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**DU**  
**Québec**

**Part**

**2**

**No. 23**

6 June 2012

**Laws and Regulations**

Volume 144

**Summary**

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### Contents

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- (2) proclamations of Acts;
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**PROVINCE OF QUÉBEC**

2ND SESSION

39TH LEGISLATURE

QUÉBEC, 16 MAY 2012

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## OFFICE OF THE LIEUTENANT-GOVERNOR

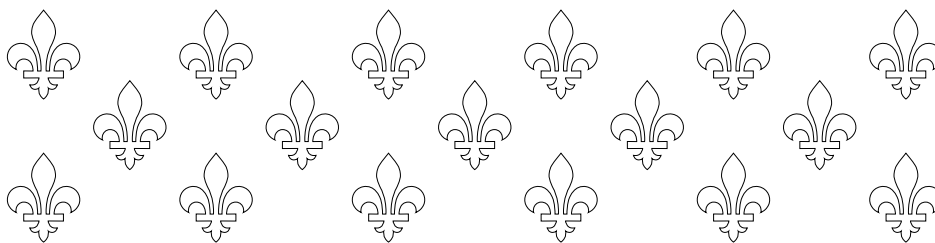
*Québec, 16 May 2012*

This day, at fifteen minutes past four o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 53 An Act to dissolve the Société de gestion informatique SOGIQUE
- 55 An Act respecting the professional recognition of medical electrophysiology technologists
- 61 Chartered Professional Accountants Act

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 53  
(2012, chapter 9)

## **An Act to dissolve the Société de gestion informatique SOGIQUE**

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**Introduced 16 February 2012**  
**Passed in principle 28 March 2012**  
**Passed 10 May 2012**  
**Assented to 16 May 2012**

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**Québec Official Publisher  
2012**

**EXPLANATORY NOTES**

*This Act dissolves the Société de gestion informatique SOGIQUE and transfers its rights and obligations as well as its assets and liabilities to the Minister of Health and Social Services.*

*The Act also includes provisions concerning the Société's employees.*

**LEGISLATION AMENDED BY THIS ACT:**

– Act respecting health services and social services (R.S.Q., chapter S-4.2).



## Bill 53

### AN ACT TO DISSOLVE THE SOCIÉTÉ DE GESTION INFORMATIQUE SOGIQUE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The Société de gestion informatique SOGIQUE, constituted on 8 May 1986 by letters patent issued under Part III of the Companies Act (R.S.Q., chapter C-38), is dissolved.

Its rights and obligations as well as its assets and liabilities are transferred to the Minister of Health and Social Services, and its records and other documents become records and documents of that Minister.

**2.** The Minister of Health and Social Services, or the person designated by the Minister, acts as liquidator of the Société.

**3.** The Attorney General of Québec becomes a party, without continuance of suit, to any proceedings to which the Société was a party.

**4.** The term of the members of the board of directors of the Société ends on (*insert the date of coming into force of section 1*).

**5.** The regular and casual employees of the Société in office on 16 February 2012 and still in office on (*insert the date that occurs one day before the date of coming into force of this section*) respectively become, without further formality, regular and casual employees of the Ministère de la Santé et des Services sociaux. These employees are deemed to have been appointed under the Public Service Act (R.S.Q., chapter F-3.1.1). However, for casual employees of the Société, this applies only for the unexpired portion of their contract.

The Conseil du trésor determines their remuneration, their classification and any other applicable conditions of employment.

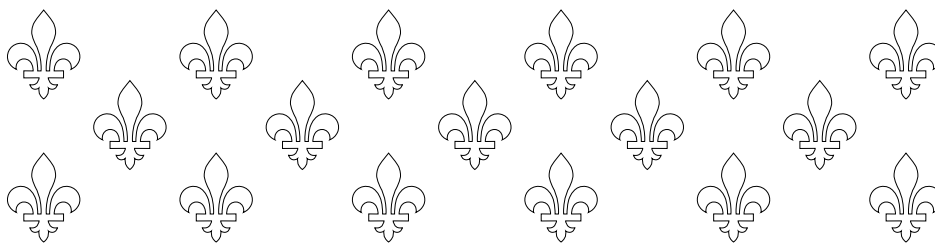
ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**6.** Section 520.3.1 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by adding the following paragraph at the end:

“The Minister may offer the same services as those referred to in the first paragraph to an agency or an institution. The second and third paragraphs then apply with the necessary modifications.”

**7.** The Minister of Health and Social Services is responsible for the administration of this Act.

**8.** The provisions of this Act come into force on 16 May 2013, unless the Government sets an earlier date or earlier dates for their coming into force.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 55  
(2012, chapter 10)

**An Act respecting the professional  
recognition of medical electrophysiology  
technologists**

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**Introduced 23 February 2012  
Passed in principle 4 April 2012  
Passed 15 May 2012  
Assented to 16 May 2012**

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**Québec Official Publisher  
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## EXPLANATORY NOTES

*This Act amends the Act respecting medical imaging technologists and radiation oncology technologists and the Professional Code to integrate medical electrophysiology technologists into the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec. To that end, it proposes the necessary amendments, including changing the name of the Order, reserving a professional title, adding a field of practice and reserving activities carried on as an activity in that field of practice.*

*Adjustments are proposed to the regulatory provisions governing the members of the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec so that the provisions will be applicable to medical electrophysiology technologists as soon as the latter are integrated into that Order. In addition, certain persons are allowed to continue to engage in certain reserved activities.*

*Lastly, the transitional and consequential amendments necessary to the integration are made and a transitional provision concerning certain persons exercising professional activities in the field of mental health and human relations is amended.*

## LEGISLATION AMENDED BY THIS ACT:

- Professional Code (R.S.Q., chapter C-26);
- Act respecting medical imaging technologists and radiation oncology technologists (R.S.Q., chapter T-5);
- Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations (2009, chapter 28).

## REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (R.R.Q., chapter C-26, r. 2);

- Regulation respecting other terms and conditions for permits of the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec to be issued (R.R.Q., chapter T-5, r. 4);
- Regulation respecting the categories of permits issued by the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec (R.R.Q., chapter T-5, r. 4.1);
- Règlement sur le comité d’inspection professionnelle de l’Ordre des technologues en imagerie médicale et en radio-oncologie du Québec (R.R.Q., chapter T-5, r. 6, French only);
- Regulation respecting the standards for diploma or training equivalence for the issue of a permit by the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec (R.R.Q., chapter T-5, r. 11).



## Bill 55

### AN ACT RESPECTING THE PROFESSIONAL RECOGNITION OF MEDICAL ELECTROPHYSIOLOGY TECHNOLOGISTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING MEDICAL IMAGING TECHNOLOGISTS AND RADIATION ONCOLOGY TECHNOLOGISTS

**1.** The title of the Act respecting medical imaging technologists and radiation oncology technologists (R.S.Q., chapter T-5) is amended by replacing “AND RADIATION ONCOLOGY TECHNOLOGISTS” by “, RADIATION ONCOLOGY TECHNOLOGISTS AND MEDICAL ELECTROPHYSIOLOGY TECHNOLOGISTS”.

**2.** Section 1 of the Act is amended

(1) by replacing “et en radio-oncologie” in paragraph *a* by “, en radio-oncologie et en électrophysiologie médicale”;

(2) by inserting “, “medical electrophysiology technologist”” after ““radiation oncology technologist”” in paragraph *c*.

**3.** The heading of Division II of the Act is amended by replacing “ET EN RADIO-ONCOLOGIE” by “, EN RADIO-ONCOLOGIE ET EN ÉLECTROPHYSIOLOGIE MÉDICALE”.

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

(1) by replacing “or radiation oncology technologist” by “, radiation oncology technologist or medical electrophysiology technologist”;

(2) by replacing both occurrences of “et en radio-oncologie” by “, en radio-oncologie et en électrophysiologie médicale”.

**5.** The Act is amended by inserting the following heading after the heading of Division IV:

“§1. — *Medical imaging technology and radiation oncology technology*”.

**6.** The Act is amended by inserting the following subdivision after section 11:

“§2. — *Medical electrophysiology technology*”

**“11.1.** The practice of medical electrophysiology technology consists in gathering and recording the bioelectric potentials of organs or systems of the human body, or the sound waves of the cardiac system or the supra-aortic vascular system, to produce images or data for diagnostic or therapeutic purposes.

The following activities in the practice of medical electrophysiology technology are reserved to medical electrophysiology technologists:

- (1) analyzing and selecting the data gathered during a prescribed recording of cardiac or cerebral bioelectric activity;
- (2) performing a stress electrocardiogram, according to a prescription;
- (3) administering prescribed medications or other prescribed substances by oral, nasal or pharyngeal routes;
- (4) administering urgently required medications using an intravenous line already in place, according to an individual prescription;
- (5) mixing substances to complete the preparation of a medication, according to a prescription;
- (6) introducing a needle under the dermis for monitoring purposes, according to a prescription;
- (7) using invasive electric energy, according to a prescription;
- (8) verifying the functioning of a pacemaker or a pacemaker-defibrillator according to a prescription, provided a training certificate has been issued to the technologist by the Order in accordance with the regulation under paragraph *o* of section 94 of the Professional Code (chapter C-26);
- (9) programming a pacemaker or a pacemaker-defibrillator according to a prescription, provided a training certificate has been issued to the technologist by the Order in accordance with the regulation under paragraph *o* of section 94 of the Professional Code;
- (10) performing echocardiography or vascular ultrasonography according to a prescription, provided a training certificate has been issued to the technologist by the Order in accordance with the regulation under paragraph *o* of section 94 of the Professional Code;
- (11) performing carotid or transcranial Doppler ultrasonography according to a prescription, provided a training certificate has been issued to the technologist by the Order in accordance with the regulation under paragraph *o* of section 94 of the Professional Code;



(12) introducing an esophageal balloon for the purposes of a polysomnography according to a prescription, provided a training certificate has been issued to the technologist by the Order in accordance with the regulation under paragraph *o* of section 94 of the Professional Code; and

(13) adjusting the masks for a Bi-Pap or C-Pap for the purposes of a polysomnography according to a prescription, provided a training certificate has been issued to the technologist by the Order in accordance with the regulation under paragraph *o* of section 94 of the Professional Code.

**“11.2.** No person may practise the profession of medical electrophysiology technologist under a name other than their own.

Medical electrophysiology technologists may, however, practise their profession under the name of one or more partners.”

**7.** Section 12 of the Act is amended by adding “, or any of the activities described in the second paragraph of section 11.1 except a medical electrophysiology technologist” after “oncology technologist” at the end of the first paragraph.

#### PROFESSIONAL CODE

**8.** Section 32 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing “or radiation oncology technologist” in the first paragraph by “, radiation oncology technologist or medical electrophysiology technologist”.

**9.** Section 39.3 of the Code is amended by replacing “ and the second paragraph of section 36 of the Nurses Act (chapter I-8)” in the first paragraph by “, the second paragraph of section 36 of the Nurses Act (chapter I-8) and the second paragraph of section 11.1 of the Act respecting medical imaging technologists, radiation oncology technologists and medical electrophysiology technologists (chapter T-5)”.

**10.** Schedule I to the Code is amended by replacing “et en radio-oncologie” in paragraph 15 by “, en radio-oncologie et en électrophysiologie médicale”.

#### ACT TO AMEND THE PROFESSIONAL CODE AND OTHER LEGISLATIVE PROVISIONS IN THE FIELD OF MENTAL HEALTH AND HUMAIN RELATIONS

**11.** Section 18 of the Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations (2009, chapter 28) is amended by replacing “at the date of its coming into force or at the date that is one year after 19 June 2009, whichever is earlier,” in the first paragraph by “at the date of its coming into force”.

## REGULATORY PROVISIONS

**12.** Section 2.05 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (R.R.Q., chapter C-26, r. 2) is amended by replacing the first paragraph by the following paragraph:

**“2.05.** The following permits are issued by the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec to holders of the diplomas mentioned below, awarded by the Minister of Education, Recreation and Sports:

(1) medical imaging technologist's permit in the field of radiodiagnosis: diploma of college studies obtained following studies in diagnostic imaging completed at Ahuntsic, Rimouski or Sainte-Foy general and vocational college, Dawson College or Collège Laflèche;

(2) medical imaging technologist's permit in the field of nuclear medicine: diploma of college studies obtained following studies in nuclear medicine technology completed at Ahuntsic general and vocational college;

(3) radiation oncology technologist's permit: diploma of college studies obtained following studies in radiation oncology technology completed at Ahuntsic or Sainte-Foy general and vocational college or Dawson College; and

(4) medical electrophysiology technologist's permit: diploma of college studies obtained following studies in medical electrophysiology techniques completed at Ahuntsic general and vocational college or Ellis College.”

**13.** The Regulation respecting other terms and conditions for permits of the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec to be issued (R.R.Q., chapter T-5, r. 4) is amended

(1) by replacing “the permit” in section 2 by “a medical imaging technologist's permit in the field of radiodiagnosis, a medical imaging technologist's permit in the field of nuclear medicine or a radiation oncology technologist's permit”;

(2) by striking out “of medical imaging technologist or radiation oncology technologist” at the end of section 14.

**14.** The Regulation respecting the categories of permits issued by the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec (R.R.Q., chapter T-5, r. 4.1) is amended

(1) by adding the following paragraph at the end of section 1:

“(4) medical electrophysiology technologist's permit.”;

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

“The holder of a medical electrophysiology technologist’s permit may engage in the activities referred to in section 11.1 of that Act.”;

(3) by adding the following paragraph at the end of section 3:

“A member of the Order may use the title of “medical electrophysiology technologist” only if the member holds the permit referred to in paragraph 4 of section 1.”;

(4) by inserting “paragraphs 1 to 3 of” after “referred to in” in paragraph 4 of section 4;

(5) by inserting the following section after section 4:

**4.1.** The persons referred to in paragraph 1 of section 2 of the Regulation respecting professional activities that may be engaged in by a medical electrophysiology technologist (chapter M-9, r. 11) who engaged in an activity listed in section 3 of the Regulation before (*insert the date of coming into force of section 14*) become holders of a medical electrophysiology technologist’s permit.”

**15.** Section 2 of the Règlement sur le comité d’inspection professionnelle de l’Ordre des technologues en imagerie médicale et en radio-oncologie du Québec (R.R.Q., chapter T-5, r. 6, French only) is amended

(1) by replacing “9” in the first paragraph by “12”;

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

“Trois membres sont nommés pour chacune des catégories de permis établies conformément au Règlement sur les catégories de permis délivrés par l’Ordre des technologues en imagerie médicale et en radio-oncologie du Québec (chapitre T-5, r. 4.1).”

**16.** The Regulation respecting the standards for diploma or training equivalence for the issue of a permit by the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec (R.R.Q., chapter T-5, r. 11) is amended

(1) by replacing “an equivalence of diploma” in the introductory clause of section 3 by “a diploma equivalence for the purposes of the issue of a medical imaging technologist’s permit in the field of radiodiagnosis, a medical imaging technologist’s permit in the field of nuclear medicine or a radiation oncology technologist’s permit”;

(2) by inserting the following section after section 3:

**“3.1.** A candidate holding a diploma issued by an educational institution outside Québec shall be granted a diploma equivalence for the purposes of the issue of a medical electrophysiology technologist’s permit if the diploma was issued upon completion of studies of a level equivalent to the college level comprising a minimum of 2,865 hours of training including at least 2,145 hours of specific training in medical electrophysiology technology apportioned as follows:

(1) at least 150 hours on anatomy and physiology applied to medical electrophysiology;

(2) at least 180 hours on pathology and pharmacology applied to medical electrophysiology;

(3) at least 210 hours on the entry, processing and use of data;

(4) at least 240 hours on the examination and analysis of cerebral electrophysiology data;

(5) at least 255 hours on the examination and analysis of data obtained in labyrinthic, cardiac and neuromuscular electrophysiology, polysomnography and evoked potentials;

(6) at least 45 hours on counselling and communication in medical electrophysiology;

(7) at least 45 hours on care, health and safety in medical electrophysiology; and

(8) at least 1,005 hours of clinical practice.”;

(3) by replacing “Despite section 3” in section 4 by “Despite sections 3 and 3.1”;

(4) by striking out “in radiodiagnostic technology, nuclear medicine technology and radio-oncology technology” in the first paragraph of section 5.

#### TRANSITIONAL AND FINAL PROVISIONS

**17.** As of (*insert the date of coming into force of this section*), the board of directors of the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec (the Order) consists of the president and the following 19 directors, for the following terms:

(1) the president of the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec in office on (*insert the date preceding the date of*

*coming into force of this section*), who becomes president of the Order for the unexpired portion of his or her term;

(2) the 12 directors elected to the board of directors of the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec and the four directors appointed by the Office des professions du Québec, in office on *(insert the date preceding the date of coming into force of this section)*, for the unexpired portion of their terms;

(3) a member of the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec, holding a medical imaging technologist's permit in the field of radiodiagnosis, chosen in an election held by secret ballot among the directors elected to the board of directors of the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec in office on *(insert the date preceding the date of coming into force of this section)*, for a term ending on the end date of the term of the directors elected to the board of directors of the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec in 2011;

(4) the president of the Association des technologues en électrophysiologie médicale in office on *(insert the date preceding the date of coming into force of this section)*, for a term ending on the end date of the term of the directors elected to the board of directors of the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec in 2012; and

(5) a member of the board of directors of the Association des technologues en électrophysiologie médicale in office on *(insert the date preceding the date of coming into force of this section)*, elected by the members of that board of directors in office on *(insert the date preceding the date of coming into force of this section)*, for a term ending on the end date of the term of the directors elected to the board of directors of the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec in 2011.

The directors designated in subparagraphs 3 to 5 of the first paragraph are deemed to be elected directors.

**18.** The number of members of the board of directors of the Order to be elected in each electoral region listed below in 2013 and in 2014 is to be as follows:

(1) for the radiodiagnostic technology sector of activity:

<b>Electoral region</b>	<b>Administrative regions</b>	<b>Number of directors 2013</b>	<b>Number of directors 2014</b>
Montréal, Laval, Lanaudière, Laurentides and Montérégie	06, 13, 14, 15 and 16	3	1
Capitale-Nationale and Chaudières-Appalaches	03 and 12	1	1
Mauricie, Estrie and Centre-du-Québec	04, 05 and 17		1
Saguenay–Lac-Saint-Jean, Côte-Nord and Nord-du-Québec	02, 09 and 10		1
Outaouais and Abitibi-Témiscamingue	07 and 08		1
Bas-Saint-Laurent and Gaspésie–Îles-de-la-Madeleine	01 and 11		1

(2) for the nuclear medicine technology sector of activity: one director holding a medical imaging technologist's permit in the field of nuclear medicine is to be elected in 2013 and one in 2014 for all of Québec, which forms a single electoral region;

(3) for the radiation oncology technology sector of activity: one director holding a radiation oncology technologist's permit is to be elected in 2013 and one in 2014 for all of Québec, which forms a single electoral region; and

(4) for the medical electrophysiology technology sector of activity: one director holding a medical electrophysiology technologist's permit is to be elected in 2013 and one in 2014 for all of Québec, which forms a single electoral region.

At the election held in 2013, the elected directors are to elect the president of the Order from among their number by secret ballot.

The territory of the electoral regions corresponds to the territory of the administrative regions in Schedule I to the Décret concernant la révision des limites des régions administratives du Québec (R.R.Q., chapter D-11, r. 1, French only).

At each election, only a member of the Order who holds a corresponding category of permit may be a candidate for the office of director to represent a given sector of professional activities. To represent the radiodiagnostic technology sector, the candidate must also have his or her professional domicile in the region concerned. No person may be a candidate for an office of director to represent more than one sector of professional activities.

Only members of the Order who hold a corresponding category of permit may sign the nomination paper of a candidate for the office of director. In addition, in the case of a candidate for the office of director to represent the radiodiagnostic technology sector of activity, such members must have their professional domiciles in the region concerned. The candidates are elected in accordance with the Professional Code (R.S.Q., chapter C-26) by a vote of the members holding the corresponding category of permit. In addition, to elect a candidate to an office of director to represent the radiodiagnostic technology sector of activity, such members must have their professional domiciles in the region concerned.

The Règlement sur les modalités d'élection au Conseil d'administration de l'Ordre des technologues en imagerie médicale et en radio-oncologie du Québec (R.R.Q., chapitre T-5, r. 10, French only) applies to the elections to be held in 2013 and 2014.

**19.** Persons described in section 5 of the Regulation respecting professional activities that may be engaged in by a medical electrophysiology technologist (R.R.Q., chapter M-9, r. 11) may continue to engage in the activities identified in that section even when the Regulation no longer applies, provided the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec is notified in the manner determined by the board of directors.

The board of directors of the Order may make a regulation determining, among the regulatory standards applicable to the members of the Order, those applicable to those persons.

Section 95 of the Professional Code applies to the regulation made under the second paragraph.

**20.** In an Act, regulation, order, order-in-council, proclamation, resolution, contract or other document or in letters patent, “Ordre professionnel des technologues en imagerie médicale et en radio-oncologie du Québec” and “Ordre des technologues en imagerie médicale et en radio-oncologie du Québec” are replaced respectively by “Ordre professionnel des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec” and “Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec”.

In a regulation made under the Professional Code,

(1) “technologues en imagerie médicale et en radio-oncologie” in the French text is replaced by “technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale”;

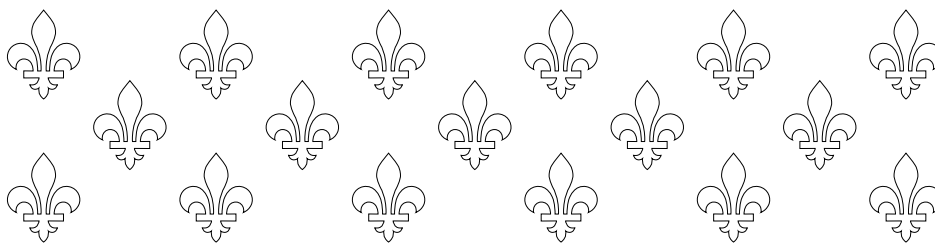
(2) “medical imaging or radiation oncology technologists” is replaced by “medical imaging, radiation oncology or medical electrophysiology technologists”;

(3) “medical imaging technologist or radiation oncology technologist” is replaced, with the necessary modifications, by “medical imaging technologist, radiation oncology technologist or medical electrophysiology technologist”; and

(4) “medical imaging technologist and radiation oncology technologist” is replaced, with the necessary modifications, by “medical imaging technologist, radiation oncology technologist and medical electrophysiology technologist”.

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





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 61  
(2012, chapter 11)

## **Chartered Professional Accountants Act**

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**Introduced 28 March 2012**  
**Passed in principle 8 May 2012**  
**Passed 16 May 2012**  
**Assented to 16 May 2012**

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**Québec Official Publisher**  
**2012**

## EXPLANATORY NOTES

*This Act constitutes the Ordre des comptables professionnels agréés du Québec.*

*The members of the three orders of accountants currently governed by the Professional Code and the Chartered Accountants Act are brought together within a single order.*

*The field of practice of the profession of chartered professional accountant is defined and the practice of public accounting is reserved to chartered professional accountants.*

*Lastly, consequential and transitional provisions are introduced.*

## LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Professional Code (R.S.Q., chapter C-26);
- 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 intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- Public Service Act (R.S.Q., chapter F-3.1.1);
- Mining Act (R.S.Q., chapter M-13.1);
- Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1);

- Notaries Act (R.S.Q., chapter N-3);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Act to amend the Professional Code and the Chartered Accountants Act in respect of public accountancy (2007, chapter 42).

**LEGISLATION REPEALED BY THIS ACT:**

- Chartered Accountants Act (R.S.Q., chapter C-48).

**REGULATIONS AMENDED BY THIS ACT:**

- Regulation respecting the awarding of contracts for certain professional services (R.R.Q., chapter C-19, r. 2);
- Regulation respecting legal authorizations to practise as a certified management accountant outside Québec that give access to the permit issued by the Ordre professionnel des comptables en management accrédités du Québec (R.R.Q., chapter C-26, r. 27);
- Règlement sur la formation continue obligatoire des comptables en management accrédités du Québec (R.R.Q., chapter C-26, r. 35);
- Regulation respecting compulsory continuing education for Québec certified management accountants who hold a public accountancy permit (R.R.Q., chapter C-26, r. 36);
- Règlement sur la tenue des dossiers et des cabinets de consultation et sur la cessation d'exercice d'un membre de l'Ordre des comptables en management accrédités du Québec (R.R.Q., chapter C-26, r. 43);
- Règlement sur les affaires du Conseil d'administration et les assemblées générales de l'Ordre professionnel des comptables généraux accrédités du Québec (R.R.Q., chapter C-26, r. 45);
- Regulation respecting the refresher training periods and the refresher courses of the Ordre professionnel des comptables généraux accrédités du Québec (R.R.Q., chapter C-26, r. 64);
- Règlement sur l'assurance de la responsabilité professionnelle des membres de l'Ordre des comptables agréés du Québec (R.R.Q., chapter C-48, r. 2);

- Code of ethics of chartered accountants (R.R.Q., chapter C-48, r. 4);
- Regulation respecting the professional inspection committee of the Ordre des comptables agréés du Québec (R.R.Q., chapter C-48, r. 5);
- Regulation respecting the Committee on training of chartered accountants (R.R.Q., chapter C-48, r. 6);
- Regulation respecting trust accounting by chartered accountants and the indemnity fund of the Ordre des comptables agréés du Québec (R.R.Q., chapter C-48, r. 7);
- Regulation respecting the practice of the chartered accountancy profession within a partnership or a joint-stock company (R.R.Q., chapter C-48, r. 12);
- Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des comptables agréés du Québec (R.R.Q., chapter C-48, r. 17);
- Regulation respecting animals in captivity (R.R.Q., chapter C-61.1, r. 5);
- Regulation respecting trust accounting by bailiffs and the indemnity fund of the Chambre des huissiers de justice du Québec (R.R.Q., chapter H-4.1, r. 6);
- Regulation respecting petroleum, natural gas and underground reservoirs (R.R.Q., chapter M-13.1, r. 1);
- Règlement de l'Association des entrepreneurs en construction du Québec, made by Order in Council 946-95 (1995, G.O. 2, 3028).

#### **REGULATIONS REPEALED BY THIS ACT:**

- Regulation respecting the professional liability insurance of certified management accountants of Québec (R.R.Q., chapter C-26, r. 26);
- Regulation respecting professional liability insurance for certified general accountants (R.R.Q., chapter C-26, r. 46).

## **Bill 61**

### **CHARTERED PROFESSIONAL ACCOUNTANTS ACT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **DIVISION I**

##### **ORDRE DES COMPTABLES PROFESSIONNELS AGRÉÉS DU QUÉBEC**

**1.** All the persons qualified to practise as chartered professional accountants in Québec constitute a professional order called the “Ordre professionnel des comptables professionnels agréés du Québec” or “Ordre des comptables professionnels agréés du Québec” (the Order).

**2.** Subject to the provisions of this Act, the Order and its members are governed by the Professional Code (R.S.Q., chapter C-26).

#### **DIVISION II**

##### **BOARD OF DIRECTORS**

**3.** The Order is administered by a board of directors constituted as prescribed in the Professional Code.

#### **DIVISION III**

##### **PRACTICE OF THE PROFESSION**

**4.** The practice of the profession of chartered professional accountant consists, with respect to the accounting, management, finances or taxation relating to the economic activities and patrimony of a person, enterprise or organization, in

(1) gathering and organizing financial and non-financial information, analyzing and evaluating it, attesting to its conformity or certifying it, communicating the information and providing advice in relation to it; and

(2) developing and evaluating policies, procedures, processes and controls related to governance, strategy and risk management, attesting to their conformity or certifying them, implementing them and providing advice in relation to them.

The purpose of these professional activities is to optimize the performance, profit and growth of the patrimony of a person, enterprise or organization, promote good governance or accountability, or increase information reliability.

Within the framework of the profession, the professional activity reserved to the chartered professional accountant is public accountancy. This activity consists in

(1) expressing an opinion to provide a level of assurance about a financial statement or any part of a financial statement, or about any other information related to the financial statement; this corresponds to an assurance engagement, which comprises the performance of both an audit engagement and a review engagement, as well as the issue of special reports;

(2) issuing any form of certification, declaration or opinion in respect of information related to a financial statement or to any part of a financial statement, or in respect of the application of specified auditing procedures with respect to financial information, other than financial statements, neither being intended exclusively for internal management purposes; and

(3) performing a compilation engagement that is not intended exclusively for internal management purposes.

Nothing in the first and second paragraphs affects the rights of members of another professional order in fields recognized by law to be within their competence.

## **DIVISION IV**

### **PUBLIC ACCOUNTANCY PERMITS**

**5.** To engage in the elements of the professional activity described in the third paragraph of section 4, except the performance of compilation engagements not intended exclusively for internal management purposes, a chartered professional accountant must obtain a public accountancy permit.

The board of directors issues the permit if the chartered professional accountant meets the terms and conditions for the issue of permits set in a regulation of the board. The regulation also determines

(1) the legal authorizations to practise public accountancy outside Québec that give access to the permit, and the terms and conditions for the issue of that permit applicable to the holders of such authorizations; and

(2) the terms and conditions for the issue of the permit that must be met to give effect to an agreement entered into by the Order under an agreement for mutual recognition of professional competence entered into between the Government and another government; it must also provide for a review of a decision, by persons other than the persons who rendered it, that does not

recognize that one of the conditions, other than professional competence, has been met.

The first paragraph does not apply if the professional activity concerned is practised

(1) in accordance with a regulation made under paragraph *h* of section 94 of the Professional Code; or

(2) by an accountant or an auditor employed by the Government, in the performance of his or her duties.

**6.** A chartered professional accountant who holds a public accountancy permit must meet the terms and conditions for holding the permit determined in a regulation of the board of directors.

The chartered professional accountant must take part in the continuing education activities determined in a regulation of the board. The regulation must also set penalties for failing to take part in such activities and, where applicable, identify the cases in which a member may be exempted from taking part.

**7.** Chartered professional accountants who hold a public accountancy permit and engage in the professional activity described in the third paragraph of section 4, except the performance of compilation engagements not intended exclusively for internal management purposes, must use the title “auditor”.

The title of auditor must be preceded by the title “chartered professional accountant” or the abbreviations or initials that refer to that title.

**8.** If the holder of a public accountancy permit fails to conform with the provisions of this division or with the terms and conditions for receiving or holding a permit, the board of directors may suspend or revoke the permit. The decision of the board may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV of the Professional Code.

**9.** The board of directors may enter into an agreement with the following bodies exercising complementary functions with respect to the protection of the public: the Autorité des marchés financiers and the Canadian Public Accountability Board incorporated under the Canada Business Corporations Act (Revised Statutes of Canada, 1970, chapter C-32). The term of the agreement may not exceed five years.

The agreement may, to the extent required for its implementation, derogate from the Acts and regulations governing the Order that pertain to the confidentiality of the information it holds. The agreement must define the nature and scope of the information the Order and the body may exchange concerning inspection, discipline or any inquiry conducted by the body or the Order regarding a professional or a partnership of professionals belonging to the Order, specify the purpose of the exchange of information and the conditions

of confidentiality to be observed, including those pertaining to professional secrecy, and determine how information so obtained may be used.

The information that may be communicated under the agreement must be necessary for the performance of the duties of the party receiving it.

The information communicated under the agreement by the Order must be treated by the body receiving it with as much confidentiality as if it had been obtained or was held by the Order in the exercise of the powers granted it by the Professional Code. That obligation does not, however, restrict the powers granted by an Act of Québec to the Autorité des marchés financiers as regards the communication of information.

The agreement is published in the *Gazette officielle du Québec*. On the expiry of at least 45 days after the publication, it is submitted to the Government for approval, with or without amendments. The agreement comes into force after approval, on the date it is published again in the *Gazette officielle du Québec* or on any later date stated in the agreement.

The Order reports on the implementation of the agreement entered into in the report it must produce under section 104 of the Professional Code.

**10.** As long as an agreement under section 9 is in force, chartered professional accountants are authorized, despite being bound by professional secrecy and to the extent specified in the agreement, to provide information relating to their professional activities or clients to a representative of the body acting within the scope of its activities in Québec.

The information communicated under the agreement by a chartered professional accountant must be treated by the body receiving it with as much confidentiality as if it had been obtained or was held by the Order in the exercise of the powers granted it by the Professional Code. That obligation does not, however, restrict the powers granted by an Act of Québec to the Autorité des marchés financiers as regards the communication of information.

**11.** No proceedings may be instituted against a body having entered into an agreement under section 9, or any of its directors or representatives, by reason of any act performed in good faith in the exercise of their functions in Québec on the basis of information obtained in accordance with the agreement, unless an Act of Québec concerning the body provides otherwise.

## **DIVISION V**

### **ILLEGAL PRACTICE OF PUBLIC ACCOUNTANCY AND PROHIBITION IN RESPECT OF USE OF RESERVED TITLE**

**12.** Subject to the rights and privileges expressly granted by law to other professionals, no person who is not a member of the Order may engage in the activity described in the third paragraph of section 4, or in any way use the



title “auditor” or any title or abbreviation that may lead to the belief that the person is an auditor, unless the person holds a public accountancy permit.

## **DIVISION VI**

### **PROHIBITION IN RESPECT OF THE USE OF OTHER TITLES**

**13.** No person may in any way whatsoever use the title “chartered accountant”, “certified general accountant”, “certified management accountant”, “professional accountant” or “public accountant” or any title or abbreviation which may lead to the belief that the person is a chartered accountant, certified general accountant, certified management accountant, professional accountant or public accountant, or use initials which may lead to the belief that the person is a chartered accountant, certified general accountant, certified management accountant, professional accountant or public accountant.

## **DIVISION VII**

### **PENAL PROVISION**

**14.** A person who contravenes section 12 or 13 is liable, for each offence, to the penalties provided in section 188 of the Professional Code.

## **DIVISION VIII**

### **AMENDING PROVISIONS**

#### **ACT RESPECTING THE AUTORITÉ DES MARCHÉS FINANCIERS**

**15.** Section 15.6 of the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2) is amended by replacing paragraph 4 by the following paragraph:

“(4) to the Ordre des comptables professionnels agréés du Québec, within the scope of an agreement entered into under section 9 of the Chartered Professional Accountants Act (2012, chapter 11).”

#### **ACT RESPECTING THE BARREAU DU QUÉBEC**

**16.** Section 141 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by replacing “accountants recognized by the Chartered Accountants Act (chapter C-48) or by the Professional Code (chapter C-26)” by “members of the Ordre des comptables professionnels agréés du Québec” and “of the said Acts and amendments” by “prescribed by the Chartered Professional Accountants Act (2012, chapter 11)”.

## CITIES AND TOWNS ACT

**17.** Section 468.51 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing “, sections 1, 2, 4 to 8, 12 to 44 and 50 of the Act respecting municipal debts and loans (chapter D-7) and section 21 of the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (chapter M-22.1)” in the first paragraph by “and sections 1, 2, 4 to 8, 12 to 44 and 50 of the Act respecting municipal debts and loans (chapter D-7)”.

## PROFESSIONAL CODE

**18.** Section 31 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing “21.4” by “21.5”.

**19.** Section 32 of the Code is amended

(1) by striking out “chartered accountant,” in the first paragraph;

(2) by replacing “or geologist” in the first paragraph by “, geologist or chartered professional accountant”.

**20.** Section 36 of the Code is amended by striking out subparagraphs *a* and *b* of the first paragraph.

**21.** Section 37 of the Code is amended by striking out paragraphs *a* and *b*.

**22.** Section 182.1 of the Code is amended

(1) by replacing “, the second or third paragraph of section 187.9 or section 187.10.4” in subparagraph 1 of the first paragraph by “or the second or third paragraph of section 187.9”;

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

“(6) a decision of the board of directors under section 8 of the Chartered Professional Accountants Act (2012, chapter 11).”

**23.** Section 182.2 of the Code is amended by replacing “, the second or third paragraph of section 187.9 or section 187.10.4, or under section 16 of the Engineers Act (chapter I-9)” in the sixth paragraph by “ or the second or third paragraph of section 187.9, under section 16 of the Engineers Act (chapter I-9) or under section 8 of the Chartered Professional Accountants Act (2012, chapter 11)”.

**24.** Chapter VI.2.1 of the Code, including sections 187.10.1 to 187.10.7, is repealed.

**25.** Schedule I to the Code is amended

(1) by striking out paragraphs 14, 22 and 23;

(2) by inserting the following paragraph after paragraph 21.4:

“21.5 The Ordre professionnel des comptables professionnels agréés du Québec;”.

#### MUNICIPAL CODE OF QUÉBEC

**26.** Article 620 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing “, sections 1, 2, 4 to 8, 12 to 44 and 50 of the Act respecting municipal debts and loans (chapter D-7) and section 21 of the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (chapter M-22.1)” in the first paragraph by “and sections 1, 2, 4 to 8, 12 to 44 and 50 of the Act respecting municipal debts and loans (chapter D-7)”.

#### ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL

**27.** Section 10 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended by replacing “, sections 1, 2, 4 to 8, 12 to 44 and 50 of the Act respecting municipal debts and loans (chapter D-7) and section 21 of the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (chapter M-22.1),” by “and sections 1, 2, 4 to 8, 12 to 44 and 50 of the Act respecting municipal debts and loans (chapter D-7)”.

#### ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L’OCCUPATION DU TERRITOIRE

**28.** Division IV of the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (R.S.Q., chapter M-22.1) is repealed.

#### NOTARIES ACT

**29.** Section 16 of the Notaries Act (R.S.Q., chapter N-3) is amended by replacing “accountants recognized by the Chartered Accountants Act (chapter C-48) or by the Professional Code (chapter C-26)” in paragraph 3 by “members of the Ordre des comptables professionnels agréés du Québec” and “of the said Acts” by “prescribed by the Chartered Professional Accountants Act (2012, chapter 11)”.

#### ACT TO AMEND THE PROFESSIONAL CODE AND THE CHARTERED ACCOUNTANTS ACT IN RESPECT OF PUBLIC ACCOUNTANCY

**30.** Section 7 of the Act to amend the Professional Code and the Chartered Accountants Act in respect of public accountancy (2007, chapter 42) is repealed.

**DIVISION IX****MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS**

**31.** The Chartered Accountants Act (R.S.Q., chapter C-48) is repealed.

**32.** In any Act other than those referred to in sections 15 to 31, in any regulation other than those referred to in sections 34 to 38, and in any order in council, order, proclamation, resolution, letters patent, contract or other document, unless the context indicates otherwise and with the necessary modifications,

(1) “Ordre professionnel des comptables agréés du Québec”, “Ordre professionnel des comptables généraux accrédités du Québec” and “Ordre professionnel des comptables en management accrédités du Québec”, as well as “Ordre des comptables agréés du Québec”, “Ordre des comptables généraux accrédités du Québec” and “Ordre des comptables en management accrédités du Québec”, are replaced respectively, wherever they appear, by “Ordre professionnel des comptables professionnels agréés du Québec” and “Ordre des comptables professionnels agréés du Québec”;

(2) “of a professional order”, “of the professional orders” and “of one of the professional orders”, when used in reference to a professional order of accountants mentioned in the Professional Code (R.S.Q., chapter C-26), are replaced wherever they appear by “of the professional order”;

(3) “chartered accountant, certified management accountant, certified general accountant” and “certified accountant, a certified management accountant or a certified general accountant” are replaced wherever they appear by “chartered professional accountant”.

**33.** Wherever they appear in the following provisions, “chartered accountant” and “chartered accountants” are replaced respectively by “chartered professional accountant” and “chartered professional accountants”:

(1) section 573.3.0.2 of the Cities and Towns Act (R.S.Q., chapter C-19);

(2) article 938.0.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(3) section 112.2 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);

(4) section 105.2 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);

(5) paragraph 2 of section 64 of the Public Service Act (R.S.Q., chapter F-3.1.1);

(6) section 101 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01);

(7) subparagraph 3 of the fourth paragraph of subsection 1 of section 204 and subparagraph 3 of the fourth paragraph of subsection 1 of section 358 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

(8) the heading of Chapter 2 and section 3 of the Regulation respecting the awarding of contracts for certain professional services (R.R.Q., chapter C-19, r. 2); and

(9) paragraph 4 of section 65 of the Regulation respecting animals in captivity (R.R.Q., chapter C-61.1, r. 5).

Wherever it appears in the following provisions, “chartered accountant” is replaced by “chartered professional accountant auditor”:

(1) the first paragraph of section 181 of the Mining Act (R.S.Q., chapter M-13.1);

(2) section 2.3 of Schedule 4 to the Regulation respecting trust accounting by bailiffs and the indemnity fund of the Chambre des huissiers de justice du Québec (R.R.Q., chapter H-4.1, r. 6);

(3) subparagraph *d* of paragraph 3 of section 63 and paragraph 2 of section 68 of the Regulation respecting petroleum, natural gas and underground reservoirs (R.R.Q., chapter M-13.1, r. 1); and

(4) the second paragraph of section 62 of the Règlement de l’Association des entrepreneurs en construction du Québec, made by Order in Council 946-95 (1995, G.O. 2, 3028, French only).

**34.** The following regulations are deemed to have been adopted by the board of directors of the Ordre des comptables professionnels agréés du Québec and are amended by replacing, wherever they appear and with the necessary modifications, “Ordre professionnel des comptables généraux accrédités du Québec” and “Ordre professionnel des comptables en management accrédités du Québec” by “Ordre professionnel des comptables professionnels agréés du Québec”, “Ordre des comptables agréés du Québec” and “Ordre des comptables en management accrédités du Québec” by “Ordre des comptables professionnels agréés du Québec”, “chartered accountant” and “certified management accountant” by “chartered professional accountant”, and “chartered accountants” and “certified management accountants” by “chartered professional accountants”:

(1) the Regulation respecting legal authorizations to practise as a certified management accountant outside Québec that give access to the permit issued by the Ordre professionnel des comptables en management accrédités du Québec (R.R.Q., chapter C-26, r. 27), subject to section 39;

(2) the Règlement sur la formation continue obligatoire des comptables en management accrédités du Québec (R.R.Q., chapter C-26, r. 35), subject to section 40;

(3) the Regulation respecting compulsory continuing education for Québec certified management accountants who hold a public accountancy permit (R.R.Q., chapter C-26, r. 36), subject to section 41;

(4) the Règlement sur la tenue des dossiers et des cabinets de consultation et sur la cessation d'exercice d'un membre de l'Ordre des comptables en management accrédités du Québec (R.R.Q., chapter C-26, r. 43);

(5) the Règlement sur les affaires du Conseil d'administration et les assemblées générales de l'Ordre professionnel des comptables généraux accrédités du Québec (R.R.Q., chapter C-26, r. 45);

(6) the Regulation respecting the refresher training periods and the refresher courses of the Ordre professionnel des comptables généraux accrédités du Québec (R.R.Q., chapter C-26, r. 64);

(7) the Code of ethics of chartered accountants (R.R.Q., chapter C-48, r. 4), subject to section 42;

(8) the Regulation respecting the professional inspection committee of the Ordre des comptables agréés du Québec (R.R.Q., chapter C-48, r. 5);

(9) the Regulation respecting trust accounting by chartered accountants and the indemnity fund of the Ordre des comptables agréés du Québec (R.R.Q., chapter C-48, r. 7);

(10) the Regulation respecting the practice of the chartered accountancy profession within a partnership or a joint-stock company (R.R.Q., chapter C-48, r. 12), subject to section 43; and

(11) the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des comptables agréés du Québec (R.R.Q., chapter C-48, r. 17).

**35.** The following regulations are deemed to have been adopted by the board of directors of the Ordre des comptables professionnels agréés du Québec and remain in force, unless they are replaced before then by the board, until 16 May 2014 or any other later date determined by the Government:

(1) the Regulation respecting terms and conditions for permits to be issued by the Ordre professionnel des comptables en management accrédités du Québec (R.R.Q., chapter C-26, r. 33);

(2) the Regulation respecting the standards for equivalence of diplomas for the issue of a permit of the Ordre professionnel des comptables en management accrédités du Québec (R.R.Q., chapter C-26, r. 38);

(3) the Regulation respecting the standards for equivalence of training for the issue of a permit of the Ordre professionnel des comptables en management accrédités du Québec (R.R.Q., chapter C-26, r. 39);

(4) the Regulation respecting the public accountancy permit of the Ordre des comptables en management accrédités du Québec (R.R.Q., chapter C-26, r. 40);

(5) the Règlement sur les conditions et modalités de délivrance des permis de l'Ordre professionnel des comptables généraux accrédités du Québec (R.R.Q., chapter C-26, r. 51);

(6) the Règlement sur la délivrance du permis de l'Ordre des comptables généraux accrédités du Québec pour donner effet à l'arrangement conclu par l'Ordre en vertu de l'Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles (R.R.Q., chapter C-26, r. 52);

(7) the Règlement sur les normes d'équivalence de diplôme aux fins de la délivrance d'un permis de l'Ordre professionnel des comptables généraux accrédités du Québec (R.R.Q., chapter C-26, r. 59);

(8) the Règlement sur les normes d'équivalence de formation aux fins de la délivrance d'un permis de l'Ordre professionnel des comptables généraux accrédités du Québec (R.R.Q., chapter C-26, r. 60);

(9) the Regulation respecting the public accountancy permit of the Ordre des comptables généraux accrédités du Québec (R.R.Q., chapter C-26, r. 61);

(10) the Regulation respecting the terms and conditions for the issue of a permit of the Ordre des comptables agréés du Québec (R.R.Q., chapter C-48, r. 8);

(11) the Règlement sur la délivrance d'un permis de l'Ordre des comptables agréés du Québec pour donner effet à l'arrangement conclu par l'Ordre en vertu de l'entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles (R.R.Q., chapter C-48, r. 9);

(12) the Regulation respecting the standards for equivalence of diplomas for the issue of a permit by the Ordre des comptables agréés du Québec (R.R.Q., chapter C-48, r. 15); and

(13) the Regulation respecting the standards for equivalence of training for the issue of a permit of the Ordre des comptables agréés du Québec (R.R.Q., chapter C-48, r. 16).

**36.** The following regulations are deemed to have been adopted by the board of directors of the Ordre des comptables professionnels agréés du Québec:

(1) the Regulation respecting the professional liability insurance of certified management accountants of Québec (R.R.Q., chapter C-26, r. 26);

(2) the Regulation respecting professional liability insurance for certified general accountants (R.R.Q., chapter C-26, r. 46); and

(3) the Règlement sur l'assurance de la responsabilité professionnelle des membres de l'Ordre des comptables agréés du Québec (R.R.Q., chapter C-48, r. 2).

From 1 April 2013, the regulations mentioned in subparagraphs 1 and 2 of the first paragraph are repealed and the regulation mentioned in subparagraph 3 of that paragraph is amended by replacing “Ordre des comptables agréés du Québec” and “Ordre des comptables agréés”, wherever they appear, by “Ordre des comptables professionnels agréés du Québec” and “chartered accountants” by “chartered professional accountants”.

**37.** Sections 1.25, 1.28 and 1.29 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (R.R.Q., chapter C-26, r. 2) continue to apply.

**38.** The Regulation respecting the Committee on training of chartered accountants (R.R.Q., chapter C-48, r. 6) becomes applicable to the Ordre des comptables professionnels agréés du Québec and is amended by replacing “Ordre professionnel des comptables agréés du Québec”, “chartered accountant” and “chartered accountants” respectively, wherever they appear, by “Ordre professionnel des comptables professionnels agréés du Québec”, “chartered professional accountant” and “chartered professional accountants”.

**39.** The Regulation respecting legal authorizations to practise as a certified management accountant outside Québec that give access to the permit issued by the Ordre professionnel des comptables en management accrédités du Québec, which becomes a regulation of the Ordre des comptables professionnels agréés du Québec under paragraph 1 of section 34, is amended

(1) by striking out “as a certified management accountant” in the title;

(2) by inserting “chartered accountant, certified general accountant or” in section 1 after “to practise as a”;

(3) by replacing the first occurrence of “certified management” in section 2 by “chartered professional”;

(4) by striking out “to practise as a certified management accountant” in section 2.



This regulation remains in force, unless it is replaced before then by the board of directors of the Ordre des comptables professionnels agréés du Québec, until 16 May 2014 or any other later date determined by the Government.

**40.** The Règlement sur la formation continue obligatoire des comptables en management accrédités du Québec, which becomes a regulation of the Ordre des comptables professionnels agréés du Québec under paragraph 2 of section 34, is amended

(1) by replacing “20” in the first paragraph of section 2 by “25”;

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

“**3.** Toute personne qui est inscrite au tableau de l’Ordre plus d’un mois après le début d’une année d’une période de référence doit, à moins d’en être dispensée conformément à la section V, accumuler jusqu’à la fin de cette année de la période de référence, les heures de formation calculées au prorata des mois qui restent. Elle doit en outre accumuler au moins 15 heures de formation par année complète dans la période de référence, le cas échéant.”

**41.** The Regulation respecting compulsory continuing education for Québec certified management accountants who hold a public accountancy permit, which becomes a regulation of the Ordre des comptables professionnels agréés du Québec under paragraph 3 of section 34, is amended

(1) by replacing section 2 by the following section:

“**2.** All persons entered on the roll of the Order more than one month after the start of a year in a reference period must, unless exempt pursuant to Division V, complete before the end of that year two hours of continuing education in the fields described in section 1 for each month of membership, whether complete or not. They must also complete a minimum of 15 hours in those fields per full year in the reference period, if applicable.”;

(2) by inserting “or revoke” after “suspend” and “or revocation” after “suspension” in section 16.

**42.** The Code of ethics of chartered accountants, which becomes the Code of ethics of chartered professional accountants under paragraph 7 of section 34, is amended

(1) by replacing “Chartered Accountants Act (R.S.Q., chapter C-48) wherever it appears in sections 1 to 3, 11 and 15 by “Chartered Professional Accountants Act (2012, chapter 11)”;

(2) by striking out the second and third paragraphs of section 1;

(3) by inserting the following section after section 19:

**“19.0.1.** The management accounting standards generally accepted in the profession are those set out in the Management Accounting Guidelines of the Society of Management Accountants of Canada.

When a member deviates from one of the guidelines, the member must, to the extent possible, refer to authoritative literature and indicate the deviation.”;

(4) by replacing “from consulting a member of the Ordre, a member of the Canadian Institute of Chartered Accountants,” in section 22 by “or the member’s employer from consulting a member.”;

(5) by striking out “a member of the Canadian Institute of Chartered Accountants,” in section 24;

(6) by replacing “reasonable period of time” in the second paragraph of section 72 by “minimum period of 90 days”;

(7) by replacing “12” in section 74 by “36”.

Section 19.0.1 enacted by subparagraph 3 of the first paragraph applies only to

(1) the members of the Ordre des comptables en management accrédités du Québec who become members of the Ordre des comptables professionnels agréés du Québec under section 56; and

(2) the persons who, after this Act comes into force, are entered on the roll of the Ordre des comptables professionnels agréés du Québec after having obtained their permit under a regulation made by the board of directors of the Ordre des comptables en management accrédités du Québec in accordance with paragraph *c* of section 93 or paragraph *q* of section 94 of that Code, or section 1.25 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders and, if applicable, paragraph *i* of section 94 of that Code, as they read on 15 May 2012.

Sections 59.1 to 59.4 of the Code of ethics of chartered professional accountants apply to the members of the Ordre des comptables généraux accrédités du Québec or of the Ordre des comptables en management accrédités du Québec who become members of the Ordre des comptables professionnels agréés du Québec under section 56 only from 16 May 2013.

**43.** The Regulation respecting the practice of the chartered accountancy profession within a partnership or a joint-stock company, which becomes a regulation of the Ordre des comptables professionnels agréés du Québec under paragraph 10 of section 34 of this Act, is amended

(1) by replacing “members of the Canadian Institute of Chartered Accountants” in subparagraph *a* of subparagraph 1 of the first paragraph of

section 1 by “of a professional order of chartered accountants, certified general accountants or certified management accountants or the equivalent in a Canadian province or territory, who are”;

(2) by replacing “members of the Canadian Institute of Chartered Accountants” in subparagraph *b* of subparagraph 1 of the first paragraph of section 1 by “persons referred to in subparagraph *a* who are”;

(3) by replacing “members of the Order or members of the Canadian Institute of Chartered Accountants” in subparagraph 2 of the first paragraph of section 1 by “persons referred to in subparagraph *a* of subparagraph 1 who are”;

(4) by replacing “members of the Order or members of the Canadian Institute of Chartered Accountants who” in subparagraph 3 of the first paragraph of section 1 by “persons referred to in subparagraph *a* of subparagraph 1, who”;

(5) by replacing subparagraph 4 of the first paragraph of section 1 by the following subparagraph:

“(4) one or more members of the Order who engage in professional activities within the partnership or company hold a partnership share or company share with voting rights;”;

(6) by replacing “a member of the Order or members of the Canadian Institute of Chartered Accountants” in subparagraph 5 of the first paragraph of section 1 by “is a person referred to in subparagraph *a* of subparagraph 1”;

(7) by replacing, in subparagraph 6 of the first paragraph of section 1, “only a member of the Order or a member of the Canadian Institute of Chartered Accountants” by “only a person referred to in subparagraph *a* of subparagraph 1 who is”, “member of the Order or another member of the Canadian Institute of Chartered Accountants” by “person referred to in subparagraph *a* of subparagraph 1”, “paragraph 1(1)*b*” by “subparagraph *b* of subparagraph 1”, “investi” in the French text by “investie” and “1” in the French text by “1<sup>o</sup>”;

(8) by replacing subparagraph *a* of subparagraph 1 of the first paragraph of section 2 by the following subparagraph:

“(a) by the following persons practising in the partnership or joint-stock company:

*i.* members of a professional order governed by the Professional Code (R.S.Q., c. C-26);

*ii.* professional accountants who are members of a professional order of accountants or the equivalent in a Canadian province or territory;

*iii.* real estate or mortgage brokers holding a licence issued by the Organisme d'autoréglementation du courtage immobilier du Québec under the Real Estate Brokerage Act (R.S.Q., c. C-73.2);

iv. insurance representatives, claims adjusters and financial planners holding a certificate issued by the Autorité des marchés financiers under the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2);

v. dealers, advisers and investment fund managers registered as such in accordance with Title V of the Securities Act (R.S.Q., c. V-1.1);

vi. actuaries who are members of the Canadian Institute of Actuaries; and

vii. persons carrying on activities similar to those referred to in subparagraphs *iii* to *v* under an Act of another Canadian province or territory setting out rules similar to those that apply to members of the Order;”;

(9) by replacing section 17 by the following section :

**“17.** A member of the Order who on 15 May 2012 was a member of the Ordre des comptables en management accrédités du Québec and practised in a joint-stock company incorporated for that purpose before 6 October 2011, which is the date of coming into force of the Regulation respecting the practice of the profession of certified management accountant within a partnership or joint-stock company (R.R.Q., c. C-26, r. 33.1), shall, no later than 6 October 2012, comply with this Regulation.”

**44.** From 16 May 2012, the board of directors of the Ordre des comptables professionnels agréés du Québec is composed of the following persons, for the following terms:

(1) a president, elected by secret ballot by the directors elected under subparagraphs 2 to 4, from among their own number; the president is deemed to be elected in the manner determined in subparagraph *b* of the first paragraph of section 64 of the Professional Code, for a term ending in 2014, on the date the president elected in 2014 takes office, as set by the regulation made under paragraph *b* of section 93 of the Code;

(2) six directors chosen from among the members of the board of directors of the Ordre des comptables agréés du Québec through an election by secret ballot held among the members of the board in office on 15 May 2012, for a term ending in 2014 for two of them, in 2015 for two of them and in 2016 for two of them;

(3) three directors chosen from among the members of the board of directors of the Ordre des comptables généraux accrédités du Québec through an election by secret ballot held among the members of the board in office on 15 May 2012, for a term ending in 2014 for one of them, in 2015 for one of them and in 2016 for one of them;

(4) three directors chosen from among the members of the board of directors of the Ordre des comptables en management accrédités du Québec through an election by secret ballot held among the members of the board in office on

15 May 2012, for a term ending in 2014 for one of them, in 2015 for one of them and in 2016 for one of them;

(5) four directors appointed by the Office des professions du Québec in accordance with section 78 of the Professional Code.

The terms as director that expire in 2014, in 2015 and in 2016 end on the date the directors elected in 2014, in 2015 and in 2016, respectively, take office, as set by the regulation made under paragraph *b* of section 93 of the Professional Code.

Two vice-presidents are chosen through an election by secret ballot held among the directors elected under subparagraphs 2 to 4 of the first paragraph; they are chosen from among all the directors elected under those subparagraphs, except those elected under the subparagraph from which the president-elect was drawn in accordance with subparagraph 1 of the first paragraph; moreover, the directors elected as vice-presidents may not be drawn from the directors elected under the same subparagraph, so that each of the three professional orders of accountants that exist on 15 May 2012 is represented in the positions of president and vice-president; their term ends in 2014, on the date the president elect takes office in 2014, as set by the regulation made under paragraph *b* of section 93 of the Professional Code.

The directors referred to in subparagraphs 2 to 4 of the first paragraph are deemed to be elected directors.

**45.** The secretary of the Ordre des comptables agréés du Québec in office on 15 May 2012 becomes the secretary of the Ordre des comptables professionnels agréés du Québec until replaced by the board of directors.

**46.** Until a regulation made by the board of directors of the Ordre des comptables professionnels agréés du Québec under paragraph *f* of section 93 of the Professional Code comes into force, the head office of the Order will be located in the territory of the Communauté métropolitaine de Montréal.

**47.** The Ordre des comptables professionnels agréés du Québec succeeds to the rights and obligations of the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec and the Ordre des comptables en management accrédités du Québec.

**48.** The patrimonies of the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec and the Ordre des comptables en management accrédités du Québec form a single patrimony that is the patrimony of the Ordre des comptables professionnels agréés du Québec.

**49.** The records, registers and documents held by the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec and the Ordre des comptables en management accrédités du Québec become those of the Ordre des comptables professionnels agréés du Québec.

The rolls and directories of the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec and the Ordre des comptables en management accrédités du Québec become the roll and the directory of the Ordre des comptables professionnels agréés du Québec.

**50.** The records held by the offices of the syndic of the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec and the Ordre des comptables en management accrédités du Québec become records of the office of the syndic of the Ordre des comptables professionnels agréés du Québec.

Requests for an inquiry submitted to the syndic ad hoc of the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec or the Ordre des comptables en management accrédités du Québec in office on 15 May 2012 are assigned to that syndic ad hoc, who is deemed to have been appointed by the board of directors of the Ordre des comptables professionnels agréés du Québec.

**51.** Agreements entered into under the Professional Code with any body by the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec or the Ordre des comptables en management accrédités du Québec are deemed to be entered into by the Ordre des comptables professionnels agréés du Québec.

The Cooperation agreement between the Ordre des comptables agréés du Québec and the Canadian Public Accountability Board (R.R.Q., chapter C-48, r. 11) entered into under section 22.1 of the Chartered Accountants Act (R.S.Q., chapter C-48), as it read before the Act was repealed by section 31, is deemed to have been entered into under section 9.

**52.** Matters pending before the disciplinary council of the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec or the Ordre des comptables en management accrédités du Québec on 15 May 2012 are continued, heard and decided by the disciplinary council that had been seized of it or before which the matter was heard before this Act came into force.

The chair of the disciplinary council of the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec and the Ordre des comptables en management accrédités du Québec, in office on 15 May 2012, acts as chair of the disciplinary council of the Ordre des comptables professionnels agréés du Québec in respect of new matters for the unexpired portion of his or her term and under the same conditions, until the chair is reappointed or replaced under section 117 of the Professional Code.

**53.** Proceedings to which the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec or the Ordre des comptables en management accrédités du Québec is party are continued without

continuance of suit by the Ordre des comptables professionnels agréés du Québec.

**54.** As long as the board of directors of the Ordre des comptables professionnels agréés du Québec has not determined the amount of the annual assessment in accordance with section 85.1 of the Professional Code, the amount of that assessment is deemed to be the same as the amount of the annual assessment due for the year during which this Act comes into force and that assessment is subject to the same rules in respect of the manner and date of payment.

**55.** A person holding a permit issued by the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec or the Ordre des comptables en management accrédités du Québec becomes the holder of a permit issued by the Ordre des comptables professionnels agréés du Québec.

**56.** A person who is entered on the roll of the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec or the Ordre des comptables en management accrédités du Québec is entered on the roll of the Ordre des comptables professionnels agréés du Québec.

**57.** The board of directors of the Ordre des comptables professionnels agréés du Québec issues chartered professional accountant's permits to persons who are authorized by law to practise the profession of chartered accountant outside Canada under a mutual recognition agreement entered into within the framework of the North American Free Trade Agreement or under an agreement entered into between the Ordre des comptables agréés du Québec and another body not governed by the former agreement, provided the agreement was entered into before 15 May 2012, and who

(1) provide a certificate signed by the competent officer attesting that they are members in good standing of a corporation of chartered accountants of another country;

(2) show that the level of the examinations and the conditions of admission in the foreign corporation are in conformity with the level of the examinations and the conditions of admission of the Ordre des comptables professionnels agréés du Québec; and

(3) pass a test on federal and Québec tax legislation, Québec business law and ethics.

This section ceases to apply on the date of coming into force of a regulation made by the board of directors of the Order under paragraph *q* of section 94 of the Professional Code.

**58.** The board of directors of the Ordre des comptables professionnels agréés du Québec issues chartered professional accountant's permits to candidates for the practice of the profession who, from 16 May 2012, meet the conditions set

out in section 1 of the Regulation respecting the terms and conditions for the issue of a permit of the Ordre des comptables agréés du Québec but who, despite section 4 of that regulation, serve a professional training period of a duration of 24 months in order to develop their skills in the field of performance measurement and reporting and in at least two of the five following fields:

- (1) public accountancy;
- (2) taxation;
- (3) governance, strategy and risk management;
- (4) management decision-making; and
- (5) finance.

This section ceases to apply on the date of coming into force of a regulation made by the board of directors of the Ordre des comptables professionnels agréés du Québec under paragraph *i* of section 94 of the Professional Code.

**59.** A person who, on 15 May 2012, is a member of the Ordre des comptables agréés du Québec becomes the holder of a public accountancy permit issued by the board of directors of the Ordre des comptables professionnels agréés du Québec if he or she meets one of the following conditions:

(1) the person, in the five years preceding the coming into force of this Act, practised public accountancy within the meaning of section 19 of the Chartered Accountants Act as it read before the Act was repealed by section 31, except the performance of compilation engagements not intended exclusively for internal management purposes;

(2) the person did not practise public accountancy, except the performance of compilation engagements not intended exclusively for internal management purposes, in the five years preceding the coming into force of this Act, but meets the requirements of the Regulation concerning mandatory continuing education for Québec chartered accountants who practice public accountancy, as it read on 15 May 2012; or

(3) the person did not practise public accountancy, except the performance of compilation engagements not intended exclusively for internal management purposes, in the five years preceding the coming into force of this Act, but, between 16 May 2012 and the coming into force of a regulation made by the board of directors of the Ordre des comptables professionnels agréés du Québec under the second paragraph of section 5, meets the standards for the issue and holding of a public accountancy permit established under sections 10 to 15 of the Regulation respecting the public accountancy permit of the Ordre des comptables généraux accrédités du Québec.



**60.** The board of directors of the Ordre des comptables professionnels agréés du Québec issues a public accountancy permit

(1) to a member who obtained a permit under section 1 of the Regulation respecting the terms and conditions for the issue of a permit of the Ordre des comptables agréés du Québec, between 16 May 2012 and the coming into force of a regulation made by the board of directors of the Ordre des comptables professionnels agréés du Québec under the second paragraph of section 5;

(2) to a member who obtained a chartered professional accountant's permit under the Règlement sur la délivrance d'un permis de l'Ordre des comptables agréés du Québec pour donner effet à l'arrangement conclu par l'Ordre en vertu de l'entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles, between 16 May 2012 and the coming into force of the regulation made by the board of directors of the Ordre des comptables professionnels agréés du Québec under paragraph c.2 of section 93 of the Professional Code;

(3) to a member who obtained a chartered professional accountant's permit under the regulation mentioned in section 39 and who holds a legal authorization to practise public accountancy in another Canadian province or territory; and

(4) to a member who obtained a chartered professional accountant's permit under section 57 and who is authorized by law to practise public accountancy outside Canada under a mutual recognition agreement entered into within the framework of the North American Free Trade Agreement or under an agreement entered into between the board of directors of the Ordre des comptables agréés du Québec and another body not governed by the former agreement, provided the agreement was entered into before 15 May 2012.

**61.** A member of the Ordre des comptables généraux accrédités du Québec or of the Ordre des comptables en management accrédités du Québec who, on 15 May 2012, holds a public accountancy permit becomes the holder of a public accountancy permit issued by the board of directors of the Ordre des comptables professionnels agréés du Québec.

**62.** The following persons must use the title “chartered professional accountant, chartered accountant”, “chartered professional accountant, certified general accountant” or “chartered professional accountant, certified management accountant”, as the case may be, or the initials that refer to those titles, until 16 May 2022:

(1) a person who, on 15 May 2012, was entered on the roll of the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec or the Ordre des comptables en management accrédités du Québec;

(2) a person who held a permit issued by the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec or the Ordre des comptables en management accrédités du Québec on 15 May 2012

and was entered on the roll of the Ordre des comptables professionnels agréés du Québec after that date;

(3) a person who, after the coming into force of this Act, was entered on the roll of the Ordre des comptables professionnels agréés du Québec after acquiring a permit under the regulation made in accordance with paragraph *c* or *c.2* of section 93, paragraph *q* of section 94 or the first paragraph of section 184 of the Professional Code or, if applicable, with paragraph *i* of section 94 of that Code as it read on 15 May 2012.

**63.** Persons who are subject to section 62 must, if they are required to use the title “auditor”, place that title immediately after the title “chartered professional accountant” or the initials that refer to that title.

**64.** A member of the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec or the Ordre des comptables en management accrédités du Québec who, on 15 May 2012, uses more than one title because the person belongs to more than one of the orders, may continue to use them in accordance with section 62 until 16 May 2013.

The person must, before that date, choose one of those titles and inform the Secretary of the Ordre des comptables professionnels agréés du Québec of the choice. If the person fails to notify the Secretary, the person is deemed to have chosen the title he or she was authorized to use upon first being entered on the roll of one of the orders.

**65.** A member of the Ordre des comptables généraux accrédités du Québec or the Ordre des comptables en management accrédités du Québec who, on 28 March 2012, exercised the rights and privileges expressly granted under sections 28 and 29 of the Chartered Accountants Act as they read before they were repealed on 20 December 2007 by section 5 of the Act to amend the Professional Code and the Chartered Accountants Act in respect of public accountancy (2007, chapter 42), may obtain a public accountancy permit issued by the board of directors of the Ordre des comptables professionnels agréés du Québec. The holder of that permit must use the title “auditor” in accordance with section 7 or sections 62 and 63, as applicable, adding an explicit indication that the practice of public accountancy is limited to the field in which the permit holder is authorized to practise.

A member of the Ordre des comptables généraux accrédités du Québec or the Ordre des comptables en management accrédités du Québec who, on 28 March 2012, performed review engagements within the meaning of the third paragraph of section 4, may also obtain a public accountancy permit issued by the board of directors of the Ordre des comptables professionnels agréés du Québec. The holder of that permit must use the title “auditor” in accordance with section 7 or sections 62 and 63, as applicable, adding an explicit indication that the practice of public accountancy is limited to review engagements.

Sections 6 and 8 apply to the members referred to in the first and second paragraphs, with the necessary modifications.

To avail themselves of the rights and privileges provided for in the first or second paragraph, members must be entered in the register established for that purpose by the Ordre des comptables professionnels agréés du Québec. The registration is valid for one year and may be renewed.

These rights and privileges end as soon as a member is no longer entered in the register.

Members who wish to avail themselves of the rights and privileges granted under the first or second paragraph must apply to the Ordre des comptables professionnels agréés du Québec no later than 16 May 2013.

**66.** Despite section 108 of the Professional Code, the fiscal year 2011-2012 of each of the Ordre des comptables agréés du Québec, the Ordre des comptables généraux accrédités du Québec and the Ordre des comptables en management accrédités du Québec ends on 15 May 2012.

**67.** Eight years after the coming into force of this Act, the Ordre des comptables professionnels agréés du Québec must report to the Office des professions du Québec on the application of the provisions of this Act. The report must also include all the information required by the Office.

The Minister must, within three months after the end of the eight years provided for in the first paragraph, report to the Government on the application of this Act by the Ordre des comptables professionnels agréés du Québec, and include the report produced under that paragraph.

**68.** The Government may, by a regulation made within 12 months after the coming into force of this Act, prescribe any other transitional provision that is not incompatible with those provided in this Act to ensure its application.

The regulation made under the first paragraph is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1) and, despite section 17 of that Act, comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date set in the regulation. The regulation may also apply, if it so provides, from a date not prior to 16 May 2012.

**69.** This Act comes into force on 16 May 2012.



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## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 526-2012, 23 May 2012**

#### **An Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations (2009, c. 28)**

#### **— Coming into force of certain provisions of the Act**

COMING INTO FORCE of certain provisions of the Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations

WHEREAS the Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations (2009, c. 28) was assented to on 19 June 2009;

WHEREAS section 19 of the Act provides that its provisions come into force on the date or dates to be set by the Government;

WHEREAS, under Order in Council 552-2010 dated 23 June 2010, sections 187.3.1, 187.3.2 and 187.5 to 187.5.6, introduced by section 11 of the Act, came into force on 23 June 2010;

WHEREAS it is expedient to set 21 June 2012 as the date of coming into force of sections 187.1, 187.2, 187.3, 187.4, 187.4.1, 187.4.2 and 187.4.3 of the Professional Code (R.S.Q., c. C-26), introduced by section 11 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT 21 June 2012 be set as the date of coming into force of sections 187.1, 187.2, 187.3, 187.4, 187.4.1, 187.4.2 and 187.4.3 of the Professional Code, introduced by section 11 of the Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*



## Regulations and other Acts

Gouvernement du Québec

### O.C. 527-2012, 23 May 2012

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

#### Psychotherapist — Permit

Regulation respecting the psychotherapist's permit

WHEREAS, under the third paragraph of section 187.1 of the Professional Code (R.S.Q., c. C-26), the Office des professions du Québec must establish by regulation a list of actions which relate to psychotherapy but do not constitute psychotherapy within the meaning of the second paragraph of section 187.1 of the Code, and define those actions;

WHEREAS, under section 187.3.1 of the Professional Code, the Office must determine, by regulation, the conditions to be met for a physician, psychologist or holder of a psychotherapist's permit to use the title of "Psychotherapist", the standards for the issue of a psychotherapist's permit and the framework for the continuing education requirements with which a physician or psychologist practising psychotherapy, or a holder of a psychotherapist's permit must comply, in accordance with the conditions set by resolution of the board of directors of the Collège des médecins du Québec and the Ordre professionnel des psychologues du Québec, the penalties for failing to comply and, where applicable, the cases in which a member may be exempted from complying;

WHEREAS, under section 187.3.2 of the Professional Code, in exercising the regulatory power conferred by section 187.3.1 of the Code, the Office is authorized to take transitional measures during the first six years following 21 June 2012 which may have effect, in whole or in part, from any date not prior to that date;

WHEREAS, under the second paragraph of section 187.3.2 of the Professional Code, the Office is also authorized, during the first six years following 21 June 2012 and under the conditions it determines, to allow a psychotherapist's permit to be issued by the board of directors of the Ordre professionnel des psychologues du Québec to persons who do not satisfy the conditions of issue respecting a permit of one of the professional orders whose members may practise psychotherapy, and

to determine the provisions of the Code and the regulations made under it by the board of directors of the Ordre professionnel des psychologues du Québec that will apply to such a holder of a psychotherapist's permit;

WHEREAS the Office made the Regulation respecting the psychotherapist's permit;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 5 October 2011 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, under section 13 of the Professional Code, every regulation made by the Office under the Code or under an Act constituting a professional order must be submitted to the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation respecting the psychotherapist's permit, attached to this Order in Council, be approved.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

### Regulation respecting the psychotherapist's permit

Professional Code  
(R.S.Q., c. C-26, ss. 187.1, 187.3.1 and 187.3.2)

#### DIVISION I ISSUE OF A PSYCHOTHERAPIST'S PERMIT

**1.** The board of directors of the Ordre professionnel des psychologues du Québec issues a psychotherapist's permit to a member of the Ordre professionnel des conseillers et conseillères d'orientation du Québec, the Ordre professionnel des ergothérapeutes du Québec, the Ordre professionnel des infirmières et infirmiers du Québec, the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec or the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec who

(1) holds a master's degree in the field of mental health and human relations;

(2) has university-level theoretical training in psychotherapy of 765 hours apportioned as follows:

i. 270 hours on 4 theoretical models of intervention, namely, psychodynamic, cognitive-behavioural, systemic, and communication theories and humanist theories; of the 270 hours, 45 hours must be devoted to 3 of those models and 135 hours to the fourth of those models;

ii. 90 hours on the common factors, including the psychotherapist's attitudes, the context and the client's expectations, relational quality, communication skills and the placebo effect;

iii. 90 hours on the essential tools, including scientific methods such as quantitative research and statistics as well as qualitative research including epistemological models such as hermeneutics and phenomenology;

iv. 180 hours on the classification of mental disorders, psychopathology and problems related to human development including understanding using various models of intervention, recognized classifications such as the Diagnostic and Statistical Manual of Mental Disorders (DSM) and the International Classification of Diseases (ICD) and their subsequent modifications, life cycles and major problems that are related to them;

v. 45 hours on the link between biology and psychotherapy, including somatopsychic and psychosomatic relationships, the relevance and limits of psychotherapy, a general knowledge of the anatomy and physiology of the central nervous system, as well as psychotropic drugs;

vi. 45 hours on the legal and organizational aspects of the practice of psychotherapy including the laws and the organizational resources;

vii. 45 hours on ethics and deontology including the psychotherapist's duties and requirements toward the client, the public and the practice of psychotherapy.

That training must have been received in the course of a program of study leading to a diploma giving rise to the permit of one of the professional orders referred to in the first paragraph of section 187.1 of the Professional Code (R.S.Q., c. C-26) or in the course of training in psychotherapy received in a university-level educational establishment, a private establishment or from a trainer who

i. is a member of a professional order whose members may practise psychotherapy or holds a psychotherapist's permit;

ii. holds a master's degree or a higher university degree in the field of mental health and human relations or a doctorate of medicine; and

iii. has 5 years of clinical experience in at least 1 of the 4 theoretical models of intervention;

(3) has successfully completed a supervised training period related to at least 1 of the 4 theoretical models of intervention referred to in subparagraph *i* of the first paragraph of paragraph 2 involving a minimum of

i. 300 hours of direct treatment with at least 10 clients, each client having received a direct treatment of at least 10 hours;

ii. 100 hours of individual supervision; and

iii. 200 hours devoted to other activities related to the practice of psychotherapy, such as group supervision, the transcription and writing of notes in records, general case management and directed readings.

The training is supervised by a person who

i. is a physician or psychologist or holds a psychotherapist's permit;

ii. holds a master's degree or a higher university degree in the field of mental health and human relations or a doctorate of medicine;

iii. has 5 years of clinical experience in at least 1 of the 4 theoretical models of intervention; and

iv. has training in supervision.

## **DIVISION II** CONDITIONS FOR USING THE TITLE OF PSYCHOTHERAPIST

**2.** Physicians or psychologists who use the title of psychotherapist must ensure that it is preceded by their reserved title.

Holders of a psychotherapist's permit must use the title of psychotherapist and ensure that such title is preceded by their reserved title.

## **DIVISION III** FRAMEWORK FOR CONTINUING EDUCATION REQUIREMENTS

**3.** Physicians or psychologists who practise psychotherapy and holders of a psychotherapist's permit must accumulate at least 90 hours of continuing education in psychotherapy over a 5-year period.



Physicians must choose continuing education activities from among the continuing education activities in psychotherapy adopted by the Collège des médecins du Québec.

Psychologists and holders of a psychotherapist's permit must choose continuing education activities from among those provided for in the program of continuing education activities in psychotherapy adopted by the Ordre des psychologues du Québec.

**4.** Physicians, psychologists and holders of a psychotherapist's permit are exempted from the obligation to participate in a psychotherapy training activity if they demonstrate that it is impossible for them to participate.

**5.** The Collège des médecins du Québec restricts the right to practise psychotherapy of a physician who has not fulfilled his or her obligation to take continuing education until the physician provides the Collège with proof that the obligation has been fulfilled.

The Ordre des psychologues du Québec restricts the right to practise psychotherapy of a psychologist who has not fulfilled his or her obligation to take continuing education until the psychologist provides the Order with proof that the obligation has been fulfilled.

The Ordre des psychologues du Québec suspends the psychotherapist's permit of the holder who has not fulfilled his or her obligation to take continuing education until the holder provides the Order with proof that the obligation has been fulfilled.

#### **DIVISION IV** **INTERVENTIONS THAT DO NOT CONSTITUTE** **PSYCHOTHERAPY**

**6.** The following interventions do not constitute psychotherapy within the meaning of the second paragraph of section 187.1 of the Professional Code (R.S.Q., c. C-26):

(1) accompaniment and support of a person through regular or sporadic meetings, so that the person may express his or her difficulties. In such a context, the professional or intervener may give advice or make recommendations;

(2) support intervention to support a person so that the person may maintain and consolidate acquired skills and adaptation strategies by targeting strengths and resources through regular or sporadic meetings or activities. The intervention includes reassuring, advising and providing information related to the person's condition or the experienced situation;

(3) conjugal and family intervention designed to promote and support the optimal functioning of the couple or family by means of interviews that often involve all the family members. Such intervention is intended to change the factors in the functioning of the family or couple that impede the couple's or family members' blossoming or to offer assistance and advice in the face of everyday life's difficulties;

(4) psychological education intended to teach skills through the information and education of the person. Such education may be used at every step of the care and service process. It consists in the teaching of specific knowledge and skills to maintain or improve the person's autonomy or health, in particular to prevent the appearance of health or social problems, including mental problems or the deterioration of the person's mental condition. Such teaching may pertain for instance to the nature of the physical or mental illness, its symptoms, its treatments including the role that may be played by the person in the maintenance or restoration of his or her health, as well as stress management techniques, relaxation techniques, or assertiveness techniques;

(5) rehabilitation aiming at helping a person to deal with the symptoms of an illness or improving the person's skills. Such rehabilitation is used, among other things, with persons suffering from significant mental health problems so that they may reach an optimal level of autonomy towards recovery. It may form part of meetings to accompany or support the person and include, for instance, the management of hallucinations and the practice of day-to-day and social skills;

(6) clinical follow-up that consists in meetings to update a disciplinary intervention plan. It is intended for persons who display behaviour problems or any other problem causing suffering or psychological distress, or health problems, including mental problems. It may involve the contribution of various professionals or interveners grouped in interdisciplinary or multidisciplinary teams. Such follow-up may be part of an intervention plan within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Education Act (R.S.Q., c. I-13.3), take the form of meetings or interventions to accompany or support the person and also include psychological rehabilitation or education. It may also include the adjustment of pharmacotherapy;

(7) coaching to update one's potential by developing talents, resources or skills in a person neither in distress nor in pain, but who expresses particular needs in terms of personal or professional achievements;

(8) crisis intervention consisting in an immediate, short and directing intervention adjusted to the type of crisis, the characteristics of the person and of the person's surrounding. It is intended to stabilize the condition of the person or the person's environment in connection with the crisis situation. That type of intervention may involve exploring the situation and assessing possible consequences, for instance, the danger potential, suicidal risk or risk of decompensation, defusing, support, the teaching of adaptation strategies to deal with the experienced situation and orientation towards services or care more adapted to the needs.

## DIVISION V TRANSITIONAL AND FINAL

### §1. *Standards for the issue of the permit*

**7.** The board of directors of the Ordre professionnel des psychologues du Québec issues a psychotherapist's permit to a person who applies therefor within 2 years of the date of coming into force of section 187.1 of the Professional Code and who

(1) holds a bachelor's degree in the field of mental health and human relations on the date of coming into force of section 187.1 of the Code;

(2) has completed, in the 3 years preceding the date of coming into force of section 187.1 of the Code, 600 hours in psychotherapy in connection with at least 1 of the 4 theoretical models of intervention referred to in subparagraph *i* of the first paragraph of paragraph 2 of section 1;

(3) has completed, in the 5 years preceding the date of coming into force of section 187.1 of the Code or in the year following that date, 90 hours of continuing education in psychotherapy in connection with at least 1 of the 4 theoretical models of intervention referred to in subparagraph *i* of the first paragraph of paragraph 2 of section 1; and

(4) has completed, on the date of coming into force of section 187.1 of the Code, 50 hours of individual supervision pertaining to 200 hours of practice of psychotherapy in connection with at least 1 of the 4 theoretical models of intervention referred to in subparagraph *i* of the first paragraph of paragraph 2 of section 1.

**8.** The board of directors of the Ordre professionnel des psychothérapeutes du Québec issues a psychotherapist's permit to a person who applies therefor within 2 years of the date of coming into force of section 187.1 of the Professional Code and who, on the date of coming into force of section 187.1 of the Code,

(1) is a member of the Ordre professionnel des conseillers et conseillères d'orientation du Québec or of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec and is accredited as a psychotherapist; or

(2) is a member of the Canadian Psychoanalytic Society, the Association des psychothérapeutes psychanalytiques du Québec or the Société québécoise des psychothérapeutes professionnels and does not meet the conditions for the issue of a permit by one of the professional orders whose members may practise psychotherapy or, if the person meets those conditions, is a member of one of those orders.

### §2. *Trainers and supervisors*

**9.** For the purposes of paragraph 2 of section 1, a person is also a trainer if, on the date of coming into force of section 187.1 of the Professional Code, the person

(1) is a member of a professional order whose members may practise psychotherapy or holds a psychotherapist's permit;

(2) has 5 years of clinical experience in at least 1 of the 4 theoretical models of intervention; and

(3) has taught for 1 year the theoretical knowledge of at least 1 of the 4 theoretical models of intervention.

**10.** For the purposes of paragraph 3 of section 1, supervision may also be exercised by a person who, on the date of coming into force of section 187.1 of the Professional Code,

(1) is a physician or psychologist or holds a psychotherapist's permit;

(2) has 5 years of clinical experience in at least 1 of the 4 theoretical models of intervention; and

(3) has supervised for 1 year the practice of psychotherapy in at least 1 of the 4 theoretical models of intervention.

### §3. *Applicable provisions*

**11.** The following provisions apply to the holder of a psychotherapist's permit who does not meet the conditions for the issue of a permit by a professional order whose members may practise psychotherapy, with the necessary modifications, and by applying the suspension of a psychotherapist's permit to the striking off the professional roll:

(1) sections 43, 45, 45.2, the second paragraph of section 46.2, sections 48 to 52.1, 53 to 57, 58.1 to 60.7, 62.2, 85.1 to 85.3, paragraph 8 of section 86.0.1, sections 88 to 89.1 and 91 of the Professional Code, Divisions VI and VII, except the first paragraph of section 117, Division VIII of Chapter IV of the Code, except the first paragraph of section 121, and Chapters VI.1, VI.3, VIII and VIII.1 of the Code;

(2) the following regulations:

i. *Règlement sur l'assurance de la responsabilité professionnelle des membres de l'Ordre des psychologues du Québec* (c. C-26, r. 210);

ii. Code of ethics of psychologists (c. C-26, r. 212);

iii. *Règlement sur le comité d'inspection professionnelle de l'Ordre des psychologues du Québec* (c. C-26, r. 213);

iv. Regulation respecting the terms and conditions for the issue of permits by the Ordre professionnel des psychologues du Québec (c. C-26, r. 215);

v. Regulation respecting the records of a psychologist who ceases to practise (c. C-26, r. 216);

vi. Regulation respecting the conciliation and arbitration procedure for the accounts of psychologists (c. C-26, r. 220);

vii. Regulation respecting the keeping of records and consulting-rooms by psychologists (c. C-26, r. 221).

#### §4. *Conditions for using the title of psychotherapist*

**12.** A holder of a psychotherapist's permit who does not meet the conditions for the issue of a permit by one of the professional orders whose members may practise psychotherapy must use the title of psychotherapist and ensure that such title is preceded by the title of the university degree held.

**13.** This Regulation comes into force on 21 June 2012.

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Gouvernement du Québec

## O.C. 528-2012, 23 May 2012

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

### Architects

#### — Practice of the profession of architect within a partnership or a joint-stock company

Regulation respecting the practice of the profession of architect within a partnership or a joint-stock company

WHEREAS, under paragraph *p* of section 94 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order may authorize the members of the order to carry on their professional activities within a limited liability partnership or a joint-stock company constituted for that purpose and, as appropriate, determine the applicable terms and conditions and restrictions;

WHEREAS, under paragraphs *g* and *h* of section 93 of the Professional Code, the board of directors of a professional order must impose on its members who carry on their professional activities within a partnership or a joint-stock company the obligation to furnish and maintain coverage, on behalf of the partnership or company, against liabilities of the partnership or company arising from fault in the practice of their profession and fix the conditions and procedure applicable to a declaration made to the order;

WHEREAS the board of directors of the Ordre des architectes du Québec made the Regulation respecting the practice of the profession of architect within a partnership or a joint-stock company;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to section 95.2, every regulation made by the board of directors of a professional order under the Code must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, pursuant to the first paragraph of section 95.2 of the Professional Code, a regulation made by the board of directors of a professional order under paragraph *g* or *h* of section 93 must be transmitted for examination to the Office, which may approve it with or without amendment;

WHEREAS the first regulation made by the board of directors of a professional order under paragraph *p* of section 94 of the Professional Code must be submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting the practice of the profession of architect within a partnership or a joint-stock company was published in Part 2 of the *Gazette officielle du Québec* of 12 May 2010 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office approved the Regulation, except sections 1 to 3 of Division I, paragraph 2 of section 5 and section 6 of Division I, and Divisions II, IV and V;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve sections 1 to 3 of Division I, paragraph 2 of section 5 and section 6 of Division I, and Divisions II, IV and V of the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT sections 1 to 3 of Division I, paragraph 2 of section 5 and section 6 of Division I, and Divisions II, IV and V of the Regulation respecting the practice of the profession of architect within a partnership or a joint-stock company, attached to this Order in Council, be approved with amendments.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

## Regulation respecting the practice of the profession of architect within a partnership or a joint-stock company

Professional Code  
(R.S.Q., c. C-26, s. 93, pars. *g* and *h*, and s. 94, par. *p*)

### DIVISION I TERMS AND CONDITIONS FOR THE PRACTICE

**1.** Architects may carry on their professional activities within a joint-stock company or a limited liability partnership within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26) if

(1) more than 50% of the voting rights attached to the company shares or partnership units are held

(a) by architects;

(b) by legal persons, trusts or any other enterprise if the voting rights attached to the shares or units are held exclusively by architects; or

(c) in any combination by persons, trusts or any other enterprise referred to in subparagraphs *a* and *b*;

(2) no manufacturer or wholesaler of materials and no person holding a majority of the shares of such a manufacturer or wholesaler holds shares or units of the partnership or joint-stock company;

(3) the majority of the directors of the board of directors of the joint-stock company or the directors of the limited liability partnership are architects. To constitute a quorum at a meeting of the directors of a partnership or joint-stock company, a majority of the directors present to act on its behalf must be architects;

(4) the chair of the board of directors of the joint-stock company or the person exercising similar functions in a limited liability partnership is an architect and, as the case may be, a shareholder with voting rights or a partner; and

(5) only an architect is granted, by agreement or proxy, the voting right attached to a share or unit held by an architect or a legal person, a trust or any other enterprise referred to in subparagraph *b* of paragraph 1.

Architects must ensure that the conditions listed in the first paragraph appear in the articles of the joint-stock company or in the contract of the limited liability partnership and that the documents stipulate that the partnership or joint-stock company is constituted for the purposes of professional activities.

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

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

**3.** An architect who wishes to carry on professional activities within a partnership or joint-stock company must provide the secretary of the Order with the following:

(1) a written document from the Fonds d'assurance-responsabilité professionnelle of the Ordre des architectes du Québec certifying that the partnership or joint-stock company has complied with the security requirements as provided in Division III;

(2) if the architect carries on professional activities within a joint-stock company, a written document from a competent authority certifying the existence of the joint-stock company;

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

(4) a written document certifying that the partnership or joint-stock company is duly registered in Québec;

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

(6) an irrevocable written authorization from the partnership or joint-stock company within which the architect carries on professional activities allowing a person, committee, disciplinary body or tribunal referred to in section 192 of the Professional Code to require disclosure of and obtain any document listed in section 12 from a person, or to obtain a copy of such a document.

**4.** In addition, the architect must send to the Order a sworn declaration duly completed on the form provided by the Order containing

(1) the partnership or joint-stock company name and any other names used in Québec by the partnership or joint-stock company within which the architect carries on professional activities and the Québec business number assigned by the competent authority;

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

(3) if the architect carries on professional activities within a joint-stock company, the address of the head office of the joint-stock company and the addresses of its establishments in Québec, and the names and home addresses of the directors and officers of the joint-stock company;

(4) if the architect carries on professional activities within a limited liability partnership, the addresses of the establishments in Québec indicating the principal establishment, the names and home addresses of the partners and, where applicable, the names and home addresses of the directors appointed to manage the affairs of the partnership;

(5) the architect's name, home address and professional address, and status within the partnership or joint-stock company; and

(6) a certificate to the effect that the shares or units held and the rules of administration of the partnership or joint-stock company comply with the conditions set out in this Regulation.

The architect must include with the declaration the fees payable prescribed by the board of directors of the Order.

## **5.** Architects must

(1) update the declaration referred to in section 4 and provide the declaration to the Order, accompanied by the fees payable prescribed by the board of directors of the Order, before 31 March of each year;

(2) promptly notify the Order of any change in the surety provided for in Division III or in the information given in the declaration prescribed in section 4 that would affect compliance with the conditions set out in this Regulation.

**6.** An architect immediately ceases to be authorized to carry on professional activities within a partnership or joint-stock company if the architect no longer complies with the conditions set out in this Regulation or the conditions in Chapter VI.3 of the Professional Code.

## **DIVISION II** **REPRESENTATIVE**

**7.** If two or more architects carry on professional activities within a partnership or joint-stock company, a representative must be designated who is to act on behalf of all the architects in the partnership or joint-stock company to satisfy the terms and conditions of sections 3 to 5.

The representative must ensure the accuracy of the information given in the declaration except the information referred to in paragraph 5 of section 4.

The representative is also designated by the architects carrying on their professional activities within a partnership or joint-stock company to reply to requests made, under this Regulation, by the syndic, an inspector, an investigator or any other representative of the Order and to submit, as applicable, the documents that the architects are required to submit.

**8.** The representative must be an architect and be a partner or a director and shareholder with voting rights of the partnership or joint-stock company.

### DIVISION III PROFESSIONAL LIABILITY COVERAGE

**9.** To be authorized to carry on professional activities in accordance with this Regulation, an architect carrying on professional activities within a partnership or joint-stock company must furnish and maintain security on behalf of the partnership or joint-stock company by contributing to the Fonds d'assurance-responsabilité professionnelle of the Ordre des architectes du Québec, against liabilities of the partnership or company arising from fault on the part of the architect in carrying on professional activities within the partnership or joint-stock company.

**10.** The security must contain the following minimum conditions:

(1) an undertaking by the Fonds d'assurance-responsabilité professionnelle of the Ordre des architectes du Québec to pay in lieu of the partnership or joint-stock company, up to the amount of the security, any sum that the partnership or joint-stock company may be legally bound to pay to a third person on a claim filed during the coverage period and arising from fault on the part of the architect in the carrying on of professional activities within the partnership or joint-stock company;

(2) an undertaking by the Fonds d'assurance-responsabilité professionnelle of the Ordre des architectes du Québec to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all legal costs of actions against the partnership or joint-stock company, including the costs of the inquiry and defence and interest on the amount of the security; and

(3) an amount of security of at least \$1,125,000 per claim and at least \$2,500,000 for all claims filed against the partnership or joint-stock company during a coverage period not exceeding 12 months, regardless of the number of members in the partnership or joint-stock company; for any damage caused by the presence of fungi, fungi derivatives or any other form of mold, an amount of security of at least \$100,000 per claim and at least \$2,500,000 for all claims filed against the partnership or joint-stock company during a coverage period not exceeding 12 months, regardless of the number of members in the partnership or joint-stock company.

### DIVISION IV ADDITIONAL INFORMATION

**11.** Where a general partnership is continued as a limited liability partnership or where a joint-stock company or a limited liability partnership is established, the architect must ensure, within 15 days of the occurrence, that the partnership or company so notifies its clients.

The notice must specify in general terms the effects of the continuation or establishment, in particular with respect to the architect's professional liability.

**12.** The documents that may be required pursuant to paragraph 6 of section 3 are the following:

(1) if the architect practises the profession within a joint-stock company,

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

(b) an up-to-date register of the shares of the joint-stock company;

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

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

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

(f) a list of the company's principal officers and their home addresses;

(2) if the architect practises the profession within a limited liability partnership,

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

(b) the partnership agreement and amendments;

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

(d) where applicable, an up-to-date register of the directors; and

(e) a complete and up-to-date list of the partnership's principal officers and their home addresses.

### DIVISION V FINAL

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

**M.O., 2012****Order number AM 2012-018 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife dated 23 May 2012**

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

Regulation to amend the Regulation respecting trapping and the fur trade

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE AND THE MINISTER FOR NATURAL RESOURCES AND WILDLIFE,

CONSIDERING section 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provides that the Minister may make regulations on the matters set forth therein;

CONSIDERING the first paragraph of section 164 of the Act, which provides that a regulation made under section 56 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the making of the Regulation respecting trapping and the fur trade (R.R.Q., c. C-61.1, r. 21);

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

ORDER AS FOLLOWS:

The Regulation to amend the Regulation respecting trapping and the fur trade, attached hereto, is hereby made.

Québec, 23 May 2012

SERGE SIMARD,  
*Minister for Natural  
Resources and Wildlife*

CLÉMENT GIGNAC,  
*Minister of Natural  
Resources and Wildlife*

**Regulation to amend the Regulation respecting trapping and the fur trade**

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 56)

**1.** The Regulation respecting trapping and the fur trade (c. C-61.1, r. 21) is amended in section 17

(1) by inserting “Canada” in the part preceding subparagraph 1 of the first paragraph before “lynx”;

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

“The holder of a professional trapping licence may, in one year, capture a single bobcat.”.

**2.** Schedule II is amended by replacing “None permitted” in Column II “Implement type” for bobcat by “1, 2, 5, 8”.

**3.** Schedule III is replaced by Schedule III attached to this Regulation.

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

**SCHEDULE III**

(s. 11)

**TRAPPING PERIODS IN FAMUs**

FAMUs	Black Bear	Muskrat	Long-tailed Weasel, Least Weasel, Coyote, Grey Squirrel (grey or black), Red Squirrel, Ermine, Wolf, Striped Skunk, Raccoon, Arctic Fox (white or blue) Red Fox (silver, crossbred or red)	Beaver, River Otter	American Mink	American Marten, Fisher	Canada Lynx	Bobcat
1	15-05/30-06 18-10/15-12	18-10/30-04	18-10/01-03	18-10/01-04	18-10/15-03	18-10/01-03	18-10/15-12	—
2, 3, 4, 5	15-05/30-06 18-10/15-12	18-10/15-05	18-10/01-03	18-10/01-04	18-10/15-03	18-10/01-03	18-10/15-12	—
6, 7 (note 1)	15-05/30-06 18-10/15-12	18-10/15-05	18-10/01-03	18-10/01-04	18-10/15-03	18-10/01-03	18-10/15-01	—
8, 9, 20 21	15-05/30-06 18-10/15-12	25-10/30-04	25-10/01-03	25-10/01-04	25-10/01-03	25-10/01-03	01-11/01-12	—
10, 12 14, 15	15-05/30-06 18-10/15-12	25-10/30-04	25-10/01-03	25-10/01-04	25-10/01-03	25-10/01-03	01-11/01-12	—
11, 13	15-05/30-06 18-10/15-12	18-10/30-04	18-10/01-03	18-10/01-04	18-10/15-03	18-10/01-03	01-11/01-12	—
16, 80, 81	15-05/30-06 18-10/15-12	25-10/21-04	25-10/01-03	15-11/01-03	15-11/01-03	25-10/31-01	—	15-11/15-12
17	18-10/15-12	18-10/30-04	18-10/01-03	18-10/01-04	18-10/15-03	18-10/01-03	01-11/01-12	—
18	15-05/30-06 18-10/15-12	25-10/30-04	25-10/01-03	25-10/01-04	25-10/01-03	15-11/01-12	01-11/01-12	—
19	15-05/30-06 18-10/15-12	25-10/25-11 01-03/15-04	25-10/01-03	25-10/01-04	25-10/01-03	25-10/01-03	01-11/01-12	—
22, 23	15-05/30-06 18-10/15-12	25-10/30-04	25-10/01-03	25-10/01-04	25-10/01-03	25-10/01-03	—	—
24, 85, 86	15-05/30-06 18-10/15-12	25-10/15-04	25-10/01-03	08-11/01-04	08-11/01-03	08-11/31-01	—	—
25	15-05/30-06 18-10/15-12	25-10/21-04	25-10/01-03	08-11/01-04	08-11/01-03	25-10/31-01	—	—
26, 27 28, 29	15-05/30-06 18-10/15-12	25-10/30-04	25-10/01-03	25-10/01-04	25-10/01-03	25-10/01-03	15-11/15-12	—
30, 31 32	15-05/30-06 18-10/15-12	18-10/30-04	18-10/01-03	08-10/01-04	08-10/15-03	18-10/01-03	15-11/15-12	—
33, 34	15-05/30-06 18-10/15-12	25-10/30-04	25-10/01-03	25-10/01-04	25-10/01-03	25-10/01-03	15-11/15-12	—
35	15-05/30-06 18-10/15-12	25-10/30-04	25-10/01-03	25-10/01-04	25-10/01-03	25-10/01-03	15-11/15-12	—
36	25-10/15-12	25-10/30-04	25-10/01-03	25-10/01-04	25-10/01-03	25-10/01-03	15-11/15-12	—
37	15-05/30-06 18-10/15-12	25-10/21-04	25-10/01-03	25-10/15-03	25-10/01-03	25-10/01-03	15-11/15-12	—
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41	15-05/30-06 18-10/15-12	18-10/30-04	18-10/01-03	18-10/15-03	18-10/15-03	18-10/01-03	18-10/15-01	—
42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53	15-05/30-06 18-10/15-12	18-10/30-04	18-10/01-03	18-10/01-04	18-10/15-03	18-10/01-03	18-10/15-01	—



54, 55, 56	15-05/30-06 18-10/15-12	18-10/30-04	18-10/15-03	18-10/15-03	18-10/15-03	18-10/15-03	18-10/15-03	—
57, 58, 59 (note 2), 60 (note 2), 61, 62, 63, 64, 65, 66	15-05/30-06 15-09/15-12	18-10/15-05	18-10/15-03	18-10/15-03	18-10/15-03	18-10/15-03	18-10/15-03	—
67	—	—	—	—	—	—	—	—
68 (note 3)	—	18-10/30-04	18-10/15-03	18-10/15-03	—	—	—	—
69	—	—	15-12/31-12 (note 4)	—	—	—	—	—
70, 71, 72 (note 1), 73	15-05/30-06 18-10/15-12	01-11/30-04	18-10/01-03	01-11/01-03	01-11/01-03	15-11/15-01	15-11/15-12	—
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75, 76 (note 1) 77 (note 1)	15-05/30-06 25-10/15-12	25-10/30-04	25-10/01-03	25-10/01-04	25-10/01-03	25-10/31-01	25-10/15-01	—
78	15-05/30-06 25-10/15-12	25-10/30-04	25-10/01-03	25-10/01-04	25-10/01-03	25-10/31-01	15-11/15-01	—
79	15-05/30-06 25-10/15-12	25-10/21-04	25-10/01-03	01-11/01-03	25-10/01-03	25-10/31-01	15-11/15-12	15-11/15-12
82	15-05/30-06 25-10/15-12	25-10/21-04	25-10/01-03	15-11/01-03	15-11/01-03	25-10/31-01	—	—
83, 84	15-05/30-06 25-10/15-12	25-10/15-04	25-10/01-03	08-11/01-04	08-11/01-03	25-10/01-03	—	15-11/15-12

Note 1: In the wildlife sanctuaries of FAMUs 7, 38, 72, 74, 76 and 77, the trapping of Black Bear is permitted in the fall only.

Note 2: In the Port-Cartier—Sept-Îles Wildlife Sanctuary (FAMUs 59 and 60) in the fall, the trapping season for Black Bear is from 11 Oct. to 15 Nov.

Note 3: In FAMU 68, only the trapping of Muskrat, River Otter, Beaver and Red Fox is permitted.

Note 4: In FAMU 69, only the trapping of Red Fox and Coyote is permitted.

2092

## M.O., 2012

### Order of the Minister of Education, Recreation and Sports dated 10 May 2012

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

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

THE MINISTER OF EDUCATION, RECREATION AND SPORTS,

WHEREAS in and by section 451 of the Education Act (R.S.Q., c. I-13.3);

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

Montréal was made by the Order of the Minister dated 2 December 2005 approved by the Conseil du trésor on 13 December 2005 (C.T. 203162) and as amended;

WHEREAS it is expedient to replace the current Regulation and to make the Regulation attached hereto;

WHEREAS, pursuant to section 451 of the Education Act, the Conseil du trésor has given its authorization;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to such a Regulation;

ORDERS THAT:

The Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal, herewith attached, be made.

LINE BEAUCHAMP,  
*The Minister of Education, Recreation and Sports*

**REGULATION RESPECTING CERTAIN CONDITIONS OF  
EMPLOYMENT OF SENIOR STAFF OF SCHOOL BOARDS AND OF THE  
COMITÉ DE GESTION DE LA TAXE SCOLAIRE DE L'ÎLE DE MONTRÉAL**

Education Act  
(R.S.Q., c. I-13.03, s. 451)

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## CHAPTER I

### DEFINITIONS AND APPLICATION

1. In this Regulation, unless the context indicates otherwise:

"administrative region" means the administrative regions listed in Schedule XI of this Regulation;

"administrator" means a person who holds a position of senior staff of services or manager in a school board or of senior staff of the Comité de gestion de la taxe scolaire de l'île de Montréal;

"agency in the education sector" means a school board or a general and vocational college;

"agency in the public or parapublic sector" means:

(1) the ministries, persons or agencies whose personnel is appointed or remunerated in accordance with the Public Service Act (R.S.Q., c. F-3.1.1);

(2) the persons or agencies whose operational budgets are taken from the consolidated revenue fund or appear in whole or in part in the budgetary forecasts submitted to the National Assembly;

(3) the school boards, colleges and institutions within the meaning 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), the governmental agencies covered by this law and the educational institutions at the university level within the meaning of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1);

(4) the agencies or businesses and their totally owned subsidiaries which must produce, by law, an annual report for deposit in the National Assembly;

"association of administrators" means the Association des cadres scolaires du Québec, the Association des cadres de Montréal or the Association of Administrators of English Schools of Quebec;

"association of senior staff of centres" means the Association des cadres scolaires du Québec, the Association montréalaise des directions d'établissement scolaire, the Association of Administrators of English Schools of Quebec, the Fédération québécoise des directeurs et directrices d'établissement d'enseignement and its associations of principals, the Association québécoise du personnel de direction des écoles or the Association des directions d'établissement d'enseignement de la Rive-Sud;

"association of senior staff of schools" means the Fédération québécoise des directeurs et directrices d'établissement d'enseignement and its associations of principals, the Association montréalaise des directions d'établissement scolaire, the Association québécoise du personnel de direction des écoles, the Association of Administrators of English Schools of Quebec, the Association des cadres scolaires du Québec or the Association des directions d'établissement d'enseignement de la Rive-Sud;

"centre" means an adult education centre or a vocational training centre;

"dismissal": the termination of the employment relationship of a senior staff member by a school board at any time for reasons of incapacity, negligence, insubordination, misconduct or incompetence;

"federation of employers" means the Quebec English School Boards Association or the Fédération des commissions scolaires du Québec;

"Minister" means the Minister of Education, Recreation and Sports;

"Ministère" means the Ministère de l'Éducation, du Loisir et du Sport;

"part-time senior staff member" means a regular senior staff member whose regular workweek is more than 25%, but less than 100% of the regular workweek of a full-time senior staff member;

"salary" means the remuneration paid to a senior staff member in accordance with the salary scales prescribed by this Regulation or under sections 91 to 94, 103 or 104, excluding lump-sum bonuses, annual supplements, premiums for regional disparities or the salary increase to compensate for the lack of fringe benefits;

"school board" means a French-language school board, an English-language school board or the Commission scolaire du Littoral;

"senior staff member" means an administrator, a senior staff member in a school or a senior staff member in a centre;

"senior staff member in a centre" means a centre director, an assistant centre director or an administrative services supervisor;

"senior staff member in a school" means a principal, a vice-principal or an administrative services supervisor;

"termination of employment": the termination of the employment relationship of a senior staff member by a school board during the course of that employment, when the term is for a specified period or for an indeterminate period;



"year of service" means any complete 12-month period of full-time or part-time employment within a school board.

2. Unless stipulated to the contrary, this Regulation applies to regular full-time senior staff.

This Regulation, except Chapter VI, Stability of Employment, applies to a part-time senior staff member, subject to the provisions of Schedule IX.

This Regulation also applies to the Comité de gestion de la taxe scolaire de l'île de Montréal, subject to the provisions of Schedule XIII.

The provisions that apply to the head of a training centre in a federal penitentiary situated in Québec are found in Schedule XII.

3. The following provisions apply to the person who is temporarily assigned to a position for a specified period of less than two months:

- (1) Chapter I, Definitions and Application
- (2) Chapter III, Remuneration, sections 52 to 55
- (3) Recourse for matters that apply to him

Once the employer is informed that the duration of the assignment will be two months or more, section 4 shall apply to the person who is temporarily assigned to the position.

4. The following provisions apply to the person who is temporarily assigned to a position for a specified period of two months or more:

- (1) Chapter I, Definitions and Application
- (2) Chapter III, Remuneration, sections 52, 53 and 55
- (3) Annual vacation
- (4) Paid legal holidays
- (5) Recourse for matters that apply to him
- (6) Schedule V, Parental Rights—for the duration of the temporary assignment

5. The only conditions of employment that include the payment of a monetary benefit to a senior staff member are those specified in this Regulation.

6. For purposes of this Regulation, committees are set up in which associations representing administrators, senior staff in a school or centre participate, with the representatives of the federations of employers and the Minister, at the provincial level, in determining or modifying the conditions of employment of senior staff. Moreover, the committees shall participate not only in the interpretation of such conditions of employment, but also in the study of certain terms and conditions of application. Each committee shall determine its mode of operation.

The committees set up under this section are as follows:

- (1) For administrators: the Comité consultatif des administrateurs
- (2) For senior staff of schools: the Comité du personnel de direction d'école
- (3) For senior staff of centres: the Comité du personnel de direction de centre

The composition of each committee is specified in Schedule X.

## **CHAPTER II**

### **JOB CLASSIFICATION AND CLASSIFICATION**

#### **DIVISION I**

##### **JOB CLASSIFICATION**

7. Senior staff positions are divided into three categories, namely, administrator positions, senior staff positions in a school and senior staff positions in a centre:

- (1) Administrator positions include the following subcategories:
  - (a) Senior staff of services
    - (i) director
    - (ii) assistant director of services
    - (iii) coordinator
    - (iv) personnel management consultant
  - (b) Manager
    - (i) superintendent
    - (ii) foreman
- (2) Senior staff positions in a school
  - (a) principal
  - (b) vice-principal
  - (c) administrative services supervisor

- (3) Senior staff positions in a centre include the following subcategories:
  - (a) Senior staff positions in an adult education centre
    - (i) director of adult education centre
    - (ii) assistant director of adult education centre
    - (iii) administrative services supervisor
  - (b) Senior staff positions in a vocational training centre
    - (i) director of vocational training centre
    - (ii) assistant director of vocational training centre
    - (iii) administrative services supervisor

**8.** For each category and subcategory, Schedule I contains:

- (1) a general definition of the positions used as a reference for:
  - (a) the senior staff job descriptions and,
  - (b) the generic job descriptions defined in the ministerial document entitled "Description des emplois génériques du personnel d'encadrement des commissions scolaires";
- (2) the minimum requirements for the performance of different jobs;
- (3) the list of evaluated reference positions.

**9.** In special cases, in the case of administrators or senior staff of centres, if the selection committee, set up by the school board, is of the opinion that none of the qualified candidates meets all the requirements prescribed by the latter for the position concerned and after consultation with the local representatives of the association, the school board may refer to the committee one or more candidates whose complementary or superior academic background to that prescribed compensates for a lesser number of years of experience than the minimum prescribed by the required minimum qualifications, or vice versa, a higher level of pertinent experience than that required compensates for a level of schooling below the minimum prescribed by the required minimum qualifications.

In such a case, the school board may appoint a candidate from among those who, in the committee's opinion, have met all the requirements set by the school board.

After having validated the qualifications and consulted the local representatives of the association concerned, the school board may appoint a manager to a senior staff of services position whose position has been reclassified to a higher level and whose complementary or superior training to that prescribed compensates for a lesser number of years of experience than the required minimum qualifications, or vice versa.

**10.** The terms and conditions for applying section 9 shall be determined by the school board in consultation with the association according to the procedure prescribed in section 182.

**11.** In exceptional cases, in the case of senior staff in a school, following a notice of a selection committee set up by the school board specifying that none of the candidates meets the requirements prescribed by the latter for the position concerned, the school board may refer to the committee one or more candidates whose complementary or superior academic background to that prescribed compensates for a lesser number of years of experience than the minimum prescribed by the required minimum qualifications or vice versa in accordance with the agreement concluded with the local representatives of the association concerning compensatory criteria with regard to training and experience.

In such a case, the school board may appoint a candidate from among those who, in the committee's opinion, have met all the requirements set by the school board.

Failing agreement, the school board may carry out a temporary assignment for a period not exceeding one year, from among the candidates who, in the committee's opinion, have met all the requirements set by the school board.

**12.** In exceptional cases, the parity committee composed of representatives designated by the committee concerned described in Schedule X may, following a written request of the school board, certify that the qualifications of the person meeting the following conditions, compensate for the requirement of a permanent teaching licence prescribed in the required minimum qualifications for certain senior staff positions described in Schedule I:

(1) hold a teaching licence issued by the Minister in accordance with the Regulation respecting teaching licences;

(2) have taught a minimum of three years.

The request must be forwarded to the director general of the Direction générale des relations du travail of the Ministère at the following address:

Ministère de l'Éducation, du Loisir et du Sport  
Direction générale des relations du travail  
150, boulevard René-Lévesque Est, 17<sup>e</sup> étage  
Québec (Québec) G1R 5X1

**13.** Under this Regulation, a senior staff member who, on 7 July 1984, held a senior staff position in a school board is deemed to meet the required minimum qualifications for that position or any other senior staff position at the same or lower level in the same field of activity in all school boards.

**14.** The classification plan includes reference senior staff positions found in Schedule I and the corresponding classification in Schedule II.

**15.** The classification of a position determined under Division II of this chapter corresponds to the class assigned according to the applicable population range.

- 16.** Classes shall be determined in terms of the nature and complexity of the responsibilities inherent to each position based on the results of a job evaluation process using the Hay<sup>®</sup> method.
- 17.** The salary scales corresponding to the classification plan are found in Schedule III.

## **DIVISION II**

### **CLASSIFICATION**

#### **§1. *Range Applicable to Senior Staff Positions***

**18.** The class of employment of a senior staff member shall be determined, where applicable, on the basis of the range of the school board, school or centre to which he is assigned. Each range includes lower and upper limits representing the student population or the number of group-hours of instruction or both.

The school board's student population consists of youth/students, adult students and students enrolled in vocational training.

**19.** The youth/student population corresponds to the number of students enrolled on 30 September in the schools of the school board.

**20.** The group-hours of instruction shall be determined on the basis of the general education programs, the vocational training programs and the popular education programs.

The group-hours of instruction (GHI) shall be determined on the basis of the rules issued each year by the Minister.

The adult or vocational training enrolment, as the case may be, shall be obtained by dividing by 900 and by multiplying by 17 the group-hours of instruction for the preceding year.

**21.** In the case of a senior staff member and an administrative services supervisor in a school, the range shall be determined on the basis of the youth/student population enrolled on 30 September in the school or schools to which he is assigned. In the case of a senior staff member and an administrative services supervisor in a school responsible for at least one welcoming class authorized by the Minister, the range shall also be determined on 30 September and reviewed on the subsequent 30 January.

In an elementary school that also provides secondary instruction, each student at the secondary level counts as 1.25 students.

In a school where there are students enrolled in a welcoming class authorized by the Minister, each student counts as two students.

**22.** In the case of a senior staff member and an administrative services supervisor in an adult education centre, the range shall be determined on the basis of the adult student population attending any of the adult education centres to which he is assigned.

The adult student population shall be determined on the basis of the group-hours of instruction for adults who were attending, the preceding school year, an adult education centre referred to in the first paragraph; the group-hours of instruction shall be determined under section 20.

In the case of a senior staff member of adult education services, the adult student population shall be determined on the basis of the number of group-hours of instruction for the preceding school year for all adults enrolled in the adult education centres under the responsibility of the school board.

**23.** In the case of a senior staff member and an administrative services supervisor in a vocational training centre, the range shall be determined on the basis of the vocational training student population attending any of the vocational training centres to which he is assigned.

The number of students enrolled in vocational training shall be determined on the basis of the number of group-hours of instruction for youth/students and adults who were attending, the preceding school year, a vocational training centre referred to in the first paragraph; the group-hours of instruction shall be determined under section 20.

In the case of a senior staff member of vocational education services, the vocational training student population shall be determined on the basis of the number of group-hours of instruction for the preceding school year for all youth/students and adults enrolled in the vocational training centres under the responsibility of the school board.

## **§2. *Change in Range***

**24.** The range of positions shall be reviewed yearly. Any change in range resulting from the review shall take effect on 1 July of the current school year.

### **Change of Position to a Higher Range**

Where a position moves to a higher range as a result of an increase in student enrolment applicable to him, the incumbent's salary in the position corresponding to his new class shall be determined under subparagraph 1 of section 33.

### **Change of Position to a Lower Range**

Where a position moves to a lower range as a result of a decline in student enrolment applicable to him, the incumbent's class and salary shall be maintained until the decline is 10% below the lower limit of the range that was previously applicable to the position.

Where a decline in student enrolment is 10% below the lower limit that was previously applicable to the position, the incumbent's salary in the position corresponding to his new class shall be determined under subparagraph 2 of section 33.

### **DIVISION III**

#### **SPECIAL EVALUATION**

**25.** Where a school board cannot determine the classification of a senior staff position because its principal and usual duties and responsibilities do not correspond to any of the reference job descriptions set out in Schedule I or in the generic job descriptions in the ministerial document entitled "Description des emplois génériques du personnel d'encadrement des commissions scolaires", it shall submit the case to the Minister. The case file must include:

- (1) a detailed description of the senior staff member's duties and responsibilities;
- (2) the situation of the senior staff member in the school board's administrative structure;
- (3) the eligibility requirements.

**26.** If the Minister is of the opinion that a senior staff member's principal and usual duties do not correspond to any of the reference job descriptions set out in Schedule I or in the generic job descriptions set out in the document entitled "Description des emplois génériques du personnel d'encadrement des commissions scolaires", he shall determine the class based on the results of a job evaluation process using the Hay<sup>®</sup> method and the corresponding salary scale found in Schedule III.

The class may be revised according to the terms and conditions determined by the Minister.

### **CHAPTER III**

#### **REMUNERATION**

#### **DIVISION I**

##### **CALCULATION OF SALARY**

**27.** Where the application of any of the rules contained in this division has the effect of determining a salary lower than the minimum rate or higher than the maximum rate of the applicable scale, the senior staff member's salary shall correspond to that minimum or maximum rate, as the case may be.

**§1. Calculation of Salary at the Time of a First Appointment to a Senior Staff Position**

**28.** The salary of a person already employed by an agency in the education sector in the teaching, professional or support staff category shall be determined according to one of the following situations:

(1) where a professional is assigned to a position of personnel management consultant, the salary he was receiving shall be increased by 5% of the maximum rate of the new applicable salary scale;

(2) in all other cases, the salary that the person was receiving shall be increased by 10% of the maximum rate of the new applicable salary scale.

Where the result obtained is greater than the maximum of the new salary scale, the person's salary becomes the maximum of the new scale. In addition, he shall receive a lump sum equal to the positive difference between the amount determined under subparagraph 1 or 2 and the maximum of the new salary scale. The lump sum shall be adjusted according to the changes in the person's salary in his new position.

**29.** The salary of a person who was not employed by an agency in the education sector shall be determined by taking into account his training and experience.

**§2. Calculation of Salary at the Time of Any Other Appointment to a Senior Staff Position**

**30.** The salary of a senior staff member assigned to a new senior staff position shall be determined according to one of the following situations:

(1) the maximum rate of the new applicable salary scale is greater than the maximum rate of the salary scale that was applicable to him:

in this case, the salary he was receiving shall be increased by 5% of the maximum rate of the new salary scale that is applicable to him.

Where the result obtained is greater than the maximum rate of the new salary scale, the senior staff member shall receive for the 12 months that follow the date of his appointment a lump-sum payment equal to the salary he was receiving increased by 5%, minus the maximum of the new salary scale. The lump sum shall be paid only once;

(2) in the case where the new applicable salary scale is equal to or less than the maximum rate of the salary scale that was applicable to him, the salary that the senior staff member was receiving:

(a) shall be maintained if it is less than or equal to the maximum rate of the new scale;



(b) shall be reduced by the lesser of the following two amounts if it is greater than the maximum rate of the new salary scale:

- (i) the difference between the maximum rate of the salary scale that was applicable to him and the maximum rate of the new salary scale;
- (ii) 5% of his salary.

**31.** The salary of a senior staff member who is assigned a higher class of employment following the special evaluation conducted under section 26 shall be increased by 5% of the new salary scale maximum. The salary readjustment procedure prescribed in Division V of this chapter applies to the senior staff member who, following a special evaluation, is assigned a lower class of employment.

**32.** The salary readjustment procedure outlined in Division V of this chapter applies to senior staff, except if an assignment results from an express request by the senior staff member or from a disciplinary measure; in both cases, the application of such a procedure by the school board is optional.

**§3. *Calculation of Salary at the Time of a Change in Range and Job Class Resulting from a Fluctuation in Enrolment***

**33.** Where a job class is modified as a result of a change in range, the salary of a senior staff member shall be determined according to one of the following situations:

(1) The maximum rate of the new applicable salary scale is greater than the maximum rate of the salary scale that was applicable to him:

in this case, his salary shall be determined by adding to the salary he was receiving an amount equal to the difference between the two rates.

(2) The maximum rate of the new applicable salary scale is less than the maximum rate of the salary scale that was applicable to him:

in this case, the salary he was receiving shall be maintained if it is equal to or less than the maximum rate of the new salary scale. It shall correspond to that rate if it is higher.

**34.** The salary readjustment procedure outlined in Division V of this chapter applies to the senior staff member referred to in subparagraph 2 of section 33, where applicable.

**§4. *Salary Increase and Review***

**35.** The senior staff member's salary shall be increased under section 39 and reviewed under section 45.

**36.** Where a movement of personnel occurs on the date on which the salary was increased or reviewed, the provisions of this subdivision apply before those of subdivision 2 or 3 of this division, as the case may be.

**37.** Section 45 does not apply to a senior staff member whose performance is deemed unsatisfactory.

**38.** Where the date on which salary scales are increased coincides with the salary review on 1 April, the increments shall be added and the sum shall be applied to a senior staff member's salary on 31 March.

**39.** A senior staff member's salary scales and salary shall be increased by:

- (1) 0.5% from 1 April 2010 to 31 March 2011
- (2) 0.75% from 1 April 2011 to 31 March 2012
- (3) 1% from 1 April 2012 to 31 March 2013
- (4) 1.75% from 1 April 2013 to 31 March 2014
- (5) 2% from 1 April 2014 to 31 March 2015

The salary scales are found in Schedule III.

**40.** The percentage determined in subparagraph 3 of section 39 shall be increased on 1 April 2012 by 1.25 times the difference between the cumulative growth of Québec's nominal gross domestic product (GDP) based on the Statistics Canada data for 2010 and 2011 and the projected cumulative growth of Québec's nominal GDP for the same years, set at 3.8% for 2010 and 4.5% for 2011. However, the increase thus calculated cannot exceed 0.5%.

**41.** The percentage determined in subparagraph 4 of section 39 shall be increased on 1 April 2013 by 1.25 times the difference between the cumulative growth of Québec's nominal gross domestic product (GDP) based on the Statistics Canada data for 2010, 2011 and 2012 and the projected cumulative growth of Québec's nominal GDP for the same years, set at 3.8% for 2010, 4.5% for 2011 and 4.4% for 2012. The increase thus calculated shall be reduced by the increase granted on 1 April 2012 under section 40. However, the sum of the increase granted on 1 April 2012 under section 40 and the increase granted on 1 April 2013 under this section cannot exceed 2.0%.

**42.** The percentage determined in subparagraph 5 of section 39 shall be increased on 1 April 2014 by 1.25 times the difference between the cumulative growth of Québec's nominal gross domestic product (GDP) based on the Statistics Canada data for 2010, 2011, 2012 and 2013 and the projected cumulative growth of Québec's nominal GDP for the same years, set at 3.8% for 2010, 4.5% for 2011, 4.4% for 2012 and 4.3% for 2013. The increase thus calculated shall be reduced by the increase granted on 1 April 2012 under section 40 and the increase granted on 1 April 2013 under section 41. However, the sum of the increase granted on 1 April 2012 under section 40, the increase granted on 1 April 2013 under section 41 and the increase granted on 1 April 2014 under this section cannot exceed 3.5%.

**43.** The salary scales and salary of a senior staff member in effect on 30 March 2015 shall be increased, on 31 March 2015, by a percentage equal to the difference between the sum of the annual variations of the Consumer Price Index for Québec based on the Statistics Canada data for the annual periods prescribed in section 39 and the sum of the salary parameters determined in that section, including the adjustments resulting from the growth in Québec's nominal gross domestic product. However, the increase thus calculated cannot exceed 1%.

**44.** Payment of the increases prescribed in sections 40 to 42 shall be made on a senior staff member's pay within 60 days of the publication of the Statistics Canada data on Québec's nominal gross domestic product for the calendar year preceding the period concerned.

Payment of the increase prescribed in section 43 shall be made on a senior staff member's pay within 60 days of the publication of the Statistics Canada data on the Consumer Price Index for Québec for March 2015.

**45. Salary Review on 1 April**

This section applies to the senior staff member in office on the day before and the day on which the salary is reviewed.

If the salary of a senior staff member is less than the maximum rate of the salary scale for his class on 31 March of one year, it shall be increased by 4% on the following 1 April, but must not exceed the maximum rate of the salary scale for the class.

The provisions of the preceding paragraph apply to the senior staff member on disability leave during the 12 months preceding 1 April of the year concerned, provided he was in office at least six months during that period, subject to section 37.

**§5. Calculation of Salary upon Return from a Long-term Total Disability Leave**

**46.** This subdivision applies to a senior staff member upon his return from a total disability leave which ends after the first 104 weeks of total disability to the same position or to determine the salary of the senior staff member before being assigned to another senior staff position, where applicable.

**47.** The salary of the senior staff member on the applicable salary scale shall be determined by maintaining the same relative position as that of his reference salary at the end of the first 104 weeks of total disability in relation to the salary scale that was applicable to him at the end of that period.

## **DIVISION II**

### **ADDITIONAL REMUNERATION**

#### ***Lump-sum Bonuses Paid to Principals***

**48.** A principal shall receive an annual lump sum of \$2 500, paid at each pay period, provided that:

(1) the total youth/student population in the schools under his responsibility is lower than 250 and that he is a member of more than one governing board. A principal whose class of employment is higher than class 6 or who benefits from the salary readjustment procedure prescribed in Division V of this chapter is not entitled to the lump-sum bonus;

(2) the school or schools under his authority are situated in economically disadvantaged areas with a poverty index (socioeconomic environment index) of nine or ten and updated periodically by the Ministère. In order to receive such a lump-sum bonus, the senior staff member must perform his duties as principal for 50% or more of his time in such a school.

The principal shall receive only one lump-sum bonus if the school or schools under his authority meet the two conditions specified in the preceding paragraph. Payment of the lump-sum bonus shall cease when the principal no longer assumes such a responsibility.

#### ***Temporary Assignment to Concurrent Senior Staff Positions***

**49.** A senior staff member who, at the request of his school board, holds temporarily, in addition to his usual position, another full-time senior staff position for a period of at least two months, shall receive, during that entire period, additional remuneration equal to 10% of his salary.

The school board may also distribute the duties associated with the position among several senior staff members. The senior staff members concerned must perform the additional duties in addition to their usual duties for a period of two months or more. In such a case, the total additional remuneration distributed among the senior staff members cannot exceed 10% of the maximum of the salary class of the position the duties of which are shared. The decision of the school board to distribute the duties of the position among several senior staff members cannot be subject to recourse. The same applies to the salary percentage determined by the school board and distributed among the senior staff members concerned.

Such additional remuneration shall be paid as a lump sum according to the same terms and conditions as those for the payment of salary until the end of such an assignment.

### ***Availability Allowance***

**50.** The school board may grant a manager who holds a position of foreman or superintendant an allowance based on the availability required by the school board outside of his regular workweek. The allowance cannot exceed the amounts prescribed in one of the following situations:

(1) the senior staff member who is required by the school board to be available on an ongoing basis (evenings, nights and weekends) due to the responsibilities related to his duties may receive an allowance equal to 33.33% of his single hourly rate for each eight-hour period of availability;

(2) the senior staff member who is required by the school board to be available on an occasional basis or for any other situation than that described in subparagraph 1 may receive an allowance equal to the single hourly rate for each eight-hour period of availability.

The senior staff member who receives such an allowance must be able to report for work in the normal travel time.

### **DIVISION III**

#### **ANNUAL SUPPLEMENT APPLICABLE TO THE PART-TIME ASSISTANT DIRECTOR GENERAL**

**51.** A senior staff member who, while performing his duties on a full-time basis, is appointed part-time assistant director general to replace the director general in his absence or inability to act or to represent him in a given sector shall receive an annual supplement of \$2 700 if the student population of the school board is less than 15 000 or \$3 300, if it is 15 000 or more.

### **DIVISION IV**

#### **TEMPORARY OR ADMINISTRATIVE ASSIGNMENT**

##### ***§1. Temporary Assignment***

**52.** Temporary assignment applies to a person who temporarily replaces a senior staff member in his absence, a person who temporarily fills a vacant senior staff position or a person who is hired to carry out a strategic mandate of a specified duration, the duties of which are similar to those of a senior staff member.

**53.** The remuneration of the person temporarily assigned to a senior staff position shall include, for the duration of the temporary assignment, the salary and any lump sum he would receive were he appointed to that position on a regular basis.

Where the person is appointed to that position on a regular basis, he shall retain such remuneration.

**54.** If the duration prescribed for the temporary assignment is less than two months, the person who is not employed by the school board at the time of his temporary assignment shall receive, in addition to his remuneration, a lump sum equal to 13% of his salary to compensate for the lack of working conditions, including vacation and paid legal holidays. The lump sum shall be determined proportionately to the duration of the temporary assignment and shall be paid according to the same terms as those for the payment of salary.

However, the employer, on being informed that the duration of the temporary assignment will be for two months or more, shall cease the payment of the lump sum and section 4 shall apply.

**55.** If the duration prescribed for the temporary assignment is for one year or more, the person who is not employed by the school board at the time of his temporary assignment and who is not covered by section 64 shall benefit from the group insurance plan applicable to senior staff specified in Division VII of this chapter for the duration of the temporary assignment.

However, if the person is already employed by the school board and is covered by a group insurance plan applicable to another employee group, that plan shall prevail.

If the person is not entitled to the group insurance plan applicable to senior staff and does not participate in the group insurance plan of another employee group of the school board, he shall receive a monetary compensation of 6% of his salary. In the case of the person covered by section 64, the 6%-increase prescribed to compensate for the lack of coverage shall replace the monetary compensation prescribed in this paragraph.

## **§2. *Administrative Assignment***

**56.** Administrative assignment applies to a senior staff member temporarily assigned to a position described in Schedule I at a lower salary scale, but requiring the senior staff member's qualifications.

**57.** A senior staff member so assigned shall continue to receive, as of the date of his administrative assignment, the same salary as that prescribed for his former position.

## **DIVISION V SALARY READJUSTMENT PROCEDURE**

**58.** This division applies to a senior staff member covered by the salary readjustment procedure prescribed in this Regulation.

This division also applies to a senior staff member assigned to a professional, teaching or support staff position, except if an assignment results from an express request by the senior staff member or from a disciplinary measure; in both cases, the application of this division by the school board is optional.

However, this division does not apply to a movement of personnel resulting from subdivisions 1 and 2 of Division VII of this chapter.

**59.** A senior staff member shall receive a lump-sum payment equal to the positive difference between the salary he was receiving before the assignment and the salary he receives after the assignment.

The lump sum shall be adjusted according to the changes in the senior staff member's salary in the position assigned.

The lump sum shall be paid according to the same terms and conditions as those respecting the payment of salary.

**60.** Unless there are provisions to the contrary, the salary readjustment procedure cannot be applied for a period exceeding two years for the same assignment.

Notwithstanding the preceding paragraph, the senior staff member in a school or centre shall be granted the salary protection prescribed in section 59 until the maximum of the salary scale of the senior staff member's new class of employment has reached his former salary. However, this paragraph does not apply to a senior staff member in a school or centre if the assignment results from a senior staff member's express request or a disciplinary measure.

## **DIVISION VI**

### **REGIONAL DISPARITIES**

**61.** The provisions concerning regional disparities applicable to professionals of the school board apply to senior staff.

## **DIVISION VII**

### **FRINGE BENEFITS**

#### **§1. Insurance Plans**

**62.** In subdivisions 1 and 2 of this division, unless the context indicates otherwise:

"insurer" means an insurance company that has concluded a contract with the Québec government for the purposes of providing coverage to management staff in the public and parapublic sectors;

"insurance plans" means the group insurance plans offered to management staff in the public and parapublic sectors;

"salary" means the remuneration paid to a senior staff member during a period of absence covered by a short-term salary insurance plan including:

- (1) the lump-sum payment resulting from the application of the rules respecting salary review, where applicable;
- (2) the lump-sum payment resulting from the salary readjustment procedure prescribed in Division V of this chapter for the period during which the lump sum is paid, where applicable;
- (3) an isolation and remoteness premium or retention premium, where applicable;
- (4) the annual supplement of a part-time assistant director general for the period during which a senior staff member holds that position, where applicable.

**63.** Unless there are provisions to the contrary, a senior staff member shall be covered by the following insurance plans:

(1) Plans insured by the Québec government and described in this subdivision are as follows:

- (a) a uniform life insurance plan;
- (b) a short-term salary insurance plan;
- (c) a survivor's pension plan.

(2) Plans insured by the insurer and described in the master policy of the insurance plans and in sections 87 to 98 are as follows:

(a) compulsory basic plans:

- (i) a life insurance plan;
- (ii) a health and accident insurance plan that does not apply to a senior staff member whose application for exemption is accepted by the school board in accordance with the insurance contract;
- (iii) a long-term salary insurance plan;

(b) complementary plans:

- (i) a compulsory long-term salary insurance plan;
- (ii) an optional supplemental life insurance plan.



**64.** The senior staff member who is contributing to the group insurance plan for retired management staff in the public and parapublic sectors or who is receiving superannuation benefits from a pension plan managed by the Commission administrative des régimes de retraite et d'assurances, with the exception of the Pension Plan of Elected Municipal Officers, the Retirement Plan for Mayors and Councillors of Municipalities or the Pension Plan of the Members of the National Assembly, shall not be covered by the group insurance plans referred to in section 63. The salary of the senior staff member shall be increased by 6% to compensate for the lack of coverage.

The senior staff member who, on 14 July 2009, is covered by the insurance plans referred to in section 63, shall be entitled to continued coverage for a maximum period of 90 days, calculated as of that date. At the end of the period for which coverage is maintained under the first paragraph, the senior staff member shall no longer be covered by the insurance plans and his salary shall then be increased by 6%.

Notwithstanding the foregoing, the senior staff member covered by the insurance plans referred to in section 63 who is totally disabled on 15 July 2009 shall continue to be covered by those insurance plans until the end of his salary insurance benefits or until the termination date of those benefits as prescribed in the working conditions or in the master policy. As of the end or termination date, the senior staff member shall no longer be covered by the insurance plans and his salary shall then be increased by 6%.

**65.** The senior staff member referred to in section 64 who, on 29 June 2011, receives a salary increase of 6% may, notwithstanding the second paragraph of that section, be again covered by the group insurance plans for management staff in the public and parapublic sectors in which he participated on 14 July 2009 if:

- (1) on 29 June 2011, he still holds the position held on 14 July 2009 or, if he no longer holds that position, he holds another management position in the same school board without any interruption in service;
- (2) he so requests the Direction générale des relations du travail of the Ministère no later than 13 August 2011.

A copy of the official document confirming the appointment of the senior staff member to a management position and a letter from the school board attesting that the senior staff member meets the first condition mentioned above must be included with the request.

Where applicable, the senior staff member is again covered by the group insurance plans for management staff in the public and parapublic sectors no later than 27 September 2011 and is no longer entitled, as of the date on which he is again covered, to the salary increase of 6%.

**66.** A senior staff member shall be eligible for the insurance plans at the end of a one-month waiting period from the date on which he assumed the position, provided he is at work. If he is not at work on that date, he shall be eligible for the plans on the date of his return to work.

However, subject to the specific provisions to that effect in the master policy of the insured plans, the senior staff member who formerly held a position in an agency in the public or parapublic sector and who was eligible for a group insurance plan applicable to employees in those sectors shall be eligible for the insurance plans on the date on which he assumes the position, provided that his previous employment ended not more than 30 days prior to the date on which he assumes the position and that he furnish the necessary proof of his previous employment.

**67.** The school board may not terminate the employment relationship of a senior staff member who receives benefits under the short- or long-term salary insurance plan for the sole reason that he is totally disabled.

**68.** During a leave without pay or a partial leave without pay of less than 30 days, a senior staff member shall continue to participate in the insurance plans and shall pay the contribution he would pay if he were at work.

Where the duration of a leave without pay, other than a partial leave without pay, is 30 days or more or during any other absence without pay, a senior staff member shall continue to participate in the uniform life insurance plan. Moreover, a senior staff member shall continue to participate in the compulsory basic health and accident insurance plan by paying his contribution and that of the school board to that plan and he may, if he so requests the school board before the beginning of the leave or absence, continue to participate in the insured plans to which he subscribed before the leave or absence according to the provisions of the master policy.

During a partial leave without pay of 30 days or more, a senior staff member shall continue to participate in the insurance plans on the basis of the time worked. However, the senior staff member who continues to participate in the plans on the basis of the time normally worked prior to the partial leave without pay shall also pay his contribution and that of the school board to the plans on the basis of the time not worked, excluding the school board's contribution to the compulsory basic health and accident insurance plan which continues to be assumed by the latter.

A senior staff member who continues to participate in all the insured plans to which he subscribed before the leave or absence without pay shall also continue to participate in the survivor's pension plan by paying the premium determined by the Conseil du trésor to cover the cost of the plan.

For the purposes of the short-term salary insurance plan, total disability which develops during the leave or absence without pay shall be considered as beginning on the date on which the leave or absence ends.

**69.** A senior staff member assigned to a teaching, professional or support staff position may continue to participate in the insurance plans provided that he have completed two years of continuous service in a senior or senior executive staff position on the date of the assignment and that he so request the school board prior to that date.

However, these provisions do not apply to an assignment of a disciplinary nature.

**1. Plans Insured by the Québec Government***a) Uniform Life Insurance Plan*

**70.** A full-time or part-time senior staff member, whose regular workweek equals or exceeds 70% of that of a full-time senior staff member, shall be entitled to life insurance benefits equal to \$6 400 payable to his beneficiaries.

**71.** Unless there are provisions to the contrary, a senior staff member's participation in the uniform life insurance plan shall cease on the earlier of the following dates:

- (1) the date on which the senior staff member is no longer covered by this chapter;
- (2) the date on which he retires.

*b) Short-term Salary Insurance Plan*

**72.** The short-term salary insurance plan covers the first 104 weeks of total disability.

**73.** During the first week of total disability, a senior staff member shall receive the salary to which he would have been entitled had he been at work.

**74.** As of the second week of total disability and up to 26 weeks from the beginning of the total disability, a senior staff member shall receive a benefit under the salary insurance plan equal to 80% of the salary to which he would have been entitled had he been at work. A senior staff member on a part-time leave without pay shall receive a benefit equal to 80% of the salary to which he would have been entitled had he been at work in proportion to the time worked.

As of the 27<sup>th</sup> week of total disability and up to 104 weeks from the beginning of the total disability, a senior staff member shall receive a benefit under the salary insurance plan equal to 70% of the salary to which he would have been entitled had he been at work. A senior staff member on a part-time leave without pay shall receive a benefit equal to 70% of the salary to which he would have been entitled had he been at work in proportion to the time worked.

**75.** For the purposes of the short-term salary insurance plan, total disability means a state of incapacity resulting from an illness, an accident or serious complications of a pregnancy or a surgical procedure directly related to family planning requiring medical care and rendering the senior staff member totally unable to perform the usual duties of his position or of any other position calling for comparable remuneration that may be offered by the school board.

**76.** For the purposes of the short-term salary insurance plan, a period of total disability means a continuous period of total disability or a series of successive periods of total disability resulting from the same illness or accident, separated by fewer than 15 days of actual full-time or part-time work or, as the case may be, in accordance with the senior staff member's regular position. The computation of the 15-day period of actual work shall not take into account vacation, paid legal holidays, leaves without pay, leaves related to parental rights or any other absence, whether remunerated or not.

A period of total disability resulting from self-inflicted illness or injury, alcoholism or drug addiction, service in the armed forces, active participation in a riot or insurrection or from indictable or other offences shall not be recognized as a period of total disability. However, in the case of alcoholism or drug addiction, the period during which a senior staff member receives medical care or treatment with a view to rehabilitation shall be recognized as a period of total disability. Moreover, the disability period related to an organ donation without compensation shall be recognized as a total disability period.

**77.** A totally disabled senior staff member who receives a salary or benefits under the salary insurance plan must provide the information as well as the supporting documents required by the school board or its representative (the insurer or a firm of medical experts) and undergo a medical examination with a physician designated by the school board in order to continue to receive the salary or benefits. If the employee refuses to provide the required information and supporting documents or to undergo a medical examination, the benefits payment may be interrupted.

The cost of the medical examination shall be borne by the school board. The information, supporting documents or examination can be used to verify whether the senior staff member complies with the definition of total disability and to determine the cause and the duration of the absence.

A senior staff member shall also authorize the school board or its representative to disclose such information and to provide the supporting documents for the purposes of assessing the possibilities of offering him a position under subdivisions 1 and 2 of this division.

**78.** A disabled senior staff member shall continue to participate in the pension plan and in the insurance plans. As of the second week of total disability, a senior staff member who receives salary insurance benefits shall be exempted from contributing to the complementary insured plans and to the pension plan, if the plan so provides.

During that period, the senior staff member's contribution to the compulsory basic insured plans shall be borne by the school board.

**79.** The salary and benefits paid under sections 73 and 74 shall be reduced by any disability benefit paid under a law in force in Québec, regardless of subsequent increases in basic benefits paid under a law in force in Québec resulting from indexation.

**80.** A senior staff member entitled to disability benefits under a law in force in Québec must immediately inform the school board.

**81.** Salary and salary insurance benefits shall be paid directly by the school board provided the senior staff member submit the supporting documents prescribed in section 77.

**82.** On the senior staff member's return to work from a total disability leave, the school board may require him to undergo a medical examination to determine whether he has sufficiently recovered to be able to return to work. The cost of the examination shall be borne by the school board.

Where the opinion of the physician chosen by the school board is contrary to that of the physician consulted by the senior staff member, the two physicians shall agree on the choice of a third physician whose fees shall be paid equally by the school board and the senior staff member and whose decision is final.

**83.** A senior staff member who receives salary insurance benefits may agree with his school board on a period of gradual return to work provided that, during that period, he carry out the duties related to the position he held prior to his period of total disability or any other position calling for comparable remuneration that may be offered by the school board, while still being covered by the salary insurance plan.

During that period, the senior staff member shall receive his salary for the time worked as well as the salary insurance benefits calculated in proportion to the time not worked.

As a rule, the period shall not exceed six consecutive months and cannot have the effect of extending the period of total disability under the short-term salary insurance plan beyond 104 weeks.

**84.** A senior staff member who is disabled as a result of a work accident that occurred while he was employed by the school board shall receive his salary from the first to the 104<sup>th</sup> week of his total permanent or temporary disability as if he had remained at work.

In such a case, the senior staff member shall receive, in addition to the indemnity prescribed by the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), an amount equal to the positive difference between his net salary and that indemnity. That amount shall be reduced to a gross salary from which the school board shall withhold all deductions and contributions required by the Act and this Regulation.

For the purposes of this section, a senior staff member's net salary means his gross salary less federal and provincial income taxes and contributions to the Québec Pension Plan, the pension plan, the Employment Insurance Plan, the Québec Parental Insurance Plan and the insurance plans.

**85.** Unless there are provisions to the contrary, a senior staff member shall cease to participate in the short-term salary insurance plan on the earliest of the following dates:

- (1) the date on which the senior staff member is no longer covered by this division;

(2) the date on which the senior staff member begins to use his bank of sick-leave days to entirely offset the time worked prescribed in the progressive retirement agreement which immediately precedes retirement;

(3) the date on which his total preretirement leave begins;

(4) the date of his retirement.

*c) Survivor's Pension Plan*

**86.** The Directive concernant le régime de rentes de survivants adopted by the Conseil du trésor applies to senior staff, subject to the following provisions:

(1) the words "civil servant" and "remuneration" are replaced respectively by the words "senior staff member" and "salary";

(2) the definition of "remuneration" found in section 1 of the Directive is replaced by the following definition:

"salary":

(a) for a disability which began after 31 December 1981, salary means that defined in section 62 of this Regulation as well as, where applicable, the compulsory complementary long-term salary insurance plan;

(b) for a disability which began on or prior to 31 December 1981, salary means the senior staff member's annual salary;

(3) section 25 of the Directive is replaced by section 211 of this Regulation.

## **2. Plans Insured by the Insurer**

**87.** Section 88 and sections 90 to 97 apply to a senior staff member who became totally disabled after 31 March 1994.

**88.** For the purposes of sections 90 to 96 and subdivision 2 of this division,

"employment" or "rehabilitative employment" means employment for which a senior staff member is reasonably qualified according to his education, training and experience. Such employment may be a senior staff position in the case of a senior staff member or a manager position in the case of a manager or equivalent employment to that held prior to his appointment to a senior staff, professional or teaching position or, in the case of a manager, a technical, administrative or labour support position;

"total disability" means total disability within the meaning of the compulsory basic long-term salary insurance plan;

"benefit" means a benefit that a senior staff member would have received had he been eligible for the compulsory basic long-term salary insurance plan.

**89.** The cost of the compulsory basic plans shall be shared by the government and all the participants of the plans according to the terms and conditions of the insuring agreement signed by the Québec government and the associations representing the participants of the group insurance plans for management staff in the public and parapublic sectors for the duration of the said agreement.

**90.** Where the school board is advised by the insurer that the senior staff member does not comply with the definition of total disability and that payment of his benefit shall be suspended or refused, the school board may submit the disagreement to contest the insurer's decision to the Medical Arbitration Tribunal in order to determine whether the senior staff member complies with the definition of total disability in accordance with the medical arbitration agreement concluded with the insurer and provided that the senior staff member agree that the disagreement be submitted to the Tribunal for a final decision. The disagreement may be submitted directly to the Tribunal or after the school board has required, at its expense, that the senior staff member undergo a medical examination.

However, the school board that concurs with the insurer's decision shall offer the senior staff member a position in writing.

Within 90 days of the date on which the insurer's decision becomes effective and under the conditions specified in the medical arbitration agreement, a senior staff member may submit the disagreement to the Medical Arbitration Tribunal to contest the insurer's decision according to which he does not comply with the definition of total disability. In such a case, the school board shall not assume any costs.

**91.** The school board shall pay a senior staff member a salary equal to the benefit that he was receiving for the period beginning on the date on which the payment of benefits was suspended or the refusal of payment came into effect and ending on the date of the Medical Arbitration Tribunal decision, provided the following conditions are met:

(1) the senior staff member was party to the medical arbitration agreement concluded with the insurer;

(2) the disagreement between the school board and the insurer or between the senior staff member and the insurer was validly submitted to the Medical Arbitration Tribunal for a final decision in accordance with the medical arbitration agreement concluded with the insurer.

**92.** Where the Medical Arbitration Tribunal confirms that the senior staff member does not comply with the definition of total disability, the contributions of both the school board and the senior staff member to the insurance and pension plans shall be paid retroactively to the date on which the payment of benefits was suspended or the refusal of payment came into effect, and the senior staff member shall continue to receive from the school board a salary equal to the benefit until the school board offers him a position. Where the senior staff member submits the disagreement to the Tribunal, he must reimburse the school board for the salary paid to him.

Where the Medical Arbitration Tribunal confirms the senior staff member's total disability, the school board shall continue to pay the salary equal to the benefit until the benefit is paid by the insurer. The insurer shall reimburse the school board the amounts paid and the latter shall reimburse the senior staff member, where applicable, for the arbitration and medical examination costs.

**93.** A senior staff member who accepts the position offered by the school board under sections 88 to 92 and 94 to 96 shall be granted the classification and salary corresponding to his new position.

Contributions of both the senior staff member and the school board to the insurance and pension plans shall be determined on the basis of that salary.

**94.** During the waiting period for a position, in the case where the school board and the senior staff member agree with the insurer's decision according to which the senior staff member does not comply with the definition of total disability, or on the date of the Medical Arbitration Tribunal's decision to that effect, the senior staff member shall receive a salary equal to the benefit; the contributions of both the senior staff member and the school board to the pension and insurance plans shall be determined on the basis of that salary. During that period, the school board may temporarily use the senior staff member's services.

**95.** The senior staff member who does not comply with the definition of total disability after the first 104 weeks of total disability must accept a position offered to him in an agency in the education sector in his administrative region, except for the period during which he submitted his disagreement with the insurer to the Medical Arbitration Tribunal. If the senior staff member refuses the position offered, he shall be dismissed. Before carrying out the dismissal, the school board shall forward a 15-working day notice to the senior staff member and shall forward a copy to the committee referred to in section 97.

During that period, the committee may make appropriate recommendations in accordance with section 97.

The duration of the regular workweek of such a position must not be less than that of the position held by a senior staff member at the beginning of the total disability.

**96.** The salary equal to the benefit paid to the senior staff member, in application of the provisions of this subdivision, cannot exceed the date of termination of the benefit prescribed by the master policy.



**97.** At the request of either party, a committee shall be set up to study any particular problem pertaining to the return to work and to propose appropriate solutions to the problems encountered by the school board, the senior staff member and the insurer, notably in cases where the return to work may involve the temporary use of the senior staff member's services or his moving. The committee shall be composed of:

- (1) a representative designated by the associations of administrators and the associations of senior staff of centres: the representative comes from the association to which the administrator or senior staff member in a centre belongs, if need be;
- (2) a representative designated by the associations of senior staff of schools: the representative comes from the association to which the senior staff member in a school belongs, if need be;
- (3) a representative designated by the Fédération des commissions scolaires du Québec;
- (4) a representative of the Quebec English School Boards Association;
- (5) a representative of the Minister.

The committee may call upon the services of resource persons, if needed.

**98.** Notwithstanding the provisions of this subdivision, the provisions dealing with the definition of disability, the benefits and the definition of a disability period, in effect on 31 March 1994, shall continue to apply to a disabled senior staff member on that same date and section 67 does not apply to that senior staff member.

## **§2. *Rehabilitation***

**99.** A senior staff member shall be eligible for rehabilitation if he meets the following eligibility criteria:

- (1) total disability began after 31 March 1994 and the senior staff member has been totally disabled for six months or more;
- (2) total disability began more than two years prior to the earlier of the following dates:
  - (a) his 65<sup>th</sup> birthday;
  - (b) the earliest date on which he becomes eligible for:
    - (i) a retirement pension without actuarial reduction calculated with 35 years of service credited to his pension plan;

- (ii) an actuarially reduced retirement pension the amount of which would correspond to that of a retirement pension without actuarial reduction calculated with 35 years of service credited to his pension plan;
- (iii) a total benefit within the meaning of the Pension Plan of Certain Teachers (PPCT) corresponding to 70% of the average pensionable salary on the basis of which the pension under this plan is calculated.

Notwithstanding the first paragraph, a senior staff member shall not be eligible for rehabilitation in one of the following circumstances:

- (1) the attending physician or the insurer confirms that the return to work can be assured without any rehabilitation;
- (2) the insurer confirms that the senior staff member will not return to work;
- (3) the insurer confirms that the senior staff member does not qualify for rehabilitation.

**100.** A senior staff member to whom the school board has offered rehabilitative employment in writing must inform the school board in writing whether he accepts or refuses the rehabilitative employment, regardless of whether the rehabilitation commences before or after the first 104 weeks of total disability.

The duration of the regular workweek of rehabilitative employment must not be less than the regular workweek of the position held by a senior staff member at the beginning of his total disability.

**101.** The period during which a senior staff member holds, on a trial basis, rehabilitative employment cannot have the effect of extending the period of total disability under the short-term salary insurance plan beyond 104 weeks.

**102.** A senior staff member whose rehabilitation occurs during the first 104 weeks of disability shall be deemed as totally disabled for that period and shall receive, for the time worked while holding rehabilitative employment, a short-term salary insurance benefit equal to 90% of the salary to which he would have been entitled had he been at work in the position he held prior to his total disability and, for the time not worked or the waiting period for such employment, where applicable, a short-term salary insurance benefit equal to 70% of that salary.

The benefit shall be subject to the provisions relating to the waiver of contributions to the insurance and pension plans as well as to the provisions relating to the coordination of the benefit according to the terms and conditions prescribed in sections 78 and 79 of this Regulation.

However, a senior staff member whose rehabilitation occurs in the position he held prior to his total disability shall receive his salary for the time worked.

**103.** A senior staff member whose partial rehabilitation occurs after the 104<sup>th</sup> week of total disability shall be entitled to the provisions of section 102 up to the end of the 104<sup>th</sup> week of total disability.

From the 105<sup>th</sup> week to the end of the rehabilitation, a senior staff member shall receive for the time worked the salary earned from rehabilitative employment, provided that it not be less than the compulsory basic long-term salary insurance benefit and, for the time not worked, he shall receive a salary equal to that benefit. However, the senior staff member whose rehabilitation occurs in his position shall receive his salary for the time worked and a salary equal to the compulsory basic long-term salary insurance plan benefit for the time not worked.

**104.** A senior staff member whose total rehabilitation occurs after the 104<sup>th</sup> week of total disability shall receive for the time worked the salary earned from rehabilitative employment, provided that it not be less than the compulsory basic long-term salary insurance benefit.

**105.** The senior staff member shall accumulate vacation during the time worked in his rehabilitative employment.

**106.** Any period during which a senior staff member carries out training or professional development prescribed by the rehabilitation program approved by the insurer shall be considered as time worked.

**107.** A senior staff member shall be granted the classification and the salary of the rehabilitative employment at the end of the 104<sup>th</sup> week of disability or, where applicable, at the end of the rehabilitation if the latter ends after the 104<sup>th</sup> week.

Contributions of both the senior staff member and the school board to the insurance plans and pension plans shall be determined on the basis of the salary of the rehabilitative employment.

**108.** A senior staff member already considered as totally disabled who must again be absent from work due to total disability resulting from the same illness or accident, before the end of the first 104 weeks of disability, but after having undergone rehabilitation, is deemed to have suffered a relapse of the same disability.

In such a case, the senior staff member shall continue to receive a benefit equal to 90% of the salary to which he would have been entitled had he been at work in his position up to 104 weeks from the beginning of the disability, and the provision set out in the second paragraph of section 102 applies.

**109.** Where a new total disability begins prior to the end of the first 104 weeks of the first disability, but after the senior staff member has undergone rehabilitation, the senior staff member shall be considered as totally disabled in the position he held at the beginning of the new disability. However, a senior staff member shall continue to receive a benefit equal to 90% of the salary to which he would have been entitled had he been at work in the position he held at the beginning of the first disability period up to 104 weeks from the beginning of the first total disability, and the provision set out in the second paragraph of section 102 applies.

At the end of the first 104 weeks of the first total disability, a senior staff member whose rehabilitation occurs in the rehabilitative employment shall be granted a new classification under section 107.

**§3. Pension Plan**

**110.** The Pension Plan of Management Personnel (PPMP) applies to senior staff covered by the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1).

**DIVISION VIII**  
**REPRESENTATION EXPENSES**

**111.** A school board shall adopt a policy concerning the representation expenses of senior staff.

**112.** A senior staff member shall be entitled, upon presentation of supporting vouchers, to be reimbursed for his representation expenses in accordance with the policy in effect at the school board.

**DIVISION IX**  
**LEAVES FOR PROFESSIONAL AFFAIRS OR PUBLIC OFFICE**

**113.** A senior staff member who intends to run for public office shall obtain, upon written request, a leave of absence without pay for the length of time required by his candidacy and by his office, if elected.

**114.** The school board may grant a leave for a specified length of time to a senior staff member solicited by his professional association so that he may hold a post within that association.

**115.** A senior staff member who obtains leave for professional affairs or public office must reach an agreement beforehand with the school board on the terms and conditions of the leave and eventual return to work.

**DIVISION X**  
**TRANSFER OF CERTAIN BENEFITS TO ANOTHER SCHOOL BOARD**

**116.** This division applies to the senior staff member who, in the year following his resignation, is hired as senior staff by another school board.

**117.** For vacation purposes, the change in school board shall not interrupt the period of continuous service credited to the senior staff member.

**118.** For employment stability purposes, a senior staff member who has completed two years of continuous service in his former school board is deemed to have completed that period in the new school board.

**119.** A senior staff member may transfer, in whole or in part, the redeemable sick-leave days to his credit and the amount corresponding to the value of such days at the time of the transfer, provided that he so request and that the request be accepted by the two school boards. In this case, a document attesting to the number of redeemable days and the amount transferred shall be prepared by the school board that the senior staff member is leaving and forwarded to the new school board.

**120.** A senior staff member may transfer, in whole or in part, the nonredeemable sick-leave days to his credit and confirmed by the school board he is leaving, provided that he so request and that the request be accepted by the school board that hires him. In this case, a document attesting to the number of nonredeemable days transferred shall be prepared by the school board that the senior staff member is leaving and forwarded to the new school board.

**121.** Chapter IX of this Regulation concerning the Appeals Committee prescribed by this Regulation applies to the senior staff member whose employment is terminated or who is dismissed during his probation period in the new school board, provided that he meet either of the following two conditions on the date on which he assumed his duties in the new school board:

(1) has completed the probation period in his former school board;

(2) has completed two years of continuous service as a senior staff member in his former school board.

**122.** The moving expenses specified in Schedule VI may be applied in whole or in part following the acceptance of the senior staff member's request by the school board that hires him. In this case, notwithstanding section 14 of that schedule, moving expenses shall be reimbursed by the school board that hires him.

**123.** The senior staff member who participates in the sabbatical leave plan with deferred salary at the time of his resignation may continue to participate in the plan provided that a request to this effect be accepted by the school board that hires him.

## **CHAPTER IV**

### **SENIOR STAFF DEVELOPMENT**

#### **DIVISION I**

##### **EVALUATION**

**124.** A school board must adopt an evaluation system for its senior staff.

**DIVISION II**  
**PROFESSIONAL IMPROVEMENT**

**125.** Professional improvement is intended to enable a senior staff member:

- (1) to acquire or increase the knowledge required in the performance of a duty prescribed by this Regulation within an organization;
- (2) to acquire new skills or develop new attitudes related to career development.

**126.** The Minister and the school boards must facilitate the participation of senior staff in various professional improvement activities.

**§1. Local Level**

**127.** The development of human resources and, more specifically, the professional improvement of senior staff is the responsibility of the school board and is designed according to the needs of the milieu. To this end, the school board shall draw up a local professional development policy within the framework of its local management policy applicable to the group of senior staff concerned, where applicable.

**128.** Subject to sections 129 to 132, a school board shall assume the costs related to local professional improvement activities.

**§2. Provincial Level**

**129.** The Minister shall draw up a general professional improvement plan in order to render professional improvement more accessible to senior staff, regardless of the location or the size of a school board, taking into account the collective needs of the school board network.

**130.** The Minister shall be advised by a provincial professional improvement committee in which the associations of senior staff as well as the federations of employers participate with regard to the distribution of the annual amount available for each group of senior staff. The provincial committee shall also establish the criteria for organizing professional improvement.

**131.** Each year, the Minister shall decide what amounts will be allocated to the general professional improvement plan.

**132.** The Minister shall be advised by specific professional improvement committees with regard to the objectives and content of the professional improvement programs for each group of senior staff, namely:

(1) for senior staff of services and managers, the Comité de perfectionnement des cadres et des gérants (CPCG);

(2) for senior staff of schools, the Comité de perfectionnement des directeurs d'établissement d'enseignement (CPD);

(3) for senior staff of centres, the Comité de perfectionnement des cadres de centre (CPCC).

## **CHAPTER V**

### **ADMINISTRATIVE STRUCTURE**

**133.** The school board shall determine its administrative structure for senior staff positions. It shall consult each association of senior staff for the positions covered by the association in the same manner as that prescribed for the management policy defined in section 182. The consultation must be held no less than 30 days before the administrative structure is adopted, unless the school board and the association of senior staff agree otherwise.

The administrative structure is set out in an organization chart illustrating the number of full-time and part-time senior staff positions as well as the title, the classification and the reporting relationship of each position.

In the case of administrator positions, the administrative structure illustrates the organization of the activities of the school board for this type of positions and shall establish the distribution and level of responsibilities among the administrators required to administer such activities.

In the case of senior staff positions in a centre, the administrative structure illustrates the nature of the activities carried out in the centres under the responsibility of the school board.

In the case of senior staff positions in a school, the administrative structure specifies the number of senior staff members assigned to each school of the school board. The number of senior staff positions in a school shall be based on the criteria determined by the school board and may deal notably with the number of students in a school, the ratio of students with handicaps, social maladjustments or learning difficulties, the poverty index recognized by the Ministère, the number of students enrolled in the day care service, the number of schools under the responsibility of the same principal, the number of buildings at the disposal of a school, the special program of a school, the multi-ethnicity or any other criterion that the school board deems pertinent.

**134.** The administrative structure shall be adopted by resolution of the council of commissioners of the school board and shall remain in force until it is amended by resolution of the council.

Any change in the administrative structure shall be the object of consultation with the association of senior staff concerned in the same manner as that prescribed for the management policy defined in section 182.

**135.** A senior staff member in a school may be released completely from his duties to be assigned to preparatory and organizational tasks required for the opening of a new school in the coming school year. In such a case, the provisions of Division I of Chapter III, Remuneration, apply.

**136.** A school board may convert full-time senior staff positions in a school into part-time positions. The school board shall consult with its senior staff of schools for that purpose in accordance with the procedures prescribed in section 182.

## **CHAPTER VI**

### **STABILITY OF EMPLOYMENT**

**137.** This chapter applies to a surplus of senior staff resulting from the abolishment of senior staff positions.

**138.** A senior staff member's failure or refusal to comply with an obligation prescribed in sections 151 and 168 shall be considered as a resignation, unless the senior staff member can justify it to the satisfaction of the Placement Bureau.

**139.** For the purposes of this chapter, "Placement Bureau" means the Regional Placement Bureau or the Provincial Relocation Bureau.

**140.** The severance allowance prescribed in sections 154 to 160 applies to the senior staff member who is deemed to have resigned following the application of section 138.

## **DIVISION I**

### **PRELIMINARIES TO PLACEMENT ON AVAILABILITY**

**141.** Where there is a surplus of senior staff following the abolishment of a senior staff position, the school board shall notify each association concerned and shall consult it on measures that could be taken to readjust staff numbers before placing staff on availability.

**142.** The school board shall consider, in particular, the possibilities for retirement, leaves with or without pay, leaves for professional improvement, loans of service, replacement of staff on disability leave, movement of personnel and other measures designed to defer any surplus of senior staff or to readjust its staff numbers.

In the case of a movement of personnel resulting from the application of this section, section 171 applies to a senior staff member, where applicable.



**143.** Where the surplus of senior staff cannot be eliminated through the application of sections 141 and 142, the school board shall lay off a senior staff member with less than two years of continuous service with the school board prior to the effective date of surplus, unless the said vacant position cannot be filled from among the other senior staff members so as to readjust staff numbers.

Notwithstanding the first paragraph, a senior staff member with less than two years of continuous service with the school board as a result of relocation is deemed to have completed two years of continuous service with that school board.

**144.** The school board shall notify a senior staff member in writing at least 60 days prior to the date of layoff.

**145.** A senior staff member who is laid off as a result of a surplus may avail himself, at his request, of the services of the Placement Bureau for up to a year from the date of the layoff notice. Moreover, the senior staff member who is reengaged by his school board during the 12-month period following the date of his layoff shall continue to accumulate his years of service with the school board as of the date on which he is reengaged.

## **DIVISION II**

### **PLACEMENT ON AVAILABILITY**

**146.** The school board shall place surplus senior staff on availability.

**147.** In such an event, the school board shall draw up a list of senior staff members to be placed on availability for the following school year on the basis of criteria established by the school board after consultation with each association concerned.

**148.** The school board shall notify a senior staff member in writing at least 60 days before he is placed on availability.

**149.** A senior staff member may substitute himself for a senior staff member who is on the list of persons to be placed on availability, provided that the school board agree to the substitution and that the substitution be carried out within the time limit preceding the placement on availability.

## **DIVISION III**

### **USE OF SENIOR STAFF ON AVAILABILITY**

**150.** As of the date of his placement on availability and as long as he has not been reassigned or relocated, a senior staff member shall retain his classification. The senior staff member's salary, determined on the basis of the rules respecting salary review on the date of his placement on availability, shall be maintained throughout the period he is placed on availability.

Notwithstanding the preceding paragraph, a senior staff member temporarily assigned, within the meaning of section 52, to a position where the maximum salary is equal to or more than the maximum of his former salary scale shall receive the remuneration specified in section 53 for the duration of the temporary assignment.

**151.** A senior staff member on availability must accept any duty for which he is qualified in his school board or in another agency in the public or parapublic sector in his administrative region under the terms of a loan of service agreed upon by his school board, the Placement Bureau and the agency concerned. The school board shall consult the senior staff member to this effect.

#### **DIVISION IV**

#### **MEASURES TO REDUCE SURPLUS OR PLACEMENT ON AVAILABILITY**

##### **§1. *Severance Allowance***

**152.** A senior staff member on availability who resigns from his school board shall receive the severance allowance prescribed in sections 154 to 160.

**153.** The school board may grant the severance allowance prescribed in sections 154 to 160 to any other senior staff member who resigns from the school board, provided such resignation reduce the number of persons in surplus or on availability at the school board.

**154.** The severance allowance is equal to one month's salary for every year of service with the school board.

**155.** The severance allowance may not be more than six months' salary or less than two months' salary.

**156.** Notwithstanding sections 154 and 155, a senior staff member who has already received a severance allowance as a senior staff member or a senior executive may receive only the difference between the allowance already received and the amount of the new allowance determined under this subdivision.

**157.** An amount equal to the first two months of salary shall be paid when a senior staff member leaves. Beginning with the third month, a senior staff member shall be entitled to the payment of one month's salary per month until the severance allowance is fully paid. Should the senior staff member be hired by an agency in the public or parapublic sector, severance allowance payments shall cease immediately.

**158.** The severance allowance does not include accumulated vacation or the amount resulting from reimbursement of sick-leave days.

**159.** A senior staff member who is eligible for a pension corresponding to 70% or more of his average pensionable salary shall not be entitled to a severance allowance.

**160.** A senior staff member who accepts a severance allowance shall forego the other provisions of this chapter and those of the chapter dealing with recourse.

### **§2. *Preretirement Leave***

**161.** A senior staff member placed on availability shall be entitled to the preretirement leave prescribed in this subdivision, provided that he apply for it and that he receive a pension under a retirement plan at the end of the preretirement leave, subject to section 164.

**162.** A school board may, at a senior staff member's request, grant the preretirement leave prescribed in this subdivision provided that:

(1) such a measure must allow for a reduction in the number of persons in surplus or on availability in the school board;

(2) subject to section 164, the senior staff member must receive a pension under a retirement plan at the end of such leave.

**163.** The duration of the preretirement leave may not exceed one year.

**164.** Sick-leave days which may be used for preretirement purposes, under sections 4 to 8 of Schedule XIV, are not included in the preretirement leave prescribed in section 163.

The senior staff member who is granted preretirement leave shall retain his right to the reimbursement of redeemable sick-leave days not used for preretirement purposes.

**165.** A senior staff member's accumulated vacation is not included in the preretirement leave.

**166.** During his preretirement leave, a senior staff member shall be entitled to the benefits prescribed by this Regulation, except for the salary insurance plan, premiums for regional disparities, parental rights and vacation, provided such benefits are compatible with the nature of the leave.

**167.** By accepting preretirement leave, a senior staff member is deemed to have resigned at the end of the leave, and the provisions of subdivision 1 of this division dealing with severance allowances do not apply.

### **§3. *Relocation of Senior Staff on Availability***

**168.** A senior staff member on availability shall be required to comply with the following:

(1) to accept any available senior staff position in his school board for which he is qualified;

(2) to accept, in his school board, any available teaching or professional position, or support staff position in the case of a manager, for which he is qualified. The school board shall consult the senior staff member in this regard;

(3) to accept, within 15 days of receipt, any employment offer for a senior staff position for which he is qualified in another agency in the education sector in his administrative region; such an offer shall be forwarded to the senior staff member by registered or certified mail;

(4) at the end of his first year of placement on availability, to accept, within 15 days of receipt, any employment offer for a teaching or professional position, or support staff position in the case of a manager, for which he is qualified in another agency in the education sector in his administrative region; such an offer shall be forwarded to the senior staff member by registered or certified mail;

(5) at the end of his second year of placement on availability, to accept, within 15 days of receipt, any employment offer for a senior staff position for which he is qualified in another agency in the education sector, except for agencies in the three administrative regions located the farthest away from his place of work as determined by the Placement Bureau; such an offer shall be forwarded to the senior staff member by registered or certified mail;

(6) at the request of the Placement Bureau, to be present at a selection interview for the purposes of his relocation under subparagraphs 3, 4 and 5; the request shall be forwarded to the senior staff member by registered or certified mail. In this case, the senior staff member's expenses shall be reimbursed by his school board according to its policy in effect.

The school board shall interview every senior staff member on availability referred by the Placement Bureau.

**169.** As of the date on which a senior staff member is placed on availability, the school board shall assign him to the first available senior staff position or, failing which, teaching or professional position, or support staff position in the case of a manager, for which he is qualified.

**170.** Unless there are provisions to the contrary, a senior staff member assigned to a teaching, professional or support staff position shall no longer be governed by this Regulation.

**171.** The salary readjustment procedure outlined in sections 58 to 60 applies to a senior staff member on availability assigned to another senior staff position or to a teaching, professional or support staff position, as the case may be, where the salary of his new position is less than that he was receiving while on availability, without taking into account the two-year limit prescribed in section 60.

**172.** The provisions concerning banks of sick-leave days in Schedule XIV apply to the senior staff member assigned to a teaching, professional or support staff position in his school board.

**173.** A senior staff member in a school or centre assigned to a teaching or professional position shall be registered on an eligibility list of the school board for a maximum period of one year as of the date of his assignment, with priority for the same position in the same or lower class or for a senior staff position in a school or centre of a lower level.

**174.** A senior staff member relocated to a senior staff position or to a teaching, professional or support staff position in another agency in the education sector shall be reimbursed for his bank of redeemable sick-leave days by the school board he is leaving. Moreover, a senior staff member's bank of nonredeemable sick-leave days shall also be transferred with him, and the provisions concerning banks of nonredeemable sick-leave days in sections 4 to 8 of Schedule XIV shall continue to apply.

**175.** The senior staff member who, following the school board's evaluation of his performance, is nonreengaged either during or at the end of the school year in which he is relocated shall return to the school board that placed him on availability, and Divisions III and IV of this chapter apply. In this case, the total period of his previous placement on availability must be taken into account when interpreting the provisions of section 168.

**176.** A senior staff member covered by section 169 or 174 shall continue to accumulate his years of service for annual vacation purposes.

**177.** The provisions concerning moving expenses in Schedule VI apply to a senior staff member who is relocated to another agency in the education sector under subparagraphs 3 to 5 of section 168.

**178.** The senior staff member on availability who, at the request of the Placement Bureau, agrees to be relocated to another administrative region during his first two years of placement on availability shall receive an allowance equal to 2 months' salary from the school board he is leaving. However, an allowance equal to four months' salary shall be paid to a senior staff member on availability who accepts to be relocated to one of the three administrative regions the farthest away from his place of work as determined by the Placement Bureau. Moreover, sections 174 to 177 apply the senior staff member.

## **CHAPTER VII**

### **MANAGEMENT POLICY**

**179.** The school board must adopt, by resolution, a management policy concerning its administrators, senior staff of schools and senior staff of centres.

**180.** The management policies deal, in particular, with consultation and participation, administrative organization, job descriptions and eligibility criteria, classification, probation period, employment plan and benefits, payment of salary, the local professional improvement plan for senior staff and a recourse procedure for any problem arising between a senior staff member and a school board with regard to the application and interpretation of the management policy or a disciplinary measure, other than a suspension without pay.

The management policy for senior staff in a school also deals with senior staff positions in a school.

If the recourse procedure prescribed in the management policy refers to the chapter on recourse in this Regulation, the Appeals Committee shall only be empowered to make the recommendations as prescribed in section 205.

**181.** The maximum probation period must be less than 24 months. Any absence during the probation period shall be added to that period.

**182.** In drawing up its management policies concerning its administrators, senior staff of schools and senior staff of centres, a school board shall comply with the provisions of this Regulation and shall consult with its senior staff in accordance with the following provisions:

(1) in the case of administrators belonging to an association of administrators, the school board shall recognize the association for consultative purposes in the preparation and application of the management policy;

(2) in the case of senior staff of schools belonging to an association of senior staff of schools, the school board shall recognize the association for consultative purposes in the preparation and application of the management policy;

(3) in the case of senior staff of centres belonging to an association of senior staff of centres, the school board shall recognize the association for consultative purposes in the preparation and application of the management policy;

(4) the procedures for such recognition and the role of the associations of senior staff in the consultative process shall be determined by the school board and the association of senior staff.

## **CHAPTER VIII**

### **OTHER CONDITIONS OF EMPLOYMENT**

#### **DIVISION I**

##### **ANNUAL VACATION**

**183.** The school board shall draw up an annual vacation plan for administrators in the management policy.

**184.** A senior staff member in a school or centre shall be entitled to at least four weeks' vacation between 1 July and 31 August. The other terms and conditions concerning annual vacation are determined in the management policy.

However, a senior staff member in a school or centre unable to take his vacation during that period may take up to four weeks during the school year following an agreement with the school board.

**185.** Notwithstanding sections 183 and 184, in the case of a disability of more than six cumulative months during the preceding school year, the number of days of vacation determined under section 183 or 184 shall be reduced proportionately to the number of working days during which the senior staff member was not entitled to his salary. The period of disability following a work accident shall not be considered as an absence without pay for the purposes of this section.

**186.** Vacation shall be acquired at the end of each school year.

**187.** The vacation of a school board employee assigned on a regular basis to a senior staff position shall be determined proportionately to the number of months worked as such during the school year of his assignment, regardless of the date on which he assumed his duties.

**188.** For any part of a year of employment, vacation shall be calculated proportionately to the number of months worked in relation to the preceding school year.

**189.** Vacation shall not be redeemable unless the senior staff member leaves the school board. In such a case, a senior staff member unable to take all or part of his acquired vacation shall receive a vacation allowance prorated to the duration of employment in the school year prior to his departure.

**190.** The allowance prescribed in section 189 shall be determined on the basis of 1/260 of the annual salary for each day of vacation not taken.

## **DIVISION II**

### **LEAVES FOR FAMILY RESPONSIBILITIES**

**191.** A senior staff member may be absent from work for up to 10 days per year to carry out obligations relating to the care, health or education of his child or spouse's child or because of the state of health of his spouse, father, mother, brother, sister or one of his grandparents. The first six days thus used are considered as sick-leave days. The remaining days are considered as absences without pay.

**192.** A senior staff member who is absent without pay for the reasons and under the conditions specified in sections 79.8 to 79.16 of the Act respecting labour standards (R.S.Q., c. N-1.1) must inform the school board of the reason for the absence as soon as possible and provide proof thereof. During the absence without pay, the senior staff member shall accumulate his experience for the purposes of determining his salary up to the maximum leave period prescribed in the Act respecting labour standards for the leave and his service shall not be interrupted. He shall continue to participate in the compulsory basic health insurance plan applicable to him by paying his share of the premiums. In addition, he may continue to participate in the other group insurance plans that he had prior to the leave after submitting an application at the beginning of the leave. If the senior staff member pays his share of the insurance plan premiums, the school board shall also pay its own, if need be, up to the maximum leave period prescribed in the Act respecting labour standards.

Upon his return, the senior staff member shall be reinstated in the position prescribed in section 47 of Schedule V, Parental Rights.

## **CHAPTER IX**

### **RECOURSE**

**193.** For the purposes of this chapter and with any modifications that the circumstances may require, the expression "association of senior staff" means the senior staff member himself when the latter is not a member of an association and the expression "working days" means the days from Monday to Friday inclusive, excluding paid legal holidays and days during the month of July.

**194.** This chapter does not apply to a senior staff member on probation.

Notwithstanding the first paragraph, this Regulation applies to a senior staff member on probation wishing to contest the application or interpretation of the Regulation as prescribed in the first paragraph of section 195. This chapter also applies to a senior staff member who was laid off under section 143 when the disagreement deals with the application of that section with respect to the condition of two years of service with the school board or of section 144 concerning the 60-day notice.

## **DIVISION I**

### **NOTICE OF DISAGREEMENT**

**195.** A disagreement between a senior staff member and the school board concerning the application or interpretation of this Regulation shall be submitted to the school board according to the procedure prescribed in section 196 and following.

If a disagreement between a senior staff member and the school board results from the dismissal, termination of employment, suspension without pay or assignment to another senior staff position or a teaching, professional or support staff position, the senior staff member shall forward a notice of disagreement directly to the Appeals Committee, through his association, within 20 working days of receiving the school board's written notice.

**196.** The notice of disagreement must contain the name of the senior staff member concerned, a statement of the facts giving rise to the disagreement and the required corrective measure or measures, the foregoing without prejudice.

The senior staff member shall forward his notice of disagreement to his association within 20 working days of the fact or knowledge of the fact giving rise to the disagreement, but no later than six months after the fact giving rise to the disagreement.



The association shall have 20 working days of the date on which it receives the notice of disagreement in which to submit the disagreement to the school board. The school board and the association shall meet within 20 working days of receiving the notice of disagreement in order to discuss it and, if possible, reach an agreement. The senior staff concerned shall be so informed and shall be entitled to attend such a meeting.

**197.** Within 20 working days after the meeting is held, the school board shall inform the senior staff member in writing of its decision concerning the notice of disagreement and shall forward a copy to the association.

If the senior staff member is not satisfied with the response or has not received the school board's response within the time limit prescribed in this section, he may, within 20 days, submit, through his association, his disagreement in writing to the Appeals Committee.

## **DIVISION II**

### **APPEALS COMMITTEE**

**198.** The disagreement referred to in the second paragraph of section 195 or in the second paragraph of section 197 shall be forwarded to the first chairman of the Appeals Committee, with a copy to the school board and to the federation of employers concerned and shall contain the name of the representative designated by the association concerned. The address of the first chairman of the Appeals Committee is:

Grefte des Comités de recours et d'appel, 575, rue Saint-Amable, 2<sup>e</sup> étage, Québec (Québec)  
G1R 5Y8

**199.** The Appeals Committee shall be composed of a chairman designated under section 200. The association and the school board may each designate an assessor to sit with the chairman and participate in the deliberations. The assessors shall not take part in the final decision.

**200.** The representative of the association and the representative of the federation of employers concerned shall have 20 working days of the date on which the notice of disagreement was filed with the Appeals Committee in which to designate a chairman.

Failing agreement on the choice of a chairman within the time limit prescribed, the first chairman of the Appeals Committee shall appoint the chairman from a list of names approved by the Comité consultatif concerned.

**201.** The Appeals Committee shall summon the parties within 20 working days of the appointment of the chairman of the Appeals Committee to study the disagreement. It shall proceed in the manner it determines, subject to the following provisions:

(1) where a notice of disagreement deals with a provision of the second paragraph of section 195, a preparatory session shall be held, the date of which shall be set by the chairman of the Appeals Committee after consultation with the two representatives during which the parties shall discuss with the chairman the following elements without prejudice:

- (a) the list of documents to be filed;
- (b) the number of witnesses;
- (c) the anticipated duration of the evidence;
- (d) the admissions;
- (e) the preliminary objections;
- (f) the methods to be used to expedite the hearing and to render it more effective;
- (g) any other issue determined by the chairman;

(2) the chairman of the Appeals Committee shall forward a notice to the records office of the Comités de recours et d'appel no later than 20 working days prior to the hearing date of the Appeals Committee, confirming the date of the latter.

**202.** The Appeals Committee shall verify whether the notice of disagreement is admissible and shall dispose of the preliminary objections, where applicable.

**203.** The association concerned, the federation of employers concerned and the Minister may, individually or collectively, intervene and make any representation that they deem appropriate to the Appeals Committee.

**204.** Where the notice of disagreement referred to in the first paragraph of section 195 deals with the application or interpretation of the following provisions of this Regulation, the Appeals Committee shall determine whether the school board's decision complies with the provisions of the Regulation:

- (1) Chapter I, Definitions and Application, sections 1 to 5
- (2) Chapter III, Remuneration
- (3) Chapter VI, Stability of Employment, except section 137
- (4) Chapter VIII, Other Conditions of Employment
- (5) Chapter IX, Recourse
- (6) Schedule IV, Progressive Retirement Plan, except section 1
- (7) Schedule V, Parental Rights
- (8) Schedule VI, Moving Costs
- (9) Schedule VII, Sabbatical Leave Plan with Deferred Salary, except section 1
- (10) Schedule VIII, Gradual Preretirement
- (11) Schedule IX, Part-time Senior Staff
- (12) Schedule XI, Administrative Regions
- (13) Schedule XIV, Former Banks of Sick-leave Days

Where the Appeals Committee determines that the decision does not comply with the provisions of this Regulation, it may change the decision wholly or in part.

**205.** Where the disagreement referred to in the first paragraph of section 195 deals with the application or interpretation of the provisions of this Regulation, other than those mentioned in the preceding section, the Appeals Committee shall study the disagreement, carry out its investigation, if need be, and shall forward its recommendations to the parties.

Subsequently, the school board shall forward its written decision to the senior staff member concerned along with the reasons underlying the decision within 20 working days of the date on which it receives the recommendations of the Appeals Committee. A copy of the decision shall be forwarded to the members and to the first chairman of the Appeals Committee.

**206.** Where a disagreement deals with a dismissal, termination of employment, suspension without pay or assignment of the senior staff member to another senior staff position or a teaching, professional or support staff position, the Appeals Committee shall determine whether the reasons underlying the school board's decision are fair and sufficient.

Where the Appeals Committee considers that the reasons for the school board's decision are not fair or sufficient, the parties shall have 20 working days of the Appeals Committee's decision in which to find a satisfactory solution.

Where agreement is reached, the parties shall jointly inform the chairman of the Appeals Committee, who shall terminate the proceedings.

Where no agreement is reached upon the expiry of the time limit prescribed in the second paragraph, the Appeals Committee shall determine, if need be, the amount of compensation for the actual loss of salary incurred and may:

(1) In the case of a dismissal, termination of employment or assignment to another position:

(a) for any senior staff member other than a manager, order the school board to reinstate him in a senior staff position, other than a manager position, determined by the school board;

in the case of a manager, order the school board to reinstate him in a manager position determined by the school board.

However, a senior staff member whose salary in his new position is less than that of his former classification shall receive the progressive salary according to his former classification;

(b) order the school board to reinstate the senior staff member in a position for which he is qualified as determined by the school board. Moreover, the Appeals Committee may order the school board to apply the salary readjustment procedure outlined in sections 58 to 60, without taking into account the two-year limit prescribed in section 60;

(c) order the school board to pay the senior staff member a compensation for damages equal to two months' salary for every year of service in a senior staff position; the compensation may not be less than three months' salary or more than 12 months' salary.

(2) In the case of a suspension without pay, order the reimbursement of salary and fringe benefits.

**207.** The decision of the Appeals Committee may, under no circumstances, have the effect of amending, subtracting or adding to the provisions of this Regulation.

The decision or recommendation of the Appeals Committee shall be conveyed to the parties within 30 working days of the last hearing date. However, the decision shall not be void if it is conveyed after the period prescribed.

Except for the power to make recommendations prescribed in section 205, the decision of the Appeals Committee shall be final and shall bind the parties.

The school board shall apply the decision of the Appeals Committee within 20 working days of its receipt.

Notwithstanding the preceding paragraph, a senior staff member may refuse to have the provisions of paragraph a or b of subparagraph 1 of section 206 applied to him within a period not exceeding 10 working days of the Appeals Committee's decision. In such a case, the senior staff member is deemed to have resigned and shall receive compensation for damages prescribed in section 206 in addition to the compensation for actual loss of salary set by the Appeals Committee.

**208.** The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that submitted the disagreement if the latter is rejected, and by the party to which the disagreement was submitted, if it is allowed. If the disagreement is allowed in part, the Appeals Committee shall determine the proportion in which the fees and expenses shall be paid by each party.

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

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

If an agreement is reached to settle a disagreement pursuant to section 212, the fees and expenses of the chairman of the Appeals Committee shall be shared equally by the parties.

If the disagreement deals with the dismissal of a senior staff member, the fees and expenses of the chairman of the Appeals Committee shall be borne by the Minister.

**209.** The fees and expenses of the chairman of the Appeals Committee shall be borne according to the regulatory provisions that previously applied to a disagreement received by the records office of the Comités de recours et d'appel before the coming into force of section 208.

**210.** The fees and the expenses of the assessors designated by the two parties shall be borne by each party respectively.

**211.** The senior staff member who is dismissed, whose employment is terminated or who is suspended without pay and who submits his case to the Appeals Committee shall continue to participate in the uniform life insurance plan. Moreover, he shall continue to participate in the compulsory basic health and accident insurance plan by paying his contribution and that of the school board and may also continue to participate in the other insured plans according to the provisions prescribed by the master policy until the Appeals Committee renders its decision or the parties reach a settlement, provided a written request to this effect is forwarded to the insurance company concerned within 90 days of the date of his dismissal, termination of employment or suspension without pay. The senior staff member who continues to participate in all of the insured plans shall also continue to participate in the survivor's pension plan by paying the premium determined by the Conseil du trésor to cover the cost of the plan.

In the event of a decision rendered by the Appeals Committee in favour of the senior staff member or a settlement reached by the parties, the senior staff member shall be entitled to the reimbursement of the contribution normally paid by the school board for the insured plans and the premium paid to cover his continued participation in the survivor's pension plan, retroactively to the date of his dismissal, termination of employment or suspension without pay and, should the senior staff member be reinstated, any total disability that began since that date shall then be recognized.

**212.** At any time, the school board and the senior staff member may reach an agreement to settle the dispute with respect to a disagreement submitted under this chapter. The agreement may deal with any of the elements outlined in section 206.

**213.** The provisions of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal as they read before being replaced by this Regulation continue to apply with respect to the complaints submitted to the first chairman of the Appeals Committee before June 6, 2012.

## **CHAPTER X**

### **FINAL PROVISIONS**

**214.** This Regulation replaces the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal made by the Order of the Minister dated 2 December 2005 approved by the Conseil du trésor on 13 December 2005 (C.T. 203162) and as amended.

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

**SCHEDULE I****JOB DESCRIPTIONS AND REQUIRED MINIMUM QUALIFICATIONS****(1) CATEGORY: ADMINISTRATOR POSITIONS****(a) SUBCATEGORY: SENIOR STAFF OF SERVICES POSITIONS**

The subcategory of senior staff of services positions includes the positions characterized by the performance of some or all of the management duties dealing with the programs and resources of one or more fields of activity.

In addition, this subcategory includes an operational senior staff position characterized by assigning responsibilities related to personnel management when the incumbent is not an employee within the meaning of the Labour Code.

The subcategory of senior staff of services positions includes:

- (i) directors
- (ii) assistant directors of services
- (iii) coordinators
- (iv) personnel management consultants

**(i) DIRECTOR**

The position of director entails the performance of all the management duties (planning, organization, supervision, control and evaluation) for all the programs and resources of one or more fields of activity including educational services, human, financial or material resources, information technologies or general secretariat.

The position includes, in particular, the following responsibilities:

- participate in formulating the objectives and policies of the school board;
- define the objectives and policies inherent to the services the incumbent oversees, taking into account the general policies and objectives of the school board;
- establish the programs, the delegation of responsibilities and the standards and procedures for implementing programs of the department;
- assess the results of the implementation of the programs of the department;
- oversee, monitor and evaluate the staff under the incumbent's immediate responsibility;

- prepare the budget of the department and monitor expenses;
- assist and advise the director general and the senior staff of other services and institutions with respect to the services under the incumbent's responsibility.

### **Required Minimum Qualifications**

- Undergraduate degree in a relevant field of study certifying a minimum three-year university program or hold a senior executive or senior staff position in a school board for which an undergraduate degree is required under the minimum qualifications
- Eight years of relevant experience
- A permanent teaching licence issued by the Minister for a position in the field of teaching

### **Reference Positions**

Reference positions include:

- regional director (*directeur de regroupement* and *directeur de région*)
- director of educational services (including director of instructional services (youth sector), director of student services and director of special education services)
- director of human resources services
- director of services other than educational and human resources services (including the positions of director of financial resources, material resources and information technologies resources services)
- secretary general
- director of adult education services
- director of vocational education services

The classifications of the positions are found in Schedule II.

### **(ii) ASSISTANT DIRECTOR OF SERVICES**

In keeping with the mandate defined by the director general and under the authority of a director, the position of assistant director of services entails overseeing some of the programs and resources of one or more fields of activity within a department. The position includes the performance of management duties (planning, organization, supervision, control and evaluation).

The position includes, in particular, the following responsibilities:

- participate in formulating school board policies for the programs the incumbent oversees;

- define or collaborate in defining the objectives and policies related to the programs the incumbent oversees, while taking into account the general objectives and policies of the school board;
- establish the programs, the delegation of responsibilities, the standards and procedures for implementing programs under the incumbent's responsibility;
- oversee activities, programs or resources;
- assess the results of the implementation of programs under the incumbent's responsibility;
- direct, supervise and evaluate the staff under the incumbent's responsibility;
- assist and advise the director general or director as well as the senior staff of other services and institutions concerning programs under the incumbent's responsibility;
- participate in the preparation of the budget of the department and monitor expenses for resources and programs under the incumbent's responsibility;
- replace the director, as needed.

#### **Required Minimum Qualifications**

- Undergraduate degree in a relevant field of study certifying a minimum three-year university program or hold a senior executive or senior staff position in a school board for which an undergraduate degree is required under the minimum qualifications
- Six years of relevant experience
- A permanent teaching licence issued by the Minister for a position in the field of teaching

#### **Reference Positions**

Reference positions include:

- assistant director of educational services (including assistant director of instructional services (youth sector), assistant director of student services and assistant director of special education services)
- assistant director of human resources services
- assistant director of services other than educational services and human resources services (including the positions of assistant director of financial resources services, material resources services and information technologies resources services)

The classifications of the positions are found in Schedule II.



**(iii) COORDINATOR**

The position of coordinator entails the performance of all the duties required for the coordination, supervision, evaluation, research and development of one or more programs of a field of activity including instructional programs, measurement and evaluation, teaching means, human, financial and material resources management, information technologies or student transportation.

The position includes, in particular, the following responsibilities:

- participate in formulating the objectives, programs and budget of the department;
- assist the director or assistant director of the department responsible for such programs and advise the other directors of services or institutions on all matters pertaining to the programs;
- coordinate and assess the implementation of specific programs;
- coordinate and evaluate the staff under the incumbent's authority.

**Required Minimum Qualifications**

- Undergraduate degree in a relevant field of study certifying a minimum three-year university program or hold a senior executive or senior staff position in a school board for which an undergraduate degree is required under the minimum qualifications
- Five years of relevant experience
- A permanent teaching licence issued by the Minister for a position in the field of teaching

**Reference Positions**

Reference positions include:

- regional coordinator (*coordonnateur de regroupement*)
- coordinator of educational services (including coordinator of instructional services (youth sector), coordinator of student services and coordinator of special education services)
- coordinator of human resources services
- coordinator of services other than educational services and human resources services (including the positions of coordinator of financial resources, material resources and information technologies resources services)
- coordinator of adult education services
- coordinator of vocational education services

The classifications of the positions are found in Schedule II.

**(iv) PERSONNEL MANAGEMENT CONSULTANT**

The position of personnel management consultant is an "operational" senior staff position that does not entail the performance of all the management duties of "ranking" senior staff positions, but includes specific supervisory duties in certain specialized areas pertaining to human resources management and the duty of advising one or more members of the senior staff for whom the incumbent is not responsible in rank.

The personnel management consultant represents the employer in the performance of his duties.

The position includes, in particular, the following responsibilities:

- participate in formulating policies, programs, standards, rules or procedures concerning human resources management;
- ensure the follow-up and monitoring of the implementation of such policies, programs, standards, rules or procedures;
- advise senior staff on the policies, programs, standards, rules or procedures and on the application of collective agreements or regulations respecting conditions of employment;
- take part in staffing;
- participate in the application of the collective agreements or regulations respecting conditions of employment;
- coordinate and supervise the work of professional, technical, office and other staff.

The position includes any other responsibility compatible with the incumbent's duties that may be assigned to him by his immediate superior.

**Required Minimum Qualifications**

- Undergraduate degree in a relevant field of study certifying a minimum three-year university program or hold a senior executive or senior staff position in a school board for which an undergraduate degree is required under the minimum qualifications
- Two years of relevant experience

**Particular Requirement**

- To be eligible for this position, a person must not be an employee within the meaning of the Labour Code.

**Reference Position**

The reference position is the position of personnel management consultant the classification of which is found in Schedule II.

**(b) SUBCATEGORY: MANAGER POSITIONS**

The subcategory of manager positions includes the positions characterized by the management of technical, administrative and manual activities of certain programs and of the staff assigned to those activities.

The subcategory of manager positions includes:

- (i) superintendents
- (ii) foremen

**(i) SUPERINTENDENT**

Superintendent positions entail the performance of management duties pertaining to the technical, administrative and manual activities required for implementing all the programs of the following auxiliary services of a school board:

- supply services
- community services
- food services
- administrative services (transportation, equipment or other administrative services)
- maintenance services

The positions include, in particular, the following responsibilities:

- take part in developing systems and procedures for auxiliary services and oversee their implementation;
- organize, assign and verify the work of the employees assigned to auxiliary services;
- supervise and evaluate the staff under the incumbent's responsibility.

**Required Minimum Qualifications**

*Superintendent of supply services*

*Superintendent of community services*

*Superintendent of food services*

*Superintendent of administrative services*

- Diploma of college studies in a relevant field of study
- Six years of relevant experience
- or
- Secondary V diploma in a relevant field of study or valid certificate of qualification for the practice of a trade relevant to the position
- 10 years of relevant experience

*Superintendent of maintenance services*

- Diploma of college studies in a relevant field of study
- Six years of relevant experience
- or
- Valid certificate of qualification for the practice of a trade relevant to the position
- Eight years of relevant experience

**Reference Positions**

Reference superintendent positions include:

- superintendent of services (including superintendents of transportation services, equipment services and other administrative services, maintenance services, supply services, food services, community services, general foremen of the CSDM and other superintendents of the CSDM)

The classifications of the positions are found in Schedule II.

**(ii) FOREMAN**

Foreman positions entail the performance of the management duties pertaining to the technical, administrative and manual activities required for implementing the programs of the school board in a given sector of auxiliary services or in an administrative unit (school, department, etc.).

The positions include, in particular, the following responsibilities:

- supervise and oversee the implementation of the systems and procedures approved for carrying out the activities of a given sector;
- schedule operations;

- supervise and evaluate the employees<sup>1</sup> under the incumbent's authority.

### **Required Minimum Qualifications**

#### *Specialized or general maintenance foreman*

- Valid certificate of qualification for the practice of a trade relevant to the position
- Five years of relevant experience

#### *Administration officer or assistant superintendent of transportation administrative services*

- Diploma of college studies in a relevant field of study
- Four years of relevant experience
- or
- Secondary V diploma in a relevant field of study
- Eight years of relevant experience

#### *Secretarial staff manager*

- Diploma of college studies in a relevant field of study
- Three years of relevant experience
- or
- Secondary V diploma in a relevant field of study
- Six years of relevant experience

#### *Head of kitchen and cafeteria*

- Diploma of college studies in a relevant field of study
- Four years of relevant experience
- or
- Secondary V diploma in a relevant field of study
- Five years of relevant experience

### **Reference Positions**

Reference foreman positions include:

- specialized maintenance foreman
- general maintenance foreman

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<sup>1</sup> The specialized maintenance foreman supervises a team composed mainly of legally qualified and specialized workmen. The general maintenance foreman supervises a team composed mainly of maintenance and service workmen whose activities are generally related to non-specialized trades positions.

- assistant superintendent of transportation services (including assistant superintendents of student transportation—CSDM)
- administration officer
- cafeteria manager
- secretarial staff manager (including head of kitchen and cafeteria)

The classifications of the positions are found in Schedule II.

## (2) **CATEGORY: SENIOR STAFF POSITIONS IN A SCHOOL**

### (a) **PRINCIPAL**

The position of principal entails responsibility for the management, from both the administrative and pedagogical aspects, of all the programs and resources of a school in order to foster the educational success of all students in accordance with the Education Act and the responsibilities defined by the school board.

The position includes, in particular, the following responsibilities:

- assess the needs of the school and define the specific objectives of the school, taking into account the legal provisions as well as the orientations, policies and by-laws of the school board and the governing board;
- assist the governing board in the exercise of its functions and powers, participate in meetings and implement the decisions of the governing board;
- encourage concerted action between the parents, the students, the school team and other stakeholders, as well as their participation in the life of the school and collaboration in fostering educational success;
- participate in defining the policies and by-laws of the school board and ensure their implementation;
- promote the school.

### **Instructional and Educational Matters**

- Coordinate the development, implementation and evaluation of the educational project.
- Request, approve or refuse proposals; if there are no proposals, make decisions and inform the governing board concerning local programs of studies, new instructional methods, standards and procedures for the evaluation of student achievement, and the rules governing the placement of students and their promotion from one cycle to the other at the elementary level.

- Prepare, after consulting the staff concerned, proposals to be submitted to the governing board for approval on such matters as: the approach for the implementation of the basic school regulation, the enrichment or adaptation of the objectives and suggested content of the programs of studies, the time allocation for each compulsory or elective subject, student services and special educational services.

- Develop, implement and evaluate individualized education plans for handicapped students or students with social maladjustments or learning difficulties.

- Propose procedures to the governing board for evaluating the school and see to the ongoing improvement of the school.

### **Management of Human, Material and Financial Resources**

- Participate in the recruitment of school staff.

- Define the duties performed, as well as manage and motivate the school staff, while ensuring its supervision and evaluation.

- Identify needs and organize professional development and continuing education activities.

- Inform the school board of the requirements of the school related to the physical layout or repair of its premises or buildings and ensure follow-up on the work.

- Purchase apparatus, equipment, movables and immovables and keep an inventory of assets and equipment.

- Prepare, administer and monitor the school budget.

### **Information and Communications Technologies**

- Develop, implement and evaluate the plan for the integration and use of information technologies.

### **Day Care and Noon-hour Services**

- Organize and administer the services agreed to, where applicable, between the school board and the governing board.

**Other Matters**

- Perform any other duties determined by law.
- Perform, at the request of the school board, duties other than the duties of a principal.

**Required Minimum Qualifications**

- A bachelor's degree in education or an undergraduate degree in a relevant field of study certifying a minimum three-year university program or hold a senior executive or senior staff position in a school board for which an undergraduate degree is required under the minimum qualifications or hold a position of vice-principal

- Eight years of relevant experience
- A permanent teaching licence issued by the Minister
- As of 1 September 2001, a graduate university program including a minimum of 30 credits in administration related to a senior staff position in a school:

A minimum of six credits must have been acquired prior to the first appointment to a senior staff position in a school and the remaining credits must be acquired during the five years following such an appointment.

In exceptional cases, the school board may refer a candidate who has not accumulated six credits in administration to a selection committee.

A senior staff member who does not complete the 30 credits in administration within the time limit prescribed may, in exceptional cases, be granted an extension. If not, he shall be relocated to an available senior staff, manager, teaching or professional position for which he is qualified.

- Notwithstanding the aforementioned provisions, a senior staff member who holds, on 1 September 2001, a senior staff position in a school or centre is deemed to meet the requirements of that position.

**Reference Position**

The reference position is the position of principal the classification of which is found in Schedule II.



**(b) VICE-PRINCIPAL**

The position of vice-principal of an elementary or secondary school entails assisting the principal in accordance with the mandate defined by the latter in the management of the pedagogical, educational and administrative matters of the school.

In general, the position includes all or part of the following responsibilities and duties:

- participate in the development, implementation and evaluation of the educational project;
- prepare or take part in the preparation of proposals on matters such as: the approach for the implementation of the basic school regulation, programs of studies, individualized education plans for handicapped students or students with social maladjustments or learning difficulties, the selection of textbooks and instructional material, student services and special educational services, the use of non-teaching and non-scheduled time, rules of conduct and services provided to students;
- coordinate, supervise or take part in carrying out activities, programs or services in different sectors of activity of the school such as: human, material or financial resources, information and communications technologies, day care and noon-hour services;
- assume any other responsibility compatible with his function that may be assigned to him by the immediate superior;
- replace the school principal if the latter is absent for a short period.

**Required Minimum Qualifications**

- A bachelor's degree in education or an undergraduate degree in a relevant field of study certifying a minimum three-year university program or hold a senior executive or senior staff position in a school board for which an undergraduate degree is required under the minimum qualifications
- Five years of relevant experience in a teaching or non-teaching professional position
- A permanent teaching licence issued by the Minister
- As of 1 September 2001, a graduate university program including a minimum of 30 credits in administration related to a senior staff position in a school:

A minimum of six credits must have been acquired prior to the first appointment to a senior staff position in a school and the remaining credits must be acquired during the five years following such an appointment.

In exceptional cases, the school board may refer a candidate who has not accumulated six credits in administration to a selection committee.

A senior staff member who does not complete the 30 credits in administration within the time limit prescribed may, in exceptional cases, be granted an extension. If not, he shall be relocated to an available senior staff, manager, teaching or professional position for which he is qualified.

- Notwithstanding the aforementioned provisions, a senior staff member who holds, on 1 September 2001, a senior staff position in a school or centre is deemed to meet the requirements for that position.

### **Reference Position**

The reference position is the position of vice-principal the classification of which is found in Schedule II.

### **(c) ADMINISTRATIVE SERVICES SUPERVISOR**

Under the supervision of a school principal, the position of administrative services supervisor includes the responsibility for the management of technical and administrative activities related to the human, financial, material and information resources of a school. The position includes providing, within the incumbent's field of competence and delegation of powers, advice to the school staff to promote the optimal management of resources.

The position includes, in particular, the following responsibilities:

- participate in assessing the school's needs in terms of human, financial, material and information resources and participate in the staffing plan and budget distribution;
- participate in preparing policies, by-laws, internal procedures and ensure their application, and develop management tools designed to maximize administrative practices;
- ensure the carrying out of all administrative activities required for the management of the human resources of the school;
- assist the school administration with the preparation of budgetary forecasts and ensure follow-up. Oversee all the accounting procedures related to the management of the school's material and financial resources;
- manage the supply process of the school, participate in the management of rental space and apply the protocols of agreement with internal and external partners. Ensure the preventive and corrective maintenance of the school;
- participate in developing and implementing both internal and external methods of communication and of transmitting information;

- ensure the management from an administrative perspective of activities related to services provided to students;
- plan and organize the administrative procedures for the beginning and end of year;
- represent the school, at the request of the administration, on files under the incumbent's responsibility;
- direct, supervise and evaluate staff under the incumbent's responsibility.

### **Required Minimum Qualifications**

- An undergraduate university certificate in a relevant field of study or hold a senior executive or senior staff position in a school board for which a university diploma is required under the minimum qualifications
- Notwithstanding the required minimum qualifications, a senior staff member who, on June 5, 2012, holds the position of administrative assistant in a school or centre is deemed to meet the requirements of the position of administrative services supervisor.

### **Reference Position**

The reference position is the position of administrative services supervisor the classification of which is found in Schedule II.

## **(3) CATEGORY: SENIOR STAFF POSITIONS IN A CENTRE**

### **(a) SUBCATEGORY OF SENIOR STAFF POSITIONS IN AN ADULT EDUCATION CENTRE**

#### **(i) DIRECTOR OF ADULT EDUCATION CENTRE**

The position of director of an adult education centre entails responsibility for the management, from both the administrative and pedagogical aspects, of all the programs and resources of an adult education centre in order to foster the educational success of all students in accordance with the Education Act and the responsibilities defined by the school board.

The position includes, in particular, the following responsibilities:

- assess the needs and define the specific objectives of the centre, taking into account the legal provisions as well as the objectives, policies and by-laws of the school board and the governing board;

- assist the governing board in the exercise of its functions and powers, participate in meetings and implement the decisions of the governing board;
- encourage concerted action between the students, the centre staff and other stakeholders, as well as their participation in the life of the centre and collaboration in fostering educational success;
- participate in defining the policies and by-laws of the school board as well as ensure their implementation;
- promote adult education services.

### **Instructional and Educational Matters**

- Coordinate the development, implementation and evaluation of the policies and action plan of the centre.
- Request, approve or refuse proposals; if there are no proposals, make decisions concerning local programs of studies, new instructional methods, standards and procedures for the evaluation of student achievement, the determination of prerequisites, the placement tests and the rules governing promotion from one cycle to the other.
- Prepare, after consulting the staff concerned, proposals to be submitted to the governing board for approval on such matters as: the approach for the implementation of the basic school regulation, the enrichment or adaptation of the objectives and suggested content of the programs of studies, the time allocation for each compulsory or elective subject, the implementation of programs of studies based on student needs, student services and popular education services.
- Formulate and implement strategies for the development or implementation of self-financed training activities.
  - Devise a development plan for the centre and ensure its implementation and evaluation.
  - Propose procedures to the governing board for evaluating the centre and see to the ongoing improvement of the centre.

### **Management of Human, Material and Financial Resources**

- Participate in the recruitment of centre staff.
- Define the duties performed, as well as manage and motivate the centre staff, while ensuring its supervision and evaluation.
- Identify needs and organize professional development activities.

- Inform the school board of the requirements of the centre related to the physical layout or repair of its premises or buildings and ensure follow-up on the work.
- Purchase apparatus, equipment, movables and immovables and keep an inventory of assets, equipment and tooling.
- Prepare, administer and monitor the centre budget.
- Collect service fees billed by the centre to the businesses, organizations and ministries concerned.

### **Information and Communications Technologies**

- Develop, implement and evaluate the plan for the integration and use of information and communications technologies.

### **Services provided to businesses and relations with employment and potential employability development agencies**

- Negotiate and enter into agreements for services or training activities with businesses, organizations, ministries or school boards.

### **Other Matters**

- Perform any other duties determined by law.
- Perform, at the request of the school board, duties other than the duties of a director of an adult education centre.

### **Required Minimum Qualifications**

- A bachelor's degree in education or an undergraduate degree in a relevant field of study certifying a minimum three-year university program or hold a senior executive or senior staff position in a school board for which an undergraduate degree is required under the minimum qualifications

Notwithstanding the first paragraph, a senior staff member who held, on 23 June 1992, the position of director of an adult education centre in a school board is deemed to meet the requirement for that position up to 1 September 2001.

- Eight years of relevant experience

- A permanent teaching licence issued by the Minister
- As of 1 September 2001, a graduate university program including a minimum of 30 credits in administration related to a senior staff position in a school:

A minimum of six credits must have been acquired prior to the first appointment to a senior staff position in a school and the remaining credits must be acquired during the five years following such an appointment.

In exceptional cases, the school board may refer a candidate who has not accumulated six credits in administration to a selection committee.

A senior staff member who does not complete the 30 credits in administration within the time limit prescribed may, in exceptional cases, be granted an extension. If not, he shall be relocated to an available senior staff, manager, teaching or professional position for which he is qualified.

- Notwithstanding the aforementioned provisions, a senior staff member who holds, on 1 September 2001, a senior staff position in a school or centre is deemed to meet the requirements for that position.

### **Reference Position**

The reference position is the position of director of an adult education centre the classification of which is found in Schedule II.

### **(ii) ASSISTANT DIRECTOR OF ADULT EDUCATION CENTRE**

The position of assistant director of an adult education centre entails assisting the centre director in accordance with the mandate defined by the latter in the management of the instructional, educational and administrative matters of the centre.

In general, this position includes the performance of all or part of the following duties and responsibilities:

#### **Instructional and Educational Matters**

- Participate in the development, implementation and evaluation of the policies and action plan of the centre.

- Prepare or take part in the preparation of proposals on matters such as: the approach for the implementation of the basic school regulation, programs of studies, student services and popular education services, the time allocation for each compulsory or elective subject, the selection of textbooks and instructional material, the determination of prerequisites, the placement tests and the rules governing promotion from one cycle to the other, rules of conduct and services provided to adults.
- Coordinate, supervise or take part in carrying out activities, programs or services in different sectors of activity of the centre such as: human, material or financial resources, information and communications technologies, welcoming and referral services, services provided to businesses and relations with employment and potential employability development agencies.
- Assume any other responsibility compatible with his function that may be assigned to him by the immediate superior.
- Replace the director of the adult education centre if the latter is absent for a short period.

### **Required Minimum Qualifications**

- A bachelor's degree in education or an undergraduate degree in a relevant field of study certifying a minimum three-year university program or hold a senior executive or senior staff position in a school board for which an undergraduate degree is required under the minimum qualifications

Notwithstanding the first paragraph, a senior staff member who held, on 23 June 1992, the position of director of an adult education centre in a school board is deemed to meet the requirement for that position up to 1 September 2001.

- Five years of relevant experience
- A permanent teaching licence issued by the Minister
- As of 1 September 2001, a graduate university program including a minimum of 30 credits in administration related to a senior staff position in a school:

A minimum of six credits must have been acquired prior to the first appointment to a senior staff position in a school and the remaining credits must be acquired during the five years following such an appointment.

In exceptional cases, the school board may refer a candidate who has not accumulated six credits in administration to a selection committee.

A senior staff member who does not complete the 30 credits in administration within the time limit prescribed may, in exceptional cases, be granted an extension. If not, he shall be relocated to an available senior staff, manager, teaching or professional position for which he is qualified.

- Notwithstanding the aforementioned provisions, a senior staff member who holds, on 1 September 2001, a senior staff position in a school or centre is deemed to meet the requirements for that position.

### **Reference Position**

The reference position is the position of assistant director of an adult education centre the classification of which is found in Schedule II.

### **(iii) ADMINISTRATIVE SERVICES SUPERVISOR**

Under the supervision of a centre director, the position of administrative services supervisor includes the responsibility for the management of technical and administrative activities related to human, financial, material and information resources of a centre. The position includes providing, within the incumbent's field of competence and delegation of powers, advice to the centre staff to promote the optimal management of resources.

The position includes, in particular, the following responsibilities:

- participate in assessing the centre's needs in terms of human, financial, material and information resources and participate in the staffing plan and budget distribution;
- participate in preparing policies, by-laws, internal procedures and ensure their application, and develop management tools designed to maximize administrative practices;
- ensure the carrying out of all administrative activities required for the management of the human resources of the centre;
- assist the centre administration with the preparation of budgetary forecasts and ensure follow-up. Oversee all the accounting procedures related to the management of the centre's material and financial resources;
  - manage the supply process of the centre, participate in the management of rental space and apply the protocols of agreement with internal and external partners. Ensure the preventive and corrective maintenance of the centre;
- participate in developing and implementing both internal and external methods of communication and of transmitting information;
- ensure the management from an administrative perspective of activities related to services provided to students;
- plan and organize the administrative procedures for the beginning and end of year;



- represent the centre, at the request of the administration, on files under the incumbent's responsibility;
- direct, supervise and evaluate staff under the incumbent's responsibility.

### **Required Minimum Qualifications**

- An undergraduate university certificate in a relevant field of study or hold a senior executive or senior staff position in a school board for which a university diploma is required under the minimum qualifications
- Notwithstanding the required minimum qualifications, a senior staff member who, on June 5, 2012, holds the position of administrative assistant in a school or centre is deemed to meet the requirements of the position of administrative services supervisor.

### **Reference Position**

The reference position is the position of administrative services supervisor the classification of which is found in Schedule II.

## **(b) SUBCATEGORY OF SENIOR STAFF POSITIONS IN A VOCATIONAL TRAINING CENTRE**

### **(i) DIRECTOR OF VOCATIONAL TRAINING CENTRE**

The position of director of a vocational training centre entails responsibility for the management, from both the administrative and pedagogical aspects, of all the programs and resources of a vocational training centre in order to foster the educational success of all students in accordance with the Education Act and the responsibilities defined by the school board.

The position includes, in particular, the following responsibilities:

- assess the needs of the centre and define the specific objectives of the centre, taking into account the legal provisions as well as the objectives, policies and by-laws of the school board and the governing board or management committee;
- assist the governing board or management committee in the exercise of its functions and powers, participate in meetings and implement the decisions of the latter;
- encourage concerted action between the parents, if need be, the governing board or management committee, the students, the centre staff, the representatives of the socioeconomic milieu and other stakeholders, as well as their participation in the life of the centre and collaboration in fostering educational success;

- participate in defining the policies and by-laws of the school board as well as ensure their implementation;
- promote initial training and made-to-measure training services.

### **Instructional and Educational Matters**

- Coordinate the development, implementation and evaluation of the policies and action plan of the centre.
- Request, approve or refuse proposals; if there are no proposals, make decisions concerning special training projects, school organization models, new instructional methods, standards and procedures for the evaluation of student achievement, and the application of admission criteria and of the rules governing promotion from one module to the other.
- Prepare, after consulting the staff concerned, proposals to be submitted to the governing board or management committee for approval on such matters as: the approach for the implementation of the basic school regulation, the enrichment or adaptation of the objectives and suggested content of the programs of studies, the time allocation for made-to-measure training, and the implementation of programs of studies based on student needs.
- Formulate and implement strategies for the development or implementation of self-financed training activities.
- Devise a development plan for the centre and ensure its implementation and evaluation.
- Propose procedures to the governing board or management committee for evaluating the centre and see to the ongoing improvement of the centre.

### **Management of Human, Material and Financial Resources**

- Participate in the recruitment of centre staff.
- Define the duties performed, as well as manage and motivate centre staff, while ensuring its supervision and evaluation.
- Identify needs and organize professional development and continuing education activities.
- Inform the school board of the requirements of the centre related to the physical layout or repair of its premises or buildings and ensure follow-up on the work.
- Purchase apparatus, equipment, movables and immovables and keep an inventory of assets, equipment and tooling.

- Prepare, administer and monitor the centre budget.
- Collect service fees billed by the centre to the businesses, organizations and ministries concerned.

### **Information and Communications Technologies**

- Develop, implement and evaluate the plan for the integration and use of information and communications technologies.

### **Services provided to businesses and relations with employment and potential employability development agencies**

- Negotiate and enter into agreements for services or training activities with businesses, organizations, ministries or school boards.

### **Other Matters**

- Perform any other duties determined by law.
- Perform, at the request of the school board, duties other than the duties of a director of a vocational training centre.

### **Required Minimum Qualifications**

- A bachelor's degree in education or an undergraduate degree in a relevant field of study certifying a minimum three-year university program or hold a senior executive or senior staff position in a school board for which an undergraduate degree is required under the minimum qualifications

Notwithstanding the first paragraph, a senior staff member who held, on 23 June 1992, the position of centre director in a school board is deemed to meet the requirement for that position up to 1 September 2001.

- Eight years of relevant experience
- A permanent teaching licence issued by the Minister

The requirement of a permanent teaching licence may be replaced by five years of teaching experience in a training or industrial centre deemed relevant by the selection committee. In such circumstances, the senior staff member shall not be subject to the provisions of section 12.

- As of 1 September 2001, a graduate university program including a minimum of 30 credits in administration related to a senior staff position in a school:

A minimum of six credits must have been acquired prior to the first appointment to a senior staff position in a school and the remaining credits must be acquired during the five years following such an appointment.

In exceptional cases, the school board may refer to a selection committee a candidate who has not accumulated six credits in administration.

A senior staff member who does not complete the 30 credits in administration within the time limit prescribed may, in exceptional cases, be granted an extension. If not, he shall be relocated to an available senior staff, manager, teaching or professional position for which he is qualified.

- Notwithstanding the aforementioned provisions, a senior staff member who holds, on 1 September 2001, a senior staff position in a school or centre is deemed to meet the requirements for that position.

### **Reference Position**

The reference position is the position of director of a vocational training centre the classification of which is found in Schedule II.

#### **(ii) ASSISTANT DIRECTOR OF VOCATIONAL TRAINING CENTRE**

The position of assistant director of a vocational training centre entails assisting the director of the vocational training centre in accordance with the mandate defined by the latter in the management of the instructional, educational and administrative matters of the centre.

In general, the position includes the performance of all or part of the following duties and responsibilities:

- Participate in the development, implementation and evaluation of the policies and action plan of the centre.
- Prepare or take part in the preparation of proposals on matters such as: the approach for the implementation of the basic school regulation, the programs of studies, training organization methods, special training projects, the selection of textbooks and instructional material, the application of admission criteria and of the rules governing promotion from one module to the other, rules of conduct and services provided to students.

- Coordinate, supervise or take part in carrying out activities, programs or services in different sectors of activity of the centre such as: human, material or financial resources, information and communications technologies, welcoming and referral services, services provided to businesses and relations with employment and potential employability development agencies.
- Assume any other responsibility compatible with his function that may be assigned to him by the immediate superior.
- Replace the director of the vocational training centre if the latter is absent for a short period.

### **Required Minimum Qualifications**

- A bachelor's degree in education or an undergraduate degree in a relevant field of study certifying a minimum three-year university program or hold a senior executive or senior staff position in a school board for which an undergraduate degree is required under the minimum qualifications

Notwithstanding the first paragraph, a senior staff member who held, on 23 June 1992, the position of director of an adult education centre in a school board is deemed to meet the requirement for that position up to 1 September 2003.

- Five years of relevant experience
- A permanent teaching licence issued by the Minister

The requirement of a permanent teaching licence may be replaced by five years of teaching experience in a training or industrial centre deemed relevant by the selection committee. In such circumstances, the senior staff member shall not be subject to the provisions of section 12.

- As of 1 September 2003, a graduate university program including a minimum of 30 credits in administration related to a senior staff position in a school:

A minimum of six credits must have been acquired prior to the first appointment to a senior staff position in a school and the remaining credits must be acquired during the five years following such an appointment.

In exceptional cases, the school board may refer a candidate who has not accumulated six credits in administration to a selection committee.

A senior staff member who does not complete the 30 credits in administration within the time limit prescribed may, in exceptional cases, be granted an extension. If not, he shall be relocated to an available senior staff, manager, teaching or professional position for which he is qualified.

- Notwithstanding the aforementioned provisions, a senior staff member who holds, on 1 September 2003, a senior staff position in a school or centre is deemed to meet the requirements for that position.

### **Reference Position**

The reference position is the position of assistant director of a vocational training centre the classification of which is found in Schedule II.

### **(iii) ADMINISTRATIVE SERVICES SUPERVISOR**

Under the supervision of a centre director, the position of administrative services supervisor includes the responsibility for the management of technical and administrative activities related to human, financial, material and information resources of a centre. The position includes providing, within the incumbent's field of competence, delegation of powers and under the responsibility of the centre director, advice to the centre staff to promote the optimal management of resources.

The position includes, in particular, the following responsibilities:

- participate in assessing the centre's needs in terms of human, financial, material and information resources and participate in the staffing plan and budget distribution;
- participate in preparing policies, by-laws, internal procedures and ensure their application, and develop management tools designed to maximize administrative practices;
- ensure the carrying out of all administrative activities required for the management of the human resources of the centre;
- assist the centre administration with the preparation of budgetary forecasts and ensure follow-up. Oversee all the accounting procedures related to the management of the centre's material and financial resources;
- manage the supply process of the centre, participate in the management of rental space and apply the protocols of agreement with internal and external partners. Ensure the preventive and corrective maintenance of the centre;
- participate in developing and implementing both internal and external methods of communication and of transmitting information;
- ensure the management from an administrative perspective of activities related to services provided to students;
- plan and organize the administrative procedures for the beginning and end of year;

- represent the centre, at the request of the administration, on files under the incumbent's responsibility;
- direct, supervise and evaluate staff under the incumbent's responsibility.

### **Required Minimum Qualifications**

- An undergraduate university certificate in a relevant field of study or hold a senior executive or senior staff position in a school board for which a university diploma is required under the minimum qualifications
- Notwithstanding the required minimum qualifications, a senior staff member who, on June 5, 2012, holds the position of administrative assistant in a school or centre is deemed to meet the requirements of the position of administrative services supervisor.

### **Reference Position**

The reference position is the position of administrative services supervisor the classification of which is found in Schedule II.

**SCHEDULE II**  
**CLASSIFICATION OF REFERENCE POSITIONS**

<b>POSITIONS</b>	<b>Population Range 24 000 or more or 300 000 GHI<sup>1</sup> or more</b>
Regional director	12
Regional coordinator	8

<sup>1</sup> GHI: group-hours of instruction

<b>POSITIONS</b>	<b>Population Range 48 000 or more</b>	<b>Population Range 24 000 to 47 999</b>	<b>Population Range 12 000 to 23 999</b>	<b>Population Range 6 000 to 11 999</b>	<b>Population Range 5 999 or less</b>
Director of educational services or Director of human resources services	12	11	10	9	8
Director of services other than educational services and human resources services	11	10	9	8	7
Assistant director of educational services Assistant director of human resources services	10	9	8	7	X
Assistant director of services other than educational services and human resources services	9	8	7	6	X
Secretary general (exclusive function)	8	7	7	6	6
Coordinator of educational services Coordinator of human resources services	8	7	6	5	5
Coordinator of services other than educational services and human resources services	7	6	5	5	5
Personnel management consultant	4	4	4	4	4
Superintendent of services	4	4	3	3	3
Specialized maintenance foreman	2	2	2	2	2
Assistant superintendent of transportation services	2	2	2	2	2
Administration officer	2	2	2	2	2
General maintenance foreman	1	1	1	1	1
Cafeteria manager	1	1	1	1	1
Secretarial staff manager	1	1	1	1	1



<b>POSITIONS</b>	<b>Population Range 2 800 or more</b>	<b>Population Range 1 800 to 2 799</b>	<b>Population Range 800 to 1 799</b>	<b>Population Range 500 to 799</b>	<b>Population Range 250 to 499</b>	<b>Population Range 249 or less</b>
Principal	11	10	9	8	7	6
Vice-principal	6	6	6	5	5	X
Administrative services supervisor	4	4	3	3	3	3

<b>POSITIONS</b>	<b>GHI<sup>1</sup> Range 85 000 or more</b>	<b>GHI Range 65 000 to 84 999</b>	<b>GHI Range 35 000 to 64 999</b>	<b>GHI Range 20 000 to 34 999</b>	<b>GHI Range 8 000 to 19 999</b>	<b>GHI Range 7 999 or less</b>
Director of adult education centre Director of vocational training centre	11	10	9	8	7	6
Assistant director of adult education centre Assistant director of vocational training centre	6	6	6	5	5	5
Administrative services supervisor	4	4	3	3	3	3

<b>POSITIONS</b>	<b>GHI Range 400 000 or more</b>	<b>GHI Range 200 000 to 399 999</b>	<b>GHI Range 100 000 to 199 999</b>	<b>GHI Range 50 000 to 99 999</b>	<b>GHI Range 49 999 or less</b>
Director of adult education services Director of vocational education services	11	10	9	8	7
Coordinator of adult education services Coordinator of vocational education services	8	7	6	6	5

<sup>1</sup> GHI: Group-hours of instruction

**SCHEDULE III**  
**SALARY SCALES CORRESPONDING TO CLASSIFICATION PLAN**

**Salary Scales as of 1 April 2010**

CLASSES	RATES 2010-04-01 to 2011-03-31 \$		RATES 2011-04-01 to 2012-03-31 \$		RATES 2012-04-01 to 2013-03-31 \$	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
<b>17</b>	120 093	160 126	120 994	161 327	122 204	162 940
<b>16</b>	113 450	151 267	114 301	152 402	115 444	153 926
<b>15</b>	107 173	142 898	107 977	143 970	109 057	145 410
<b>14</b>	101 245	134 993	102 004	136 005	103 024	137 365
<b>13</b>	95 643	127 524	96 360	128 480	97 324	129 765
<b>12</b>	90 353	120 469	91 031	121 373	91 941	122 587
<b>11</b>	85 355	113 805	85 995	114 659	86 855	115 806
<b>10</b>	80 632	107 511	81 237	108 317	82 049	109 400
<b>9</b>	76 172	101 564	76 743	102 326	77 510	103 349
<b>8</b>	71 958	95 944	72 498	96 664	73 223	97 631
<b>7</b>	67 017	89 356	67 520	90 026	68 195	90 926
<b>6</b>	62 416	83 221	62 884	83 845	63 513	84 683
<b>5</b>	58 129	77 504	58 565	78 085	59 151	78 866
<b>4</b>	54 137	72 183	54 543	72 724	55 088	73 451
<b>3</b>	48 313	64 417	48 675	64 900	49 162	65 549
<b>2</b>	43 118	57 489	43 441	57 920	43 875	58 499
<b>1</b>	38 478	51 303	38 767	51 688	39 155	52 205

CLASSES	RATES 2013-04-01 to 2014-03-31 \$		RATES 2014-04-01 to 2015-03-31 \$	
	Minimum	Maximum	Minimum	Maximum
17	124 343	165 791	126 830	169 107
16	117 464	156 620	119 813	159 752
15	110 965	147 955	113 184	150 914
14	104 827	139 769	106 924	142 564
13	99 027	132 036	101 008	134 677
12	93 550	124 732	95 421	127 227
11	88 375	117 833	90 143	120 190
10	83 485	111 315	85 155	113 541
9	78 866	105 158	80 443	107 261
8	74 504	99 340	75 994	101 327
7	69 388	92 517	70 776	94 367
6	64 624	86 165	65 916	87 888
5	60 186	80 246	61 390	81 851
4	56 052	74 736	57 173	76 231
3	50 022	66 696	51 022	68 030
2	44 643	59 523	45 536	60 713
1	39 840	53 119	40 637	54 181

## **SCHEDULE IV**

### **PROGRESSIVE RETIREMENT PLAN**

#### **DIVISION I**

##### **APPLICATION**

**1.** The progressive retirement plan shall be granted to a senior staff member who applies therefor and whose application is accepted by the school board.

**2.** The progressive retirement plan applies to a senior staff member who meets the following conditions:

(1) is a regular full-time or part-time senior staff member whose time worked on an annual basis exceeds 40% of the time worked by a regular full-time senior staff member;

(2) participates in the Government and Public Employees Retirement Plan, the Teachers Pension Plan, the Civil Service Superannuation Plan or the Pension Plan for Management;

(3) must have an attestation from the Commission administrative des régimes de retraite et d'assurances confirming that he will be entitled to a pension on the date on which the agreement expires; this attestation, along with the senior staff member's written request for the progressive retirement plan, must be forwarded to the school board;

(4) must have concluded a written agreement with the school board.

#### **DIVISION II**

##### **CONTENTS OF THE AGREEMENT**

**3.** A senior staff member and the school board must conclude a written agreement according to the provisions of the laws and regulations governing the progressive retirement plan and the provisions of this schedule. The agreement must include the following elements:

(1) the duration of the plan, which may vary from one to five years;

(2) the proportion of time worked for each of the calendar years or parts of calendar years covered by the progressive retirement plan which cannot be less than 40% of the time worked by a regular full-time senior staff member.

For the purposes of subparagraph 2, the expression "parts of calendar years" means the portion of the calendar year when the senior staff member's progressive retirement plan begins and when it ends;

(3) scheduling of time worked;

(4) the senior staff member's commitment to retire upon completion of the progressive retirement plan, subject to sections 11 and 12 of this schedule.

### **DIVISION III**

#### **OTHER TERMS AND CONDITIONS**

**4.** Subject to the provisions of this schedule, the provisions of this Regulation and the management policies adapted in proportion to the time worked according to the agreement apply to a senior staff member for the duration of the progressive retirement plan.

**5.** The salary of the senior staff member who avails himself of a progressive retirement plan shall be paid for the full calendar year or part thereof in proportion to the time worked prescribed for each of the calendar years or parts thereof covered by the agreement.

**6.** For the purposes of the senior staff member's pension plan, the following provisions apply for the duration of the progressive retirement plan:

(1) the pensionable salary for the years or parts thereof covered by the progressive retirement plan is the salary that the senior staff member would have received or, for the period during which he received benefits under the salary insurance plan, to which he would have been entitled had he not availed himself of the progressive retirement plan;

(2) the credited service is the service that would have been credited had the senior staff member not availed himself of the progressive retirement plan;

(3) the senior staff member's contributions to his pension plan are equal to the contributions that he would have paid had he not availed himself of the progressive retirement plan;

(4) if the senior staff member becomes disabled, he shall be exonerated from the fourth to the 104<sup>th</sup> week of total disability from contributing to his pension plan as if he had not availed himself of the progressive retirement plan.

**7.** For the purposes of the insurance plans, the following provisions apply for the duration of the progressive retirement plan:

(1) except for the short-term salary insurance plan, a senior staff member shall be covered by the insurance plans to which he would have been entitled had he not availed himself of the progressive retirement plan.

The short-term salary insurance plan applies in proportion to the time worked prescribed for each of the calendar years or parts of calendar years covered by the agreement. The monetary benefits shall be paid for the duration of the total disability period, without exceeding the date on which the agreement expires;

(2) the insurance premiums of the senior staff member and the school board are the premiums that would apply had the senior staff member not availed himself of the progressive retirement plan.

**8.** For the duration of the plan, the senior staff member can use the sick-leave days to his credit to be relieved from performing all or part of his working time prescribed by the agreement. In this case, the terms and conditions respecting the use of sick-leave days prescribed in sections 4 to 8 of Schedule XIV of this Regulation apply.

**9.** Subject to section 4 of this schedule and for the purposes of calculating vacation credit, each of the years or parts of years of the progressive retirement plan shall constitute continuous service.

**10.** Should the senior staff member not be entitled to his pension on the date on which the agreement expires, the agreement shall be extended to the date on which the senior staff member will be entitled to his pension.

Moreover, when the years or parts of years of service credited to a senior staff member are less than those estimated by the Commission administrative des régimes de retraite et d'assurances, the agreement shall be extended until such time as the years or parts of years of service credited to a senior staff member correspond to the estimate made by the Commission administrative des régimes de retraite et d'assurances.

**11.** If, while the plan is in progress, a senior staff member resigns and is employed by another school board or another agency in the education, higher education and science, health and social services or civil service sectors, the agreement shall terminate unless the new employer agrees to continue the agreement and provided that the Commission administrative des régimes de retraite et d'assurances so approve.

**12.** If the agreement becomes null or terminates due to circumstances stipulated in the preceding section or due to other circumstances stipulated in the implementation regulations made under the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11) or the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12), the pensionable salary, the credited service and the contributions for pension plan purposes shall be determined in each of the circumstances and in the manner prescribed by those regulations.

**13.** A senior staff member can only opt once for the progressive retirement program.

## **SCHEDULE V<sup>1</sup>**

### **PARENTAL RIGHTS**

#### **DIVISION I**

##### **GENERAL PROVISIONS**

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

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

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

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

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

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

In the case where the senior staff member shares the adoption or parental benefits prescribed by the Québec Parental Insurance Plan or the Employment Insurance Plan with his or her spouse, compensation shall be paid only if the senior staff member actually receives a benefit under either one of the plans during the maternity leave prescribed in section 6 or 7, the paternity leave prescribed in section 25 or the adoption leave prescribed in section 33.

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

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<sup>1</sup> In this schedule, any reference to a section is a reference to a section of this schedule, unless otherwise specified.

4. The school board shall not reimburse a senior staff member for an amount that could be claimed from the senior staff member by the Minister of Employment and Social Solidarity under the Act respecting parental insurance (R.S.Q., c. A-29.011) or by Human Resources and Skills Development Canada (HRSDC) under the Employment Insurance Act (Statutes of Canada, 1996, chapter 23).

5. The salary, deferred salary and severance payments shall not be increased or decreased by the amounts received under the Québec Parental Insurance Plan or the Supplementary Employment Insurance Benefits Plan.

## **DIVISION II**

### **MATERNITY LEAVE**

#### **§1. *Leave Entitlement***

6. A pregnant senior staff member covered by section 17 is entitled to 21 weeks of maternity leave which, subject to sections 11 and 12, must be consecutive.

The pregnant senior staff member covered by section 21 or 22 is entitled to 20 weeks of maternity leave which, subject to sections 11 and 12, must be consecutive.

The senior staff member who is eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan, but who has not completed the 20 weeks of service prescribed in sections 17 and 21 is also entitled to a leave of 21 or 20 weeks, as the case may be.

The senior staff member covered by section 22 is entitled to a leave of 20 weeks if she has not completed the 20 weeks of service prescribed in that section.

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

7. A senior staff member who becomes pregnant while on a leave without pay prescribed in this schedule is also entitled to maternity leave and to the benefits prescribed in sections 17, 21 and 22.

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

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



## §2. *Terms and Conditions of Maternity Leave*

**10.** The distribution of maternity leave before and after delivery shall be decided by the senior staff member. However, the leave of the senior staff member eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan shall be concurrent with the period during which benefits are paid under either one of these plans and must begin no later than the week following the start of benefits payment.

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

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

**12.** Upon the senior staff member's request, a maternity leave may be divided into weeks if her child is hospitalized or due to a situation, other than illness related to pregnancy, covered by sections 79.1 and 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1).

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

During those suspensions, the senior staff member is considered on leave without pay and shall not receive any allowance or benefit from the school board. The senior staff member shall receive the benefits prescribed in section 45 during the suspension.

**13.** When the senior staff member resumes the maternity leave suspended or divided under section 11 or 12, the school board shall pay the senior staff member the allowance to which she would have been entitled had she not suspended or divided the leave. The school board shall pay the allowance for the number of weeks remaining under section 17, 21 or 22, as the case may be, subject to section 2.

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

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

During the extensions, the senior staff member is considered on leave without pay and shall not receive any allowance or benefit from the school board. During those extensions, the senior staff member shall be covered by section 56 for the first six weeks and subsequently by section 45.

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

A senior staff member to whom the school board has sent the notice prescribed in the first paragraph must report for work on the date on which the maternity leave expires, unless the leave is extended in the manner prescribed in Division V.

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

**16.** To obtain maternity leave, a senior staff member must provide the school board with at least three weeks' written notice before the date of departure. The notice must be accompanied by a medical certificate or a written report signed by a midwife attesting to the pregnancy and the expected date of delivery.

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

**§3. *Entitlement of a senior staff member to an allowance under the Québec Parental Insurance Plan***

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

The allowance shall be based on the benefits of the Québec Parental Insurance Plan that a senior staff member is entitled to receive, without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Act respecting parental insurance (R.S.Q., c. A-29.011).

However, if the benefit paid under the Québec Parental Insurance Plan is modified due to a change in the information provided by the school board, the latter shall adjust the allowance accordingly.

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

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

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

**20.** The school board may not offset, in the allowance it pays to a senior staff member on maternity leave, the reduction in benefits under the Québec Parental Insurance Plan attributable to the salary earned from another employer.

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

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

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

#### **§4. *Entitlement of a senior staff member to an allowance under the Employment Insurance Plan***

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

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

(2) for each week that follows the period prescribed in subparagraph 1, an allowance equal to the difference between 93% of her basic weekly salary and the maternity or parental benefit paid under the Employment Insurance Plan that the senior staff member receives or could receive, after submitting an application for benefits, up to the end of the 20<sup>th</sup> week of maternity leave.

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

However, if the Employment Insurance benefit is modified due to a change in the information provided by the school board, the latter shall adjust the allowance accordingly.

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

Moreover, if HRSDC reduces the number of weeks of Employment Insurance benefits to which the senior staff member would have been entitled had she not received Employment Insurance benefits before her maternity leave, the senior staff member shall continue to receive the allowance prescribed in the first paragraph of subparagraph 2 of this section for a period equal to the weeks subtracted by HRSDC as though the senior staff member had received Employment Insurance benefits during that period.

Section 20 applies to this subdivision with any necessary modifications.

**§5. *Allowance entitlement of a senior staff member excluded from receiving benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan***

**22.** A senior staff member excluded from receiving benefits under the Québec Parental Insurance Plan and the Employment Insurance Plan shall also be excluded from receiving any compensation prescribed in sections 17 and 21.

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

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

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

**§6. Calculation and Payment of Allowance**

**23.** In the cases prescribed in sections 17, 21 and 22:

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

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

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

For the purposes of subparagraph 2, 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 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 services agencies, all bodies for which, by law, the salary standards and scales are determined according to the conditions defined by the government, the Office franco-québécois pour la jeunesse, the Société de gestion du réseau informatique des commissions scolaires (GRICS) or any other body listed in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

Moreover, the requirement of 20 weeks of service under sections 17, 21 and 22 is deemed to have been met, where applicable, if the senior staff member has satisfied that requirement with any employer mentioned in the preceding paragraph.

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

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

Any period during which the senior staff member on preventive reassignment under section 52 does not receive any benefit under the CSST shall not be taken into account in the calculation of her average basic weekly salary.

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

The provisions of subparagraph 4 constitute one of the provisions specified in section 1.

### **DIVISION III**

#### **PATERNITY LEAVE**

##### **§1. *Leave Entitlement***

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

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

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

The senior staff member must inform the school board of his absence as soon as possible.

**25.** A senior staff member is also entitled to take paternity leave for the birth of his child for no more than five weeks which, subject to sections 53 and 54, must be consecutive. The leave must terminate no later than the end of the 52<sup>nd</sup> week following the week of the child's birth.

The paternity leave of a senior staff member who is eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan shall be concurrent with the period during which benefits are paid under either one of these plans and must begin no later than the week following the start of benefits payment.

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

##### **§2. *Allowance Entitlement***

**26.** During the paternity leave prescribed in section 25, the senior staff member shall receive an allowance equal to the difference between his basic weekly salary and the benefit that he is receiving or would receive after submitting an application for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The second, third and fourth paragraphs of section 17 or subparagraph 2 of section 21, as the case may be, and section 20 apply to this section with any necessary modifications.

**27.** A senior staff member who is not entitled to paternity benefits under the Québec Parental Insurance Plan or to parental benefits under the Employment Insurance Plan shall receive during the paternity leave prescribed in section 25 an allowance equal to his basic weekly salary.

**28.** Subparagraphs 1, 2 and 4 of section 23 apply to a senior staff member receiving the allowances prescribed in section 26 or 27.

### **§3. *Terms and Conditions of Paternity Leave***

**29.** The paternity leave prescribed in section 25 shall be granted following a written request submitted to the school board at least three weeks in advance. However, the time limit can be shorter if the birth occurs before the expected date of delivery. The request must specify the anticipated expiry date of the leave.

**30.** The senior staff member must report for work upon the expiry of his paternity leave prescribed in section 25, unless the leave is extended in the manner prescribed in Division V.

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

**31.** A senior staff member who, before the expiry date of his paternity leave prescribed in section 25, sends his school board a notice accompanied by a medical certificate attesting that the state of health of the child requires it, is entitled to extend his paternity leave for the duration indicated in the medical certificate.

During the extended leave, the senior staff member is considered on leave without pay and section 45 applies. The senior staff member shall not receive any allowance or benefit from the school board.

## **DIVISION IV**

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

#### **§1. *Leave Entitlement***

**32.** A senior staff member is entitled to a paid leave of no more than five working days for the adoption of a child other than his or her spouse's child. The leave may be discontinuous, but must be taken within 15 days of the child's arrival home.

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

The senior staff member must inform the school board of his or her absence as soon as possible.

**33.** A senior staff member who legally adopts a child, other than his or her spouse's child, is entitled to an adoption leave not exceeding five weeks which, subject to sections 53 and 54, must be consecutive. The leave must expire not later than the end of the 52<sup>nd</sup> week following the week when the child arrives home.

The leave of the senior staff member eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan shall be concurrent with the period during which benefits are paid under either one of these plans and must begin no later than the week following the start of benefits payment.

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

**34.** The senior staff member who adopts his or her spouse's child is entitled to a leave of no more than five (5) working days, of which only the first two (2) shall be paid.

The leave may be discontinuous, but it cannot be taken after fifteen (15) days of filing the adoption papers.

## **§2. Allowance Entitlement**

**35.** During the adoption leave prescribed in section 33, the senior staff member shall receive an allowance equal to the difference between his or her basic weekly salary and the benefit that he or she is receiving or would receive, after submitting an application for benefits, under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The second, third and fourth paragraphs of section 17 or subparagraph 2 of section 21, as the case may be, and section 20 apply with any necessary modifications.

**36.** The senior staff member who is ineligible for adoption benefits under the Québec Parental Insurance Plan or parental benefits under the Employment Insurance Plan and who adopts a child, other than his or her spouse's child, shall receive, during the adoption leave prescribed in section 33, an allowance equal to his or her basic weekly salary.

## **§3. Terms and Conditions of Adoption Leave**

**37.** The leave prescribed in section 33 shall be granted following a written request submitted to the school board at least three weeks in advance. The request must also specify the anticipated expiry date of the leave.



**38.** The senior staff member must report for work upon the expiry of the adoption leave prescribed in section 33, unless the leave is extended in the manner prescribed in Division V.

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

**39.** A senior staff member who, before the expiry date of the adoption leave prescribed in section 33, sends his or her school board a notice accompanied by a medical certificate attesting that the state of health of the child requires it, is entitled to extend the adoption leave for the duration indicated in the medical certificate.

During the extended leave, the senior staff member is considered on leave without pay and section 45 applies. The senior staff member shall not receive any allowance or benefit from the school board.

**40.** Subparagraphs 1, 2 and 4 of section 23 apply to the senior staff member who receives the benefits prescribed in section 35 or 36 with any necessary modifications.

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

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

However, the leave ends no later than the week following the start of benefits payment under the Québec Parental Insurance Plan or the Employment Insurance Plan and section 33 applies.

During the leave, the senior staff member is entitled to the benefits prescribed in section 45.

## **DIVISION V**

### **LEAVE WITHOUT PAY**

**42.** A senior staff member wishing to extend the maternity leave prescribed in section 6, 7 or 9 a senior staff member wishing to extend the paternity leave prescribed in section 25 and a senior staff member wishing to extend the adoption leave prescribed in section 33 is entitled to:

(1) a leave without pay for a period not exceeding two years, immediately following the maternity, paternity or adoption leave. However, in the case of a paternity leave, the duration of the leave must not exceed the 125<sup>th</sup> week following the child's birth or, in the case of an adoption leave, the duration of the leave must not exceed the 125<sup>th</sup> week following the child's arrival home;

or

(2) a leave without pay of no more than 52 continuous weeks beginning at the time decided by the senior staff member, but after the child's birth or adoption, and ending at the latest 70 weeks after the birth or, in the case of an adoption, 70 weeks after the child is placed with the senior staff member. The latter leave also applies as extended leave for the adoption of the spouse's child prescribed in section 39.

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

**43.** The leave without pay prescribed in section 42 shall be granted upon written request submitted to the school board at least three weeks in advance, and must also specify the return date.

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

**45.** During the leave without pay, the senior staff member shall accumulate experience for the purposes of determining his or her salary, up to the first 52 weeks of his or her leave and continuous service shall not be interrupted. He or she shall continue to participate in the applicable compulsory basic health insurance plan by paying his or her share of the premiums for the first 52 weeks of the leave and the total amount of the premiums for the weeks that follow. Moreover, he or she may continue to participate in the other group insurance plans held before the leave by making a request at the beginning of the leave. If the senior staff member pays his or her share of the premiums for these plans, the employer shall also pay its share, if need be, up to 52 weeks. Subsequently, the senior staff member shall pay all the premiums.

**46.** The senior staff member may take the deferred annual vacation prescribed in section 56 immediately before his or her leave without pay provided there is no interruption with the senior staff member's paternity, maternity or adoption leave, as the case may be.

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

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

**DIVISION VI****OTHER SPECIAL LEAVES AND PREVENTIVE REASSIGNMENT**

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

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

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

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

**50.** As regards the examinations mentioned in subparagraph 3 of section 49, the special leave shall be remunerated for a maximum duration of four days, which may be taken in half-days.

**51.** During the special leaves granted under this division, a senior staff member may avail herself of the benefits prescribed in sections 56 and 59.

A senior staff member covered by section 49 may also opt for salary insurance benefits. However, in the case of subparagraph 3 of section 49, the senior staff member must first have used up the four days prescribed in section 50.

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

**DIVISION VII****SUSPENSION, DIVISION AND OTHER TERMS AND CONDITIONS OF LEAVE**

**53.** If the child is hospitalized, the senior staff member may suspend the paternity leave prescribed in section 25 or the adoption leave prescribed in section 33, upon agreement with the school board, and return to work for the period during which the child is hospitalized.

**54.** Upon the senior staff member's request, the paternity leave prescribed in section 25, the adoption leave prescribed in section 33 or the leave without pay prescribed in section 42 may be divided into weeks before the expiry of the first 52 weeks.

The leave may be divided if the senior staff member's child is hospitalized or due to a situation covered by sections 79.1 and 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1).

The maximum number of weeks during which the leave may be suspended corresponds to the number of weeks during which the child is hospitalized. For any other possible divisions of the leave, the maximum number of weeks during which the leave is suspended is prescribed in the Act respecting labour standards (R.S.Q., c. N-1.1) for such a situation.

During such a suspension, the senior staff member is considered to be on leave without pay and shall not receive any allowances or benefits from the school board. The senior staff member is covered by section 45 during the suspension.

**55.** When the paternity or adoption leave suspended or divided under section 53 or 54 resumes, the school board shall pay the senior staff member the allowance to which he or she would have been entitled had he or she not suspended or divided the leave. The school board shall pay the allowance for the number of weeks remaining under section 25 or 33, as the case may be, subject to section 2.

**56.** During the maternity leave and the extensions prescribed in section 14, the paternity leave prescribed in sections 24 and 25 and the adoption leave prescribed in sections 32, 33 and 34, a senior staff member shall have, if he or she is normally entitled thereto, the following benefits:

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

(2) accumulation of vacation;

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

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

- 57.** During a maternity leave and the extensions prescribed in section 14, a paternity leave prescribed in section 25 or an adoption leave prescribed in section 33, a senior staff member shall receive a premium for regional disparities, provided that he or she is normally entitled to it.
- 58.** A school board and a senior staff member shall agree, before the leave begins, on the terms and conditions of a maternity leave, a paternity leave, an adoption leave or a leave without pay.
- 59.** When a senior staff member returns from a maternity leave and the extensions prescribed in section 14, a paternity leave or an adoption leave, he or she shall be reinstated in the position he or she would have had had he or she been at work by applying the employment stability provisions, if need be.

## **SCHEDULE VI**

### **MOVING EXPENSES**

1. This schedule covers moving expenses in the case of relocation.
2. Moving expenses apply to a senior staff member only if the Regional Placement Bureau or the Provincial Relocation Bureau agrees that the relocation of the senior staff member necessitates his moving.

Moving shall be deemed necessary if it takes place and if the distance between the senior staff member's new place of work and his current domicile is greater than 65 kilometres.

### **DIVISION I**

#### **COST OF TRANSPORTING FURNITURE AND PERSONAL EFFECTS**

3. A senior staff member shall be entitled to be reimbursed, upon presentation of supporting vouchers, for the costs incurred in transporting his furniture and personal effects, including packing, unpacking and the cost of the insurance premium, or the costs of towing a mobile home, on the condition that he provide at least two detailed quotations of the costs to be incurred in advance.
4. However, a senior staff member shall not be entitled to be reimbursed for the cost of transporting his personal vehicle unless the location of his new residence is inaccessible by road. Moreover, a senior staff member shall not be entitled to be reimbursed for the cost of transporting a boat, canoe or other.

### **DIVISION II**

#### **STORAGE**

5. Where a move from one domicile to another cannot take place directly owing to circumstances beyond the control of the senior staff member, other than the construction of a new residence, he shall be reimbursed for the costs of storing his furniture and personal effects and those of his dependents for a period not exceeding two months.

### **DIVISION III**

#### **CONCOMITANT MOVING EXPENSES**

6. A senior staff member shall be entitled to a moving allowance of \$750 if married or of \$200 if single, as compensation for the concomitant moving expenses (carpets, draperies, disconnection and installation of electrical appliances, cleaning, babysitting fees, etc.), unless the said senior staff member is assigned to a location where all facilities are placed at his disposal by the school board.

However, the \$750-moving allowance payable to the transferred married senior staff member shall also be payable to the single senior staff member who maintains a dwelling.

#### **DIVISION IV** COMPENSATION FOR LEASE

7. A senior staff member shall also be paid, if need be, the equivalent of one month's rent for the abandonment of a dwelling without a written lease. If there is a written lease, the senior staff member who must terminate his lease and for which the landlord demands compensation shall be entitled to an allowance not exceeding the equivalent of three months' rent. In both cases, the senior staff member must attest that the landlord's request is well-founded and must present supporting vouchers.

8. A senior staff member who chooses to sublet his dwelling himself shall be entitled to be reimbursed for reasonable costs for advertising the sublease.

#### **DIVISION V** REIMBURSEMENT OF EXPENSES RELATED TO THE SALE OR PURCHASE OF A HOUSE

9. A senior staff member shall be entitled to be reimbursed for the following expenses related to the sale of his principal residence:

(1) the actual real estate agent's fees, upon presentation of the contract with the real estate agent immediately after it is signed, the sales contract and the bill of the agent's fees;

(2) the cost of notarized deeds chargeable to the senior staff member for the purchase of a house for the purpose of residence in the location of his posting provided that the senior staff member already be the proprietor of his house at the time of his transfer and that the said house be sold;

(3) the penalty for breach of mortgage, if need be;

(4) the payment of duties on transfers of immovables, if need be.

10. Where the house of the senior staff member, although it has been put up for sale at a reasonable price, is not sold by the time he must assume new obligations for lodging, he shall not be entitled to the reimbursement of the costs of surveillance of the unsold house. However, in this case, the senior staff member shall be entitled, upon presentation of supporting vouchers, for a period not exceeding three months to be reimbursed for the following expenses:

(1) municipal and school taxes;

(2) interest on the mortgage;

(3) cost of the insurance premium.

**11.** Where a senior staff member chooses not to sell his principal residence, he shall be entitled, for the period in which his house is not rented, to be reimbursed for the amount of his new rent, up to a period of three months, upon presentation of the leases. Moreover, the senior staff member shall be entitled to be reimbursed for reasonable costs of advertisement and the costs of no more than two trips incurred for the renting of his house upon presentation of supporting vouchers and in accordance with the regulation concerning travel expenses in effect in the agency in the education sector.

#### **DIVISION VI**

##### **TRAVEL AND ACCOMMODATION EXPENSES**

**12.** Where the move from one domicile to another cannot take place directly owing to circumstances beyond the control of the senior staff member, other than the construction of a new residence, the senior staff member shall be entitled to be reimbursed for accommodation expenses for himself and his dependents in accordance with the regulation concerning travel expenses in effect in the agency in the education sector for a period not exceeding two weeks.

**13.** Where the move is delayed, with the authorization of the school board, or where the dependents of the married senior staff member are not relocated immediately, the senior staff member shall be entitled to be reimbursed for transportation costs incurred to visit his dependents every two weeks up to 500 kilometres if the distance is equal to or less than 500 kilometres, round trip, and once a month if the distance exceeds 500 kilometres, round trip, up to a maximum of 1 600 kilometres, the foregoing in accordance with the regulation concerning travel expenses in effect in the agency in the education sector.

**14.** The moving expenses prescribed by this schedule shall be reimbursed by the school board that the senior staff member is leaving within 60 days after the senior staff member provides supporting vouchers.



**SCHEDULE VII****SABBATICAL LEAVE PLAN WITH DEFERRED SALARY**

1. The granting of a sabbatical leave with deferred salary is the exclusive responsibility of the school board; however, should the school board not accept an application for participation in the plan, it shall provide the senior staff member who so requests with the reasons for its refusal.

2. The school board shall maintain its contribution to the Québec Pension Plan, the Québec Health Insurance Plan, the group insurance plan and the occupational health and safety plan during the senior staff member's sabbatical leave.

The Employment Insurance contributions of the school board and those of the senior staff member shall not apply during the senior staff member's sabbatical leave.

3. The replacement of a senior staff member on sabbatical leave is encouraged but not necessary; however, the replacement, where applicable, is temporary.

4. A senior staff member must return to work, following his sabbatical leave, for a period equal to the duration of his leave. His return to work shall take place during the contract or following its expiry.

5. A senior staff member covered by salary insurance or on a leave without pay may only avail himself of these provisions on the date of his return to work.

6. The provisions of the pension plans concerning sabbatical leave with deferred salary are contained in the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) and in the Regulation respecting certain temporary measures prescribed by Title IV of the Act respecting the Government and Public Employees Retirement Plan (R.R.Q., c. R-10, r. 5).

**DIVISION I****DURATION OF CONTRACT**

7. The provisions of this schedule may apply to a senior staff member for a period of two, three, four or five years; this period is hereinafter referred to as "the contract".

**DIVISION II****DURATION OF SABBATICAL LEAVE, PERCENTAGE OF SALARY AND WORKLOAD**

8. The duration of the sabbatical leave and the percentage of applicable salary based on the duration of the contract are found in the following table:

Duration of leave	Percentage of salary based on duration of contract			
	2 years	3 years	4 years	5 years
6 months	75.00	83.33	87.50	90.00
7 months	70.83	80.56	85.42	88.33
8 months	66.67	77.78	83.33	86.67
9 months	N.A.	75.00	81.25	85.00
10 months	N.A.	72.22	79.17	83.33
11 months	N.A.	69.44	77.08	81.67
12 months	N.A.	66.67	75.00	80.00

9. Notwithstanding any provision to the contrary, as a result of benefits and conditions of which a senior staff member may avail himself during the contract, the duration of the leave must be at least six consecutive months and the leave may not be interrupted for any reason, regardless of its duration.

10. Notwithstanding any provision to the contrary, as a result of benefits and conditions of which a senior staff member may avail himself during the contract, the sabbatical leave must begin no later than six years after the date on which the senior staff member's salary begins to be deferred.

11. Except for the duration of the sabbatical leave, the workload of a senior staff member for the period of the contract shall not be modified.

12. Upon his return, a senior staff member shall be reinstated in his position, subject to the provisions concerning stability of employment applicable to senior staff.

**DIVISION III****RIGHTS AND BENEFITS**

13. Subject to the provisions of this schedule, a senior staff member shall be entitled, for the duration of the contract, to the provisions of this Regulation, provided that the provisions are compatible with the nature of the leave.

14. During the sabbatical leave, the senior staff member may not receive any premium or supplement prescribed by this Regulation. During the other years of the contract, a senior staff member is entitled to all of the premiums and supplements, where applicable.

15. For the purposes of this schedule, the salary of a senior staff member includes his salary and, where applicable, any lump sum related to the salary review or salary readjustment procedure.

**16.** The plan is not designed to provide retirement income or to defer the payment of income tax. Moreover, during the sabbatical leave, a senior staff member may not receive any other remuneration from the school board or from any other person or partnership with which the school board is affiliated in accordance with tax legislation requirements, except for an amount corresponding to the percentage of the senior staff member's salary for the duration of the contract.

**17.** For insurance plan purposes, the insurable salary during the contract is the salary that the senior staff member would receive had he not taken the sabbatical leave with deferred salary and the senior staff member's premium shall be calculated on the basis of that salary.

**18.** For the purposes of calculating vacation credit, each of the years of the contract shall constitute a year of continuous service.

**19.** For the duration of the leave, the senior staff member is deemed to have taken the vacation days to which he is entitled for that period. For the period during which he works, annual vacation shall be remunerated according to the percentage of his salary determined under section 8.

**20.** Each of the years covered by the contract shall count as a year of service for pension plan purposes.

#### **DIVISION IV**

#### **TOTAL DISABILITY**

**21.** Where a disability occurs during the contract, the following provisions apply:

(1) If total disability occurs during the sabbatical leave:

Total disability shall be considered as beginning on the date on which a senior staff member returns to work and not during the sabbatical leave.

During the sabbatical leave, the senior staff member shall receive the salary determined in section 8 of this schedule. As of the date of his return to work, the senior staff member, if still disabled, shall receive salary insurance benefits based on the percentage prescribed in section 8 for the duration of the contract.

(2) If the total disability occurs after the sabbatical leave has been taken:

The senior staff member shall continue to participate in the contract and shall receive, for the duration of the contract, a salary insurance benefit based on the percentage prescribed in section 8.

(3) If the total disability occurs before the sabbatical leave has been taken and ends before the beginning of the sabbatical leave:

The senior staff member shall continue to participate in the contract and shall receive the salary insurance benefits based on the percentage prescribed in section 8.

(4) If the total disability occurs before the sabbatical leave has been taken and persists until the date scheduled for the beginning of the leave, the senior staff member may select one of the following options:

- (a) continue to participate in the contract and defer the sabbatical leave either to the date of his return to work or to the following school year in accordance with the agreement concluded between the school board and the senior staff member;
  - (b) terminate the contract. In such a case, the school board shall reimburse a senior staff member, without interest, for the total amount of deferred salary during the first year of assessment following the termination of the contract.
- (5) If the disability lasts more than two years, the contract shall cease to have effect and:
- (a) if the senior staff member has already taken his sabbatical leave, the school board shall not make any monetary claim for the salary paid;
  - (b) if the senior staff member has not already taken his sabbatical leave, the school board shall reimburse him, without interest, for the total amount of deferred salary during the first year of assessment following the termination of the contract.

## **DIVISION V**

### **RESIGNATION, RETIREMENT OR WITHDRAWAL OF A SENIOR STAFF MEMBER**

**22.** In the case of resignation, retirement or withdrawal from the plan during the contract, the contract terminates on the date on which the measure takes effect and the following conditions apply:

(1) If a senior staff member has already taken the sabbatical leave, he shall reimburse, without interest, the school board for the difference between the salary received during the sabbatical leave and the total amount of deferred salary. In such a case, the school board and the senior staff member may agree on the terms and conditions of reimbursement.

(2) If a senior staff member has not yet taken the sabbatical leave, the school board shall reimburse him, without interest, the total amount of deferred salary.

(3) If the sabbatical leave is in progress, the amount owed by either party shall be calculated as follows:

The total amount of deferred salary shall be subtracted from the amount received by the senior staff member during the leave; if the balance is negative, the school board shall reimburse the balance to the senior staff member; if it is positive, the senior staff member shall reimburse the balance to the school board. In such a case, the school board and the senior staff member may agree on the terms and conditions of reimbursement.

This section does not apply to a withdrawal from the plan, which is not permitted during the sabbatical leave.

Notwithstanding the provisions of this section, a senior staff member who, following a resignation, is hired as a senior staff member by another school board shall continue to participate in the contract, provided that he so request and that his request be approved by the school board that hires him.

## **DIVISION VI**

### **DEATH**

**23.** If the senior staff member dies while the contract is in progress, the contract shall terminate on the date of death, and the provisions of section 22 of this schedule apply. However, the school board shall not make any monetary claim if the senior staff member is required to reimburse the school board following the application of subparagraph 1 or 3 of that section.

## **DIVISION VII**

### **LEAVE WITHOUT PAY**

**24.** For the duration of the contract, a senior staff member shall be entitled to one or more leaves without pay according to the policy in effect at the school board; in which case, the period of the contract shall be extended accordingly.

The total duration of one or more leaves without pay may not exceed 12 months.

Should the total duration of one or more leaves without pay exceed 12 months, the contract shall terminate on the date following that on which the allowed period expires and section 22 applies.

## **DIVISION VIII**

### **MATERNITY, PATERNITY AND ADOPTION LEAVES**

**25.** Where a senior staff member obtains a maternity, paternity or adoption leave during the contract, the sabbatical leave plan shall be interrupted for the duration of the leave and the contract shall be extended accordingly.

Where the maternity, paternity or adoption leave is taken before the sabbatical leave, the senior staff member may terminate the contract and subparagraph 2 of section 22 applies.

## **DIVISION IX**

### **PLACEMENT ON AVAILABILITY**

**26.** If a senior staff member is placed on availability during the contract, he shall continue to participate in the plan.

In the event that a senior staff member is relocated to another school board, the contract shall be transferred to that school board, unless the latter refuses, in which case section 22 applies. However, the school board shall not make any monetary claim if the senior staff member is required to reimburse the school board under subparagraph 1 or 3 of that section.

## **DIVISION X**

### **DISMISSAL AND TERMINATION OF EMPLOYMENT**

**27.** In the event of the dismissal or termination of employment of a senior staff member, the contract shall terminate on the effective date of the dismissal or termination of employment. The provisions of section 22 apply.

## **SCHEDULE VIII**

### **GRADUAL PRERETIREMENT**

**1.** The gradual preretirement program is intended for any senior staff member who, during the period immediately preceding his retirement, wishes to reduce his workweek by using sick-leave days to his credit in accordance with sections 4 to 8 of Schedule XIV of this Regulation.

In such a case, the reduced workweek cannot be less than 40% of the regular workweek of a regular full-time senior staff member.

**2.** The granting of gradual preretirement shall be subject to a prior written agreement between a senior staff member and his school board and shall take the needs of the school board into account. Such an agreement shall specify the terms and conditions of the gradual preretirement leave, such as the duration, proportion and scheduling of time worked.

**3.** A senior staff member on gradual preretirement leave shall be entitled to the short-term salary insurance plan on the basis of the time worked as prescribed in the agreement.

However, where a gradual retirement leave spreads over a period of over 104 weeks, a senior staff member shall continue to participate in the compulsory long-term salary insurance plans, subject to the provisions of the master policy.

**SCHEDULE IX**  
**PART-TIME SENIOR STAFF**

1. This schedule applies to part-time senior staff as defined in section 1 of this Regulation.

**DIVISION I**  
**SALARY**

2. For the purposes of this Regulation, the salary of a part-time senior staff member corresponds to the salary that he would have received had he been appointed a regular full-time senior staff member, adjusted in proportion to the time worked.

**DIVISION II**  
**INSURANCE PLANS**

3. Subject to sections 4 to 6 of this schedule and of section 64, a part-time senior staff member is covered by the insurance plans prescribed by this Regulation and the master policy of the insurance plans.
4. A part-time senior staff member is eligible for the insurance plans upon the expiry of a three-month period after assuming his duties, provided he is at work. If he is unable to be at work on that date, he shall be eligible for the plans on the date of his return to work.

However, subject to the specific provisions in this regard in the master policy for the insured plans, a part-time senior staff member who previously held employment in an agency in the public or parapublic sector and who was eligible for a group insurance plan applicable to employees of such an agency is eligible for the insurance plans on the date on which he assumes his duties, provided that his former employment ended less than 30 days prior to the date on which he assumes his duties and that he provide proof of his former employment.

5. The part-time senior staff member whose regular workweek is less than 70% of that of the full-time senior staff member shall have life insurance in the amount of \$3 200 payable to his beneficiaries.
6. The insurance plan provisions applicable to regular full-time senior staff apply to part-time senior staff whose regular workweek is equal to or greater than 70% of that of regular full-time senior staff.



**DIVISION III**  
ANNUAL VACATION

7. The provisions concerning annual vacation in this Regulation apply to a part-time senior staff member. However, the number of working days of vacation resulting from the application of these provisions shall be adjusted proportionately to the time worked and distributed by taking into account the regular workweek of the part-time senior staff member.

**DIVISION IV**  
REGIONAL DISPARITIES

8. The provisions concerning regional disparities apply to a part-time senior staff member. However, the isolation and remoteness premium shall be adjusted in proportion to the time worked.

**DIVISION V**  
PAID LEGAL HOLIDAYS

9. Where a paid legal holiday, according to the school board's current policy for full-time senior staff, coincides with the work schedule of a part-time senior staff member, he shall receive the salary to which he would have been entitled had he been working that day.

**SCHEDULE X****COMMITTEES ON THE DETERMINATION OF AND CHANGE IN THE CONDITIONS OF EMPLOYMENT OF SENIOR STAFF****COMITÉ CONSULTATIF DES ADMINISTRATEURS**

This committee is composed, on the one hand, of representatives of the Minister, the Quebec English School Boards Association and the Fédération des commissions scolaires du Québec and, on the other hand, of two representatives of the Association des cadres scolaires du Québec and of one representative of each of the following associations: the Association des cadres de Montréal and the Association of Administrators of English Schools of Quebec.

**COMITÉ DU PERSONNEL DE DIRECTION D'ÉCOLE**

This committee is composed, on the one hand, of representatives of the Minister, the Quebec English School Boards Association and the Fédération des commissions scolaires du Québec and, on the other hand, of two representatives of the Fédération québécoise des directeurs et directrices d'établissement d'enseignement and of one representative of each of the following associations: the Association montréalaise des directions d'établissement scolaire, the Association québécoise du personnel de direction des écoles, the Association of Administrators of English Schools of Quebec, the Association des cadres scolaires du Québec and the Association des directions d'établissement d'enseignement de la Rive-Sud.

**COMITÉ DU PERSONNEL DE DIRECTION DE CENTRE**

This committee is composed, on the one hand, of representatives of the Minister, the Quebec English School Boards Association and the Fédération des commissions scolaires du Québec and, on the other hand, of two representatives of the Association des cadres scolaires du Québec and of one representative of each of the following associations: the Association of Administrators of English Schools of Quebec, the Fédération québécoise des directeurs et directrices d'établissement d'enseignement, the Association montréalaise des directions d'établissement scolaire, the Association québécoise du personnel de direction des écoles and the Association des directions d'établissement d'enseignement de la Rive-Sud.

**SCHEDULE XI**  
ADMINISTRATIVE REGIONS<sup>1</sup>

Région administrative du Bas-Saint-Laurent (01)

Région administrative du Saguenay-Lac St-Jean (02)

Région administrative de la Capitale-Nationale (03)

Région administrative de la Mauricie (04)

Région administrative de l'Estrie (05)

Région administrative de Montréal (06)

Région administrative de l'Outaouais (07)

Région administrative de l'Abitibi-Témiscamingue (08)

Région administrative de la Côte-Nord (09)

Région administrative du Nord-du-Québec (10)

Région administrative de la Gaspésie-Îles-de-la-Madeleine (11)

Région administrative de la Chaudière-Appalaches (12)

Région administrative de Laval (13)

Région administrative de Lanaudière (14)

Région administrative des Laurentides (15)

Région administrative de la Montérégie (16)

Région administrative du Centre-du-Québec (17)

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<sup>1</sup> For the purposes of applying this schedule, the following are considered as part of the same administrative region:

1. administrative regions 01 and 11;
2. administrative regions 03 and 12;
3. administrative regions 04 and 17;
4. administrative regions 08 and 10;
5. administrative regions 13, 14 and 15.

**SCHEDULE XII****HEAD OF A TRAINING CENTRE IN A FEDERAL PENITENTIARY IN QUÉBEC**

1. These provisions apply to a person appointed by the school board as head of a training centre, instituted in a federal penitentiary located in Québec, and hereinafter referred to as "head of centre", in accordance with the agreement.

2. For purposes of this schedule, the term "agreement" means the 1997-2000 Canada-Québec Framework Agreement on training in federal penitentiaries from 1 July 1997 to 30 June 2000.

3. Subject to the provisions of this schedule, the following provisions of this Regulation, with the necessary changes, apply to the head of centre:

(1) Chapters I to IV

(2) Management policy drawn up under Chapter VII

(3) Chapter VIII, Other Conditions of Employment

(4) Chapter IX, Recourse, except for a disagreement dealing with protective reassignment for safety reasons

(5) Schedules I to V, VIII and XIV

**DIVISION I****EMPLOYMENT OR APPOINTMENT**

4. The school board shall hire or appoint the head of centre for a fixed period; which period may not, however, exceed the maximum period prescribed for the said position.

Notwithstanding the preceding paragraph, this provision shall not have the effect of modifying the status of a regular full-time senior staff member. In such a case, this division does not apply to the senior staff member.

5. Where the school board decides not to renew the employment or appointment of the head of a centre, it shall inform him in writing at least 60 days prior to the end of the employment or appointment. Where the 60-day time limit exceeds the date of the end of the employment or appointment of the head of centre, the latter shall receive his salary for the period of notification exceeding that date, if he is not assigned to another position in the school board.

6. Unless the school board decides to renew the employment or appointment of the head of centre at the end of the term, all the benefits prescribed by this schedule and this Regulation cease to apply to him at the end of his employment or appointment.

**DIVISION II**  
CLASSIFICATION

7. Subject to the specific responsibilities prescribed in the agreement, the job description of assistant director of an adult education centre applies to the head of a centre.

**DIVISION III**  
SALARY SCALE

8. The classes and salary scales applicable to the assistant director of an adult education centre are those applicable to the position of head of centre. The group-hours of instruction shall be determined under Section 20 of this Regulation.

**DIVISION IV**  
SPECIAL PROVISION CONCERNING PROTECTIVE REASSIGNMENT

9. The head of a centre whom the school board removes from the penitentiary for safety reasons shall retain the rights and benefits prescribed by this schedule and this Regulation for the period of employment or appointment and shall be assigned to other duties at the school board for that period.

Where a senior staff member already had a regular full-time status in the school board at the time when he was assigned head of centre, the school board shall assign him to another senior staff position or shall place him on availability if he cannot be assigned to that position.

**SCHEDULE XIII****CONDITIONS OF EMPLOYMENT APPLICABLE TO SENIOR STAFF OF THE COMITÉ DE GESTION DE LA TAXE SCOLAIRE DE L'ÎLE DE MONTRÉAL**

1. The provisions of this Regulation, except Schedule II, apply, where applicable, to the senior staff of the Comité de gestion de la taxe scolaire de l'île de Montréal (Comité de gestion de la taxe) by making the necessary changes, subject to the special provisions contained herein.

**JOB CLASSIFICATION AND CLASSIFICATION**

2. Divisions I and II of Chapter II of this Regulation are replaced by the following:

The classification of a position corresponds to the class determined by the Minister in terms of the nature and complexity of the responsibilities inherent to each position based on the results of a job evaluation process using the Hay<sup>®</sup> method. The classification of positions is indicated in the table found in this schedule.

**STABILITY OF EMPLOYMENT**

3. Chapter VI of this Regulation applies to a senior staff member of the Comité de gestion de la taxe, subject to the following special provisions:

(1) Where a surplus of senior staff occurs as a result of the application of a law, a regulation adopted under a law under the jurisdiction of the Minister or an administrative policy approved by the Minister of Education, Recreation and Sports, the Comité de gestion de la taxe shall consult the association of administrators on the measures required to reduce the surplus and may, at a senior staff member's request, grant him a severance allowance or a preretirement leave under this Regulation, provided that such a measure have the effect of reducing the number of persons in surplus or on availability on the Comité de gestion de la taxe.

(2) Where the Comité de gestion de la taxe cannot eliminate the surplus in accordance with the preceding paragraph, it shall place surplus staff on availability and shall so inform the Direction régionale de Montréal of the Ministère.

(3) The senior staff member on availability shall be reassigned to a position in one of the school boards located on the Island of Montréal or at the Direction régionale de Montréal of the Ministère according to the agreement concluded by the Comité de gestion de la taxe and a school board or with the Minister, as the case may be.

(4) However, the senior staff member on availability shall remain employed within the Comité de gestion de la taxe until an agreement is concluded.

CLASSIFICATION OF POSITIONS OF THE COMITÉ DE GESTION DE LA TAXE SCOLAIRE  
DE L'ÎLE DE MONTRÉAL

POSITIONS	CLASSES
Directeur des services financiers	9
Avocat-chef	7
Secrétaire général	7
Directeur du financement	7
Coordonnateur de la taxation, services financiers	6
Coordonnateur de la comptabilité, services financiers	6
Régisseur, ressources matérielles	4

**SCHEDULE XIV**

FORMER BANKS OF SICK-LEAVE DAYS

**Reimbursement of Sick-leave Days**

1. The senior staff member who was entitled to redeemable sick-leave days prescribed by a school board resolution or by-law shall maintain his entitlement to reimbursement of the redeemable days accumulated on the date on which the insurance plans came into force, namely, 1 January 1974 or on the date on which he assumed his duties, it being understood that, even if no new day is credited, the percentage of redeemable days shall be determined by taking into account the years of service before and after the date on which the insurance plans come into force.

2. The terms and conditions for reimbursement of redeemable days applicable to a senior staff member on duty in a senior or senior executive staff position on the date on which the insurance plans came into force shall be those determined by the school board by resolution or by-law adopted before 25 January 1972.

A senior staff member who took up his duties in a senior or senior executive staff position after the date on which the insurance plans came into force and who has to his credit redeemable sick-leave days shall be reimbursed for the redeemable days according to the terms and conditions applicable at the time when the days were determined.

3. This schedule may not have the effect of changing the value already fixed for the redeemable days the value of which was fixed by a school board resolution or by-law.

### **Use of Sick-leave Days**

**4.** Redeemable or nonredeemable sick-leave days to the credit of a senior staff member may be used for the following purposes:

(1) to pay the cost of redeeming years of prior service as prescribed by the provisions respecting pension plans;

(2) to take a total or gradual preretirement in accordance with Schedule VIII;

(3) as additional days of vacation agreed to between a senior staff member and the school board;

(4) for any other reason of use, as mentioned in this Regulation;

(5) to offset the difference between a short-term salary insurance benefit mentioned in section 74 and the salary that a senior staff member would receive were he not on total disability leave.

**5.** The value of the redeemable days in time or in money shall be determined proportionately to the percentage of cash redeemable value acquired at the time of use, without ever being less than 50%, in accordance with the salary of the senior staff member at the time of use.

**6.** The value of nonredeemable days in time or in money shall be fixed at 50% of the number of days accumulated, in accordance with the salary of the senior staff member at the time of use.

**7.** A senior staff member who receives benefits under the compulsory basic long-term salary insurance plan may choose to take, in lieu of those benefits, a total preretirement leave as prescribed in sections 4 and 8 of this schedule, provided that such total preretirement leave not exceed the date on which the benefits under this plan that would otherwise have been applicable to him cease.

**8.** A senior staff member who uses his sick-leave days for a preretirement leave shall be entitled, except for the salary insurance plan, premiums for regional disparities and parental rights, to the benefits prescribed by this Regulation, provided they are compatible with the nature of the leave.



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## Draft Regulations

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### Draft Regulation

Highway Safety Code  
(R.S.Q., c. C-24.2)

Transport Act  
(R.S.Q., c. T-12)

#### Strobe lights on road vehicles used for the transportation of school children

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the addition and use of strobe lights on road vehicles used for the transportation of school children, appearing below, may be made by the Minister of Transport on the expiry of 45 days following this publication.

The draft Regulation authorizes, on certain conditions, the addition of strobe lights on road vehicles covered by the Regulation respecting road vehicles used for the transportation of school children (R.R.Q., c. T-12, r. 17).

Further information may be obtained by contacting Marie-Michèle Dion, Direction du transport terrestre des personnes, Ministère des Transports du Québec, 700, boulevard René-Lévesque Est, 25<sup>e</sup> étage, Québec (Québec) G1R 5H1; telephone: 418 644-9140, extension 2225; email: marie-michele.dion@mtq.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

PIERRE MOREAU,  
*Minister of Transport*

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### Regulation respecting the addition and use of strobe lights on road vehicles used for the transportation of school children

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 633.2)

Transport Act  
(R.S.Q., c. T-12, s. 4.2)

**1.** A white strobe light having a range of 360° may be added on a road vehicle covered by the Regulation respecting road vehicles used for the transportation of school children (R.R.Q., c. T-12, r. 17).

The light is installed in the last third of the roof of the vehicle and centred on its width.

**2.** The strobe light may only be used when the vehicle is in the territory of the regional county municipalities of La Côte-de-Beaupré and Charlevoix and for the transportation of any person under 18 years of age.

**3.** The application of the provisions of section 239 of the Highway Safety Code (R.S.Q., c. C-24.2) is suspended when it prohibits a road vehicle from having a strobe light in accordance with section 1.

**4.** This Regulation comes into force on (*insert the date of publication in the Gazette officielle du Québec*) and ceases to have effect on 22 June 2013.

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

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