary is paid on a weekly basis, the allowance shall be paid at two (2)-week intervals, the first payment being due, in the case of an officer eligible for benefits under the Québec Parental Insurance Plan or the or the Employment Insurance Plan, only fifteen (15) days after the employer obtains proof that she is receiving benefits under one of those plans. For the purposes of

this paragraph, 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 by Human Resources and Skills Development Canada (HRSDC) shall be accepted as proof;

3° 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 standards and scales of remuneration 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 twenty (20) weeks of service under sections 76.14, 76.16 and 76.17 is deemed to have been met, if the officer has satisfied this requirement with any employer mentioned in this paragraph;

4° The weekly salary of a part-time officer is the average weekly salary of the last twenty (20) weeks preceding her maternity leave.

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

Moreover, any period during which an officer on a special leave as provided for in section 76.25 did not receive an indemnity from the Commission de la santé et de la sécurité du travail, as well as the weeks during which the officer was on annual leave or was absent without pay in accordance with the Regulation, are excluded for the purpose of calculating the average weekly salary.

If the period of twenty (20) weeks preceding a part-time officer's maternity leave includes the date on which salaries are adjusted, the calculation of the weekly salary shall be made on the basis of the salary in force on that date. Moreover, if the maternity leave includes the date on which salaries are adjusted, the weekly salary shall change on that date in accordance with the adjustment formula applicable to her salary class.

The provisions of this paragraph constitute one of the express provisions covered by section 76.2.

**76.19.** During her maternity leave and the extensions prescribed in section 76.21, an officer shall receive, where she is normally entitled thereto, the following benefits:

- accumulation of vacation days;
- accumulation of continuous service;
- any salary increase following the adjustment of salary classes;
- any increase for satisfactory performance.

**76.20.** An officer may defer vacation leave that falls within maternity leave, provided that that she informs her employer in writing of the date of deferral no later than two (2) weeks prior to the end of her leave.

**76.21.** Where the birth takes place after the expected due date, an officer is entitled to an extension of her maternity leave equal to the delay, unless she already has at least two (2) weeks of maternity leave remaining after the birth.

An officer is entitled to an extension of her maternity leave if her own or her child's state of health requires it. The duration of this extension, is the period that is specified in the medical certificate that must be provided by the officer.

During such extensions, an officer is considered to be on leave without pay and shall not receive any allowance or benefit from the employer. The officer receives the benefits provided for in section 76.19 only during the first six (6) weeks in which the leave is extended, and thereafter, receives the benefits mentioned in section 76.56, provided that she is normally entitled thereto.

**76.22.** During her maternity leave, an officer shall maintain her participation in the mandatory group insurance plans provided for in section 51, but the employer shall make a payment equal to both its own contribution and the officer's contribution to those plans. Furthermore, the officer shall be exempt from contributing to the optional insurance plans in accordance with the provisions of the master policy.

**76.23.** An officer receiving an allowance for regional disparities under this regulation shall continue to receive the allowance during her maternity leave.

**76.24.** An employer shall send an officer, in the fourth (4th) week preceding the expiry date of her maternity leave, a notice indicating the scheduled date of expiry of said leave.

An officer to whom the employer has sent the notice referred to in the 1st paragraph, must report for work on the expiry date of the maternity leave, unless the leave is extended in the manner prescribed in Division 7 of this chapter.

An officer who does not comply with the preceding paragraph is considered to be on leave without pay for a period not exceeding four (4) weeks. At the end of this period, an officer who is not at work is deemed to have resigned.

**76.25.** While on maternity leave and special leave for pregnancy and breast-feeding, an officer shall retain the employment relationship with the employer. Her contract must be renewed. Her employment may not be terminated. She may not be dismissed, except for gross negligence.

At the end of her maternity leave, an officer shall resume her position with her employer, subject to the provisions respecting employment stability provided for in Chapter 5. Her terms of employment, including her salary, shall be the same as those to which she would have been entitled had she remained at work.

During maternity leave and special leave for pregnancy and breast-feeding, a person who temporarily carries out the duties of an officer may not be dismissed, and her employment may not be terminated for the intended duration of the position, except for serious misconduct. In such a case, the temporary worker may avail himself or herself of the appeal procedure set out in Divisions 2 and 3 of Chapter 6.

### **DIVISION 3** **SPECIAL LEAVE FOR PREGNANCY AND** **BREAST-FEEDING**

#### *§1. Temporary assignment and special leave*

**76.26.** An officer may request to be temporarily assigned to another position or to other tasks corresponding to her training or experience in the following cases:

1° she is pregnant and the conditions of employment involve risks of infectious diseases or physical danger to her or her unborn child;

2° the conditions of employment are dangerous for the child she is breast-feeding.

The officer must submit a medical certificate to that effect as promptly as possible.

If the reassignment is not carried out immediately, the officer is entitled to a special leave beginning immediately. Unless a temporary reassignment is subsequently made terminating the special leave, the special leave ends, for an officer who is pregnant, on the date of delivery and, for an officer who is breast-feeding, at the end of the breast-feeding period.

However, for an officer who is eligible for benefits under the Act respecting parental insurance, the special leave shall end as of the fourth (4th) week preceding the expected date of delivery.

During the special leave provided for in this section, the officer shall be governed, in respect of her allowance, by the provisions of the Act respecting occupational health and safety (R.S.Q., c. S-2.1) respecting preventive withdrawal of a pregnant worker or a worker who is breast-feeding.

Following a written request, however, the employer shall pay to the officer an advance on the allowance receivable from the Commission de la santé et de la sécurité du travail on the basis of anticipated payments. If the Commission pays the allowance, repayment of the advance shall be deducted therefrom. Otherwise, repayment is at the rate of ten (10)% of the amount disbursed per pay period, until the debt is fully paid.

## §2. *Other special leave*

**76.27.** An officer is also entitled to special leave in the following cases:

1° where a pregnancy complication or a risk of miscarriage requires stopping work for a period, the duration of which shall be prescribed by a medical certificate, however, this special leave may not be extended beyond the beginning of the fourth (4th) week preceding the expected date of delivery;

2° upon presentation of a medical certificate prescribing the duration of the special leave, where a spontaneous or induced termination of pregnancy occurs before the beginning of the twentieth (20th) week preceding the expected date of delivery;

3° for pregnancy-related consultations with a health professional, attested to by a medical certificate or a written report signed by a midwife.

**76.28.** For the consultations mentioned in subparagraph 3 of section 76.27, an officer is entitled to special leave, with pay, for up to four (4) days, which may be taken in half-days.

During a special leave provided for in this Division, an officer shall be granted the benefits provided for in section 76.19, provided that she is entitled thereto.

## **DIVISION 4** **CHILDBIRTH LEAVE**

**76.29.** An officer is entitled, after informing the employer as promptly as possible, to take leave with pay for a maximum of five (5) working days to attend the birth of his child. An officer is also entitled to this leave in the event of a termination of pregnancy after the beginning of the twentieth (20th) week preceding the expected date of delivery. The leave with pay may be discontinuous, but must be taken between the beginning of the delivery and the fifteenth (15th) day following the mother's or the child's return home.

One (1) of the five (5) days may be used for the baptism or registration of the child.

An officer whose spouse is giving birth is also entitled to this leave if she is designated as one of the child's mothers.

## **DIVISION 5** **PATERNITY LEAVE**

**76.30.** Upon the birth of his child, an officer is also entitled to paternity leave not exceeding five (5) weeks, which, subject to sections 76.34 and 76.35, must be consecutive.

Paternity leave may be taken after giving written notice of no less than three (3) weeks to the employer indicating the dates scheduled for the beginning of the leave and for the return to work. The time period for giving notice may be shorter if the child is born before the expected date of delivery. The leave shall end no later than the end of the fifty-second (52nd) week following the week in which the child was born.

The leave of an officer who is 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.

An officer whose spouse is giving birth is also entitled to this leave if she is designated as one of the child's mothers.

**76.31.** During the paternity leave provided for in section 76.30, an officer shall receive an allowance equal to the difference between his basic weekly salary and the

amount of benefits he receives, or would receive after submitting an application for benefits, under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The 2nd, 3rd and 4th paragraphs of section 76.14 or the 2nd, 3rd and 4th paragraphs of paragraph 2° of section 76.16, as the case may be, as well as section 76.15, shall apply to this paragraph, with the necessary modifications.

**76.32.** An officer who is not eligible for paternity benefits under the Québec Parental Insurance Plan nor benefits under the Employment Insurance Plan shall receive, during the paternity leave provided for in section 76.30, an allowance equal to his basic weekly salary.

**76.33.** Paragraphs 1°, 2° and 4° of section 76.18 apply to an officer who receives the compensation provided for in section 76.31 and 76.32, with the necessary modifications.

**76.34.** If his child is hospitalized, an officer may suspend his paternity leave, upon agreement with his employer, and return to work for the period during which the child is hospitalized.

**76.35.** At the officer's request, the paternity leave may be divided into weeks if his child is hospitalized or if a situation described in section 79.1 and sections 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1) occurs.

The maximum number of weeks the paternity leave may be suspended is equal to the number of weeks the child is hospitalized. For other divided paternity leave options, the maximum number of weeks of suspension is that prescribed in the Act respecting labour standards (R.S.Q., c. N-1.1) for the applicable situation.

During such suspension, the officer is considered to be on leave without pay and shall not receive any allowance or benefit from the employer; however, the officer receives the benefits provided for in section 76.56.

**76.36.** When an officer resumes a paternity leave that was suspended or divided under section 76.34 or 76.35, the employer shall pay the officer the allowance to which he would have been entitled had he not availed himself of the suspension or division and do so, for the number of weeks remaining under section 76.30.

**76.37.** An officer who sends to his employer, before the expiry date of his paternity leave, a notice accompanied by a medical certificate attesting that his child's

state of health makes it necessary, is entitled to an extension of his paternity leave. The duration of this extension is that specified in the medical certificate.

During such extension, an officer is considered to be on leave without pay and shall not receive any allowance or benefit from the employer; however, the officer receives the benefits provided for in section 76.56.

**76.38.** An officer who goes on paternity leave under section 76.30 is entitled to the benefits provided for in sections 76.19, 76.20, 76.23 and 76.25.

The officer who is on paternity leave maintains his participation in all of the mandatory group insurance plans in which he participates. The employer and the officer make their respective payments on the basis of the salary that the officer would receive if he were at work and the full provisions of the group insurance plans apply.

**76.39.** The officer must report for work on the expiry date of the paternity leave provided for in section 76.30, unless the leave is extended in the manner prescribed in Division 7 of this chapter.

An officer who does not comply with the 1st paragraph is considered to be on leave without pay for a period not exceeding four (4) weeks. At the end of this period, an officer who is not at work is deemed to have resigned.

## **DIVISION 6**

### **ADOPTION LEAVE AND LEAVE FOR ADOPTION PURPOSES**

**76.40.** An officer is entitled, after informing the employer as promptly as possible, to leave with pay for a maximum of five (5) working days to adopt a child, other than his or her spouse's child. This leave may be discontinuous, and may not be taken after the fifteenth (15th) day following the child's arrival in the home.

One (1) of the five (5) days may be used for the baptism or registration of the child.

**76.41.** An officer who legally adopts a child, other than his or her spouse's child, is entitled to adoption leave not exceeding five (5) weeks which, subject to sections 76.42 and 76.43, must be consecutive.

Adoption leave may be taken after giving written notice of no less than three (3) weeks to the employer indicating the dates scheduled for the beginning of the leave and for the return to work. The leave must be terminated no later than the end of the fifty-second (52nd) week following the child's arrival in the home.

The leave of an officer who is 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 (R.S.Q., c. A-29.011) are paid and must begin no later than the week following the start of parental insurance benefit payments.

The leave of an officer who is ineligible for benefits under the Québec Parental Insurance Plan must be taken either following the order of placement of the child or its equivalent, in the case of an international adoption, in accordance with the adoption plan or at another time agreed upon with the employer.

**76.42.** An officer whose child is hospitalized may, suspend the adoption leave provided for in section 76.41, upon agreement with the employer and return to work for the duration of the hospitalization.

**76.43.** At the officer's request, the adoption leave provided for in section 76.41 may be divided into weeks if the child is hospitalized or if a situation described in sections 79.1 and 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1) occurs.

The maximum number of weeks during which adoption leave may be suspended is equal to the number of weeks during which the child is hospitalized. For other adoption leave division options, the maximum number of weeks of suspension is prescribed in the Act respecting labour standards (R.S.Q., c. N-1.1) for the applicable situation.

During such suspension, an officer is considered to be on leave without pay and shall not receive any allowance or benefit from the employer; however, the officer receives the benefits prescribed in section 76.56.

**76.44.** When an officer resumes an adoption leave that was suspended or divided under section 76.42 or 76.43, the employer shall pay the officer the allowance to which he or she would have been entitled had the officer not availed himself or herself of the suspension or division for the number of weeks remaining under section 76.41.

**76.45.** An officer who sends to his or her employer, before the expiry date of the adoption leave, a notice accompanied by a medical certificate attesting that his or her child's state of health requires it, is entitled to an extension of the adoption leave provided for in section 76.41. The duration of this extension is that specified in the medical certificate.

During such an extension, an officer is considered to be on leave without pay and shall not receive any allowance or benefit from the employer; however, the officer receives the benefits prescribed in section 76.56.

**76.46.** During the adoption leave provided for in section 76.41, the officer shall receive an allowance equal to the difference between the officer's weekly salary and the amount of benefits 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 2nd, 3rd and 4th paragraphs of section 76.14 or the 2nd, 3rd and 4th paragraphs of paragraph 2° of section 76.16, as the case may be, as well as section 76.15, shall apply, with the necessary modifications.

**76.47.** An officer who is not eligible 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, during the adoption leave provided for in section 76.41, an allowance equal to the officer's weekly salary.

**76.48.** Paragraphs 1°, 2° and 4° of the 1st paragraph of section 76.18 apply to an officer receiving compensation under section 76.46 or 76.47, with the necessary modifications.

**76.49.** An officer who takes an adoption leave provided for in section 76.40 or 76.41 is entitled to the benefits provided for in sections 76.19, 76.20, 76.23 and 76.25.

The officer who is on adoption leave maintains his or her participation in all of the mandatory group insurance plans in which he or she participates. The employer and the officer make their respective payments on the basis of the salary that the officer would receive if he or she were at work and the full provisions of the group insurance plans apply.

**76.50.** An officer must report for work on the expiry date of the adoption leave provided for in section 76.41, unless the leave is extended in the manner prescribed in Division 7 of this chapter.

An officer who does not comply with the 1st paragraph is considered to be on leave without pay for a period not exceeding four (4) weeks. At the end of this period, an officer who is not at work is deemed to have resigned.

**76.51.** An officer who is adopting his or her spouse's child is entitled to a leave not exceeding five (5) working days, of which only for the first two (2) days are with pay.



This leave may be discontinuous and may not be taken after the fifteenth (15th) day following the filing of the adoption application.

**76.52.** An officer shall be granted, for the purpose of adopting a child, a leave without pay not exceeding ten (10) weeks from the date on which he or she actually takes custody of the child, unless it involves the child of a spouse.

An officer who travels outside of Québec to adopt a child, except for his or her spouse's child, shall, by applying in writing to the employer, if possible, two (2) weeks in advance, obtain leave without pay for the required travel time.

Notwithstanding the provisions of the preceding paragraphs, the leave without pay shall end no later than the week following the start of benefit payments under the Québec Parental Insurance Plan or the Employment Insurance Plan, when the provisions of section 76.41 become applicable.

During the leave without pay, the officer is entitled to the benefits provided for in section 87.56.

## **DIVISION 7**

### **LEAVE WITHOUT PAY AND PARTIAL LEAVE WITHOUT PAY**

**76.53.** An officer is entitled to one of the following leaves:

1° a leave without pay not exceeding two (2) years immediately following the maternity leave provided for in section 76.7;

2° a leave without pay not exceeding two (2) years immediately following the paternity leave provided for in section 76.30. However, the duration of the leave must not exceed the one hundred and twenty-fifth (125th) week following the birth;

3° a leave without pay not exceeding two (2) years immediately following the adoption leave provided for in section 76.41. However, the duration of the leave must not exceed the one hundred and twenty-fifth (125th) week following the child's arrival in the home.

The full-time officer who does not prevail himself or herself of the leave without pay shall be entitled, upon agreement with the employer, to a partial leave without pay not exceeding two (2) years. The duration of the leave must not exceed the one hundred and twenty-fifth (125th) week following the child's birth or arrival in the

home. During the partial leave without pay, the officer may be assigned to his or her position or to any other duties agreed upon between the officer and the employer.

During a leave provided for in this section, the officer may, upon agreement with the employer, prevail himself or herself once of one of the following modifications:

1° convert a leave without pay into a partial leave without pay, or vice versa, as the case may be;

2° convert a partial leave without pay into a different partial leave without pay.

An officer who does not take his or her leave without pay or partial leave without pay may, for the part of the leave that his or her spouse did not use, elect to benefit from a leave without pay or partial leave without pay by complying with the formalities prescribed.

Where an officer's spouse is not employed by an employer referred to in paragraph 3° of section 76.18, the officer may prevail himself or herself of a leave at the time of the officer's choosing within two (2) years following the birth or adoption, without, however, exceeding the deadline set at two (2) years from the birth or adoption. The officer may also, upon agreement with the employer, prevail himself or herself of a partial leave without pay under the same terms.

**76.54.** An officer who does not take the leave provided for in section 76.53 is entitled, after the birth or adoption of the child, to a leave without pay of no more than fifty-two (52) continuous weeks beginning at the time decided by the officer and ending at the latest seventy (70) weeks after the birth or, in the case of an adoption, seventy (70) weeks after the child is placed with the officer.

**76.55.** An officer who wants to take a leave provided for in section 76.53 or in section 76.54 must submit a written request to that effect at least three (3) weeks in advance.

**76.56.** During the leave without pay or partial leave without pay, an officer's continuous service is not interrupted.

His or her participation in the uniform life insurance plan is maintained for the duration of the leave provided for in section 76.53.

Moreover, the officer must maintain his or her participation in the basic compulsory accident and health plan, in compliance with the following conditions:

a) pay his or her contributions according to this plan;

b) pay the employer's contribution to this plan, for the period of time that exceeds the first fifty-two (52) weeks of the leave without pay or the partial leave without pay provided for in section 87.53.

The officer may, upon request made to the employer before the beginning of the leave, maintain his or her participation in all insurance plans that he or she participated in before the leave, in accordance with the provisions of the master policy.

The provisions relating to the maintenance of the officer's participation in the surviving spouse's pension plan are those provided for in section 61.

For the purposes of the short-term disability insurance plan, any total disability beginning during the leave without pay is deemed to have started at the end of the leave.

The provisions relating to the maintenance of the officer's retirement plan apply as prescribed

With respect to the other terms of employment, an officer who is on partial leave without pay shall be governed, during his or her time at work, by the rules applicable to a part-time officer.

**76.57.** An officer may take any deferred annual vacation immediately before a leave without pay or partial leave without pay, provided that it is continuous with the maternity leave, paternity leave or adoption leave, as the case may be.

For the purposes of this section, statutory holidays or flexible leave accumulated before the beginning of the maternity leave, paternity leave or adoption leave are considered in the same manner as deferred annual vacation time.

**76.58.** An officer to whom the employer has sent, four (4) weeks in advance, a notice indicating the expiry date of his or her leave without pay or partial leave without pay must give notice of his or her return to work at least two (2) weeks before the expiry of said leave, failing which, the officer is deemed to have resigned.

An officer may, upon agreement with the employer, terminate his or her leave without pay or partial leave without pay before the scheduled date.

**76.59.** At the end of this leave without pay or partial leave without pay, an officer shall resume his or her position with the employer, subject to the provisions respecting employment stability provided for in Chapter 5. The terms of employment, including the salary, shall be the same as those to which the officer would have been entitled had he or she remained at work.

## DIVISION 8

### LEAVE FOR PARENTAL RESPONSIBILITIES

**76.60.** An officer who is absent from work under sections 79.8 to 79.15 of the Act respecting labour standards (R.S.Q., c. N-1.1) must inform the employer of the reasons for his or her absence as promptly as possible and provide the employer with supporting documents to justify the absence.

The conditions set out in sections 76.56 and 76.59 shall be applicable during this absence, subject to the provisions of section 79.16 of the Act respecting labour standards (R.S.Q., c. N-1.1).

**76.61.** An officer may, after informing the employer as promptly as possible, be absent without pay up to a maximum of ten (10) days per year to fulfil obligations relating to the custody, health or education of his or her child or spouse's child.

The days thus used shall either be deducted, where possible, from the officer's annual bank of vacation days or taken without pay, as the officer chooses.

This leave may be divided into half-days if the employer consents thereto."

**24.** Section 93 of this Regulation is amended:

1° by adding, in the 1st paragraph, the expression "career reorientation," after the word "demotion,";

2° by adding, in the 5th paragraph, after the words "leave ends.", the sentence: "Even though the replacement of a disabled officer becomes effective only at the end of the disability period, such an officer's progressive return to work may take place in the position in which he or she is reinstated."

**25.** Paragraph 3° of the 1st paragraph of section 103 is replaced by the following:

"3° to provide the services requested by the employer as provided for in the 3rd paragraph of section 95;"

**26.** Section 106 of this Regulation is replaced by the following:

“**106.** An officer who is reinstated in a position located more than fifty (50) kilometres by road from his home base and his residence is entitled to the reimbursement, from his original employer, of his or her moving expenses and temporary moving-in expenses; these expenses are the same as those prescribed in the Directive concernant l’ensemble des conditions de travail des cadres, adopted by the Conseil du trésor on April 20, 2010 (C.T. 208914), and its amendments for the public sector, with the necessary modifications.”

**27.** This Regulation is amended by inserting, after section 119, the following section 119.1:

“**119.1** Notwithstanding section 119, an officer who is appointed to more than one officer position with the same employer or with different employers may continue to hold the other positions while benefiting from the end-of-engagement indemnity for the position that the officer is leaving.

In such a case, the indemnity shall be paid monthly by the employer or in accordance with the conditions of the payroll system, from the date on which the position is eliminated.

During the period in which an officer receives the indemnity, the employer that eliminated the position shall, upon presentation of supporting documents, adjust the amount of the end-of-engagement indemnity if one of the following circumstances occurs:

— an officer holds a new job in the public or parapublic sector for which the number of hours corresponds in part or in full to the number of hours of the position for which the indemnity is paid;

— the number of hours for the other positions the officer held when the position was eliminated is increased.

The modified amount of the severance pay is equal to the difference between the officer’s new salary and his or her salary when the position was eliminated, up to the total amount of the severance pay or until the new salary has reached or exceeded the salary he was receiving on the date of his departure.”

Payment of the severance pay shall cease if an officer refuses an increase in regular working hours in one of the other positions he or she held when the position was eliminated.

**28.** Section 122 of this Regulation is amended by adding, after the 1st paragraph, the following paragraph:

“Notwithstanding the foregoing, an officer holding more than one officer position may hold the other positions while on pre-retirement leave, the duration of which is established in proportion to the hours normally worked in the eliminated position. In such a case, sections 123 to 128 shall apply, with the necessary modifications.”

**29.** Section 128.1 of this Regulation is replaced by the following:

“**128.1** An officer to whom this subdivision applies shall not participate in the short-term salary insurance plan, the mandatory basic long-term salary insurance plan or the additional mandatory long-term salary insurance plan.

An officer who becomes disabled during the twelve (12) months preceding the pre-retirement leave shall receive the salary to which he or she would have been entitled had he or she been at work. In such a case, the officer’s disability shall not have the effect of delaying the date on which the officer’s pre-retirement begins in accordance with section 121.”

**30.** The 1st paragraph of section 129.6 of this Regulation is replaced by the following:

“When the employer pays a severance pay under section 129.5, it must be equal to one (1) month of salary per year of continuous service as senior administrator, officer, a union member or unionizable non-member with one or several employers in the public and parapublic sectors, in an association of senior administrators, officers or institutions. This allowance shall be paid by the employer in accordance with the conditions of the payroll system or monthly. In no case shall it exceed twelve (12) months of salary.”

**31.** This Regulation is amended by adding, after section 129.9, the following section:

“**129.10.** At an officer’s request, the employer may provide access to career transition services to an officer who benefits from a severance pay under section 129.5. These career transition services, the duration of which is determined by the employer, shall be of a minimum duration of three (3) months and a maximum duration of six (6) months.”

**32.** Section 130 of this Regulation is amended by adding, after the 1st paragraph, the following paragraph:

“Notwithstanding the 1st paragraph, an officer who ceases to work for the employer without having received payment of all the amounts owed to him or her, including, if applicable, the severance pay provided for in Division 2 of Chapter 5.1, may claim these amounts by following the procedure set out in this Division.”.

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

1886

---

## Notices

---

### Notice

Natural Heritage Conservation Act  
(R.S.Q., c. C-61.01)

**Mont-Yamaska Nature Reserve  
(Secteur Onil Caouette)  
— Recognition**

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61-01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve a private property which extends of 3,8 hectares. The property, situated on the territory of the municipality of Saint-Paul-d'Abbotsford, Regional County Municipality of Rouville, known and designated as being a part the lot number 3 516 948 of the Québec Land Register, Rouville Registration Division.

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,  
*Director of Ecological Heritage and Parks*

1884



## Index

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

	<b>Page</b>	<b>Comments</b>
Building Act, amended . . . . . (2011, Bill 35)	283	
Certain terms of employment applicable to officers of agencies and health and social services institutions . . . . . (An Act respecting health services and social services, R.S.Q., c. S-4.2)	362	N
Certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions . . . . . (An Act respecting health services and social services, R.S.Q., c. S-4.2)	351	N
Cities and Towns Act, amended . . . . . (2011, Bill 35)	283	
Communauté métropolitaine de Montréal, An Act respecting the . . . . . amended . . . . . (2011, Bill 35)	283	
Communauté métropolitaine de Québec, An Act respecting the . . . . . amended . . . . . (2011, Bill 35)	283	
Contracting by public bodies, An Act respecting . . . . ., amended . . . . . (2011, Bill 35)	283	
Election Act, amended . . . . . (2011, Bill 120)	321	
Elections and referendums in municipalities, An Act respecting . . . . ., amended . . . . . (2011, Bill 120)	321	
Health Insurance Act, amended . . . . . (2011, Bill 41)	315	
Health services and social services, An Act respecting . . . . . — Certain terms of employment applicable to officers of agencies and health and social services institutions . . . . . (R.S.Q., c. S-4.2)	362	N
Health services and social services, An Act respecting . . . . . — Certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions . . . . . (R.S.Q., c. S-4.2)	351	N
Master Electricians Act, amended . . . . . (2011, Bill 35)	283	
Master Pipe-Mechanics Act, amended . . . . . (2011, Bill 35)	283	
Mont-Yamaska Nature Reserve (Secteur Onil Caouette) — Recognition . . . . . (Natural Heritage Conservation Act, R.S.Q., c. C-61.01)	379	Notice
Municipal Code of Québec, amended . . . . . (2011, Bill 35)	283	

Natural Heritage Conservation Act — Mont-Yamaska Nature Reserve (Secteur Onil Caouette) — Recognition . . . . . (R.S.Q., c. C-61.01)	379	Notice
Pharmacy Act, amended . . . . . (2011, Bill 41)	315	
Pharmacy Act, An Act to amend the . . . . . (2011, Bill 41)	315	
Political party leadership campaigns, An Act respecting . . . . . (2011, Bill 120)	321	
Prevent, combat and punish certain fraudulent practices in the construction industry and make other amendments to the Building Act, An Act to . . . . . (2011, Bill 35)	283	
Professional Code, amended . . . . . (2011, Bill 41)	315	
Public transit authorities, An Act respecting . . . . ., amended . . . . . (2011, Bill 35)	283	
Québec Pension Plan and other legislative provisions, An Act to amend the Act respecting the . . . . . (2011, Bill 39)	305	
Québec Pension Plan, An Act respecting the . . . . ., amended . . . . . (2011, Bill 39)	305	
Rosemère Curling Club Inc., An Act respecting . . . . . (2011, Bill 209)	347	
School elections, An Act respecting . . . . ., amended . . . . . (2011, Bill 120)	321	
Société du chemin de fer de la Gaspésie, An Act to amend the Act to establish the . . . . . (2011, Bill 207)	343	
Supplemental Pension Plans Act, amended . . . . . (2011, Bill 39)	305	
Taxation Act, amended . . . . . (2011, Bill 120)	321	