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Summary

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PROVINCE OF QUÉBEC

1ST SESSION

41ST LEGISLATURE

QUÉBEC, 8 JUNE 2016

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 8 June 2016

This day, at fifteen minutes past six o'clock in the evening, His Excellency the Lieutenant-Governor was pleased to assent to the following bills:

59 An Act to amend various legislative provisions to better protect persons (*modified title*)

75 An Act respecting the restructuring of university-sector defined benefit pension plans and amending various legislative provisions

97 An Act to amend certain Acts establishing pension plans applicable to public sector employees

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

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 59
(2016, chapter 12)

An Act to amend various legislative provisions to better protect persons

Introduced 10 June 2015
Passed in principle 19 November 2015
Passed 8 June 2016
Assented to 8 June 2016

Québec Official Publisher
2016

EXPLANATORY NOTES

This Act introduces various measures to better protect persons.

In that regard, the Act amends a number of rules set out in the Civil Code of Québec regarding the solemnization of marriages and civil unions, in particular by replacing the procedure for publishing a notice of solemnization. Under the Act, notices must be published on the website of the registrar of civil status, the registrar is allowed, except where provided otherwise, to grant a publication exemption, and the court is empowered to authorize the solemnization of a marriage if one of the intended spouses is a minor.

The Act also authorizes the courts of justice to order measures for protecting persons whose life, health or safety is threatened by another person by introducing a new type of injunction, called a protection order, in civil procedure matters.

In the fields of pre-school, primary, secondary and college-level education, any contract allowing the total or partial use of an immovable of a college, school board or private educational institution is deemed to contain a clause stipulating that such entities may cancel the contract if the other contracting party or any other person exhibits behaviour during such use that could reasonably pose a threat for the physical or psychological safety of the students or the other persons present. In addition, in those sectors, the Minister of Education, Recreation and Sports is granted new powers to inquire into any behaviour that could pose such threats for the students. Tolerance of such behaviour allows the Minister to withhold or cancel all or part of a subsidy intended for a private educational institution, a school board or a general and vocational college. Furthermore, such tolerance constitutes grounds for modifying or revoking the permit of a private educational institution.

The Act also provides that a judge of the Superior Court may, on an application by the Minister of Justice, order the loss of the benefit of an exemption from any municipal or school property tax, for the period that minister determines, for all or some of the immovables included in a unit of assessment entered on the roll in the name of an entity in cases where an officer or director of the entity has been found guilty of a designated criminal offence and where there are reasonable grounds to believe that any of the entity's resources were used to commit the offence.

Lastly, the Act amends the Youth Protection Act to make it clearer that excessive control can constitute psychological ill-treatment. It also further defines the role of the director of youth protection regarding a child and the child's parents, who require assistance, but whose situation does not otherwise warrant the application of the Act. In addition, it provides additional protection, if the situation requires it, of the confidentiality of some information regarding children.

LEGISLATION AMENDED BY THIS ACT:

– Civil Code of Québec;

– Code of Civil Procedure (chapter C-25.01);

– General and Vocational Colleges Act (chapter C-29);

– Act respecting private education (chapter E-9.1);

– Act respecting municipal taxation (chapter F-2.1);

– Education Act (chapter I-13.3);

– Youth Protection Act (chapter P-34.1);

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

Bill 59

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS TO BETTER PROTECT PERSONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

1. Article 64 of the Civil Code of Québec is amended by replacing "and to the publication of the application and decision" by "and to the publication of the application".

2. Article 67 of the Code is amended by replacing "Notice of the change is published in the *Gazette officielle du Québec*" in the second paragraph by "Notice of the decision of the registrar of civil status or of the judicial decision rendered in review of the decision of the registrar is published in accordance with the rules determined by government regulation,".

3. Article 118 of the Code is replaced by the following article:

"**118.** The declaration of marriage is made to the registrar of civil status by the officiant within 30 days after the solemnization."

4. Article 120 of the Code is amended by replacing "the authorizations or consents obtained" by "the fact that the court has authorized the solemnization of the marriage".

5. Article 366 of the Code is amended by replacing "or" after "in places which conform to those rites" in the second paragraph by "and".

6. Article 368 of the Code is amended

(1) by replacing the first sentence of the first paragraph by the following sentence: "Publication shall be effected by means of a notice posted, for 20 days before the date fixed for the solemnization of the marriage, on the website of the registrar of civil status.";

(2) by striking out the second paragraph.

7. Article 369 of the Code is amended

(1) by replacing "and the date and place of birth of each" by "the year and place of their birth, the scheduled solemnization date and the name of the officiant";

(2) by adding the following sentence at the end: "The other rules governing publication of the marriage are determined by the Minister of Justice.";

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

"On receipt of the notice of publication, the registrar of civil status shall ensure that the officiant is competent."

8. Article 370 of the Code is replaced by the following article:

"**370.** The registrar of civil status may, for a serious reason, grant a dispensation from publication on an application by the intended spouses and the officiant.

However, if the life of one of the intended spouses is endangered and the marriage must be solemnized promptly without it being possible to obtain a dispensation from the registrar, the officiant may grant the dispensation. In such a case, when sending the declaration of marriage to the registrar of civil status, the officiant shall include the dispensation, which must specify the grounds for granting it."

9. Article 372 of the Code is amended by adding ", in particular if, in the person's opinion, the consent of one of the intended spouses is likely not to be free or enlightened" at the end of the first paragraph.

10. Article 373 of the Code is amended

(1) by replacing "that the person having parental authority or, if applicable, the tutor has consented to the marriage" by "that the court has authorized the solemnization of the marriage";

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

"The minor may apply alone for the court's authorization. The person having parental authority or, if applicable, the tutor must be summoned to give his or her advice."

11. Article 375 of the Code is amended by replacing "without delay" by "within 30 days after the solemnization".

12. The Code is amended by inserting the following article after article 376:

"**376.1.** The rules governing the solemnization of marriage prescribed by the Minister of Justice apply, to the extent determined by the Minister, to the persons authorized by the Minister to solemnize marriages."

13. The Code is amended by inserting the following article after article 376.1:

"**376.2.** The measures that may be taken in the event of an officiant's non-compliance with the rules governing the solemnization of marriages are determined by regulation of the Minister of Justice."

14. Article 380 of the Code is amended by adding ", in particular if the consent of one of the spouses was not free or enlightened" at the end of the second paragraph.

15. Article 521.4 of the Code is amended by adding ", in particular if, in the person's opinion, the consent of one of the intended spouses is likely not to be free or enlightened" at the end of the first paragraph.

16. Article 521.10 of the Code is amended by adding ", in particular if the consent of one of the spouses was not free or enlightened" at the end of the second paragraph.

17. Article 3088 of the Code is amended by replacing "or by the law of the State of domicile or of nationality of one of the spouses." at the end of the second paragraph by ". However, if one of the spouses is domiciled in Québec and is a minor when the marriage is solemnized, the marriage must be authorized by the court."

CODE OF CIVIL PROCEDURE

18. Article 49 of the Code of Civil Procedure (chapter C-25.01) is amended by inserting "protection orders or" after "or issue" in the second paragraph.

19. Article 58 of the Code is amended by inserting "or protection order" after both occurrences of "injunction" in the second paragraph.

20. Article 458 of the Code is amended

(1) by inserting "to the registrar of civil status and" after "the officiant," in the first paragraph;

(2) by striking out "and, in the case of a marriage, to any person who must consent to its solemnization" at the end of the first paragraph;

(3) by adding the following sentence at the end of the third paragraph: "The court may also, on an application by the opposer, order that damages be paid

by anyone who takes or threatens to take reprisals against the opposer because of the opposer's opposition."

21. Article 509 of the Code is amended by inserting the following paragraphs after the first paragraph:

"Such an injunction may direct a natural person to refrain from or cease doing something or to perform a specified act in order to protect another natural person whose life, health or safety is threatened. Such an injunction, called a protection order, may be obtained, in particular, in a context of violence, such as violence based on a concept of honour. A protection order may only be issued for the time and on the conditions determined by the court, without however exceeding three years.

A protection order may also be requested by another person or a body if the threatened person consents to it or, failing that, with the authorization of the court."

GENERAL AND VOCATIONAL COLLEGES ACT

22. The General and Vocational Colleges Act (chapter C-29) is amended by inserting the following section after section 6.0.1:

"**6.0.2.** Any contract that allows the total or partial use of an immovable of a college is deemed to contain a clause allowing the college to cancel the contract if the other contracting party or any person exhibits behaviour during such use that could reasonably pose a threat for the physical or psychological safety of the students or of the other persons present.

A notice of cancellation shall be sent to the other contracting party. The cancellation takes effect on receipt of the notice. No compensation or indemnity may be claimed by the other contracting party."

23. Section 29 of the Act is amended

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

"The Minister may also designate a person to inquire into any behaviour that could reasonably pose a threat for the students' physical or psychological safety.";

(2) by replacing "so designated" in the second paragraph by "designated by the Minister".

24. Section 29.2 of the Act is amended by inserting the following paragraph after paragraph *a*:

"(*a*.1) where the college does not use the means at its disposal to put an end to behaviour that could reasonably pose a threat for the students' physical or psychological safety;".

25. Section 29.8 of the Act is amended by adding the following sentence at the end: "The same rule applies if the college does not use the means at its disposal to put an end to behaviour that could reasonably pose a threat for the students' physical or psychological safety."

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

"**43.1.** Any contract that allows the total or partial use of an immovable of a regional college is deemed to contain a clause allowing the regional college to cancel the contract if the other contracting party or any person exhibits behaviour during such use that could reasonably pose a threat for the physical or psychological safety of the students or of the other persons present.

A notice of cancellation shall be sent to the other contracting party. The cancellation takes effect on receipt of the notice. No compensation or indemnity may be claimed by the other contracting party."

ACT RESPECTING PRIVATE EDUCATION

27. The Act respecting private education (chapter E-9.1) is amended by inserting the following section after section 65:

"**65.1.** Any contract that allows the total or partial use of an immovable of an institution is deemed to contain a clause allowing the institution to cancel the contract if the other contracting party or any person exhibits behaviour during such use that could reasonably pose a threat for the physical or psychological safety of the students or of the other persons present.

A notice of cancellation must be sent to the other contracting party. The cancellation takes effect on receipt of the notice. No compensation or indemnity may be claimed by the other contracting party."

28. Section 118 of the Act is amended by inserting the following paragraph after the first paragraph:

"The Minister may also designate a person to inquire into any behaviour that could reasonably pose a threat for the students' physical or psychological safety."

29. Section 119 of the Act is amended by adding the following paragraph at the end:

"(8) does not use the means at his disposal to put an end to behaviour that could reasonably pose a threat for the students' physical or psychological safety."

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

"**120.1.** The Minister must, before modifying or revoking the permit of a holder for the reason mentioned in paragraph 8 of section 119, order the holder to apply the corrective measures he indicates within the time limit he fixes.

If the holder does not comply with the order, the Minister may modify or revoke his permit."

31. Section 125 of the Act is amended by adding the following sentence at the end: "The same applies if the institution does not use the means at its disposal to put an end to behaviour that could reasonably pose a threat for the students' physical or psychological safety."

ACT RESPECTING MUNICIPAL TAXATION

32. The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 204.0.1:

"**204.0.2.** On the application of the Minister of Justice or a person he designates, a judge of the Superior Court may, where an officer or director of an entity, other than a legal person established in the public interest, who owns an immovable described in section 204 is found guilty of an offence under Part II.1 or section 59 or 319 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) and there are reasonable grounds to believe that resources, including human resources, of that entity were used directly or indirectly to commit the offence, order, for the period the judge determines, the loss of the benefit of the exemption provided for in section 204, for all or some of the immovables included in a unit of assessment entered on the roll in the name of the entity. A copy of the judgment shall be sent to the clerk or the secretary-treasurer of the municipality concerned."

EDUCATION ACT

33. The Education Act (chapter I-13.3) is amended by inserting the following section after section 266:

"**266.1.** Any contract that allows the total or partial use of an immovable of a school board is deemed to contain a clause allowing the school board to cancel the contract if the other contracting party or any person exhibits behaviour during such use that could reasonably pose a threat for the physical or psychological safety of the students or of the other persons present.

A notice of cancellation must be sent to the other contracting party. The cancellation takes effect on receipt of the notice. No compensation or indemnity may be claimed by the other contracting party."

34. Section 477 of the Act is amended by adding the following sentence at the end of the first paragraph: "The same applies if a school board does not use the means at its disposal to put an end to behaviour that could reasonably pose a threat for the students' physical or psychological safety."

35. Section 478.3 of the Act is amended

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

"The Minister may also designate a person to inquire into any behaviour that could reasonably pose a threat for the students' physical or psychological safety.";

(2) by replacing "so designated" in the second paragraph by "designated by the Minister".

YOUTH PROTECTION ACT

36. Section 38 of the Youth Protection Act (chapter P-34.1) is amended by inserting "excessive control," after "emotional rejection," in subparagraph *c* of the second paragraph.

37. The Act is amended by inserting the following section after section 38.2:

"**38.3.** No ideological or other consideration, including one based on a concept of honour, can justify any situation described in sections 38 and 38.1."

38. Section 45.1 of the Act is amended by striking out the second paragraph.

39. The Act is amended by inserting the following section after section 45.1:

"**45.2.** If the director decides not to accept a report but is of the opinion that the child or one or both of the child's parents require assistance, the director must inform them of the services and resources available in their community. If they consent to it, the director must, in a personalized manner, advise them and direct them to the institutions, bodies or persons best suited to assist them and come to an agreement with the service provider on the terms of access to such service, in particular, on the time limit. In addition, if they consent to it, the director must forward the information relevant to the situation to the service provider.

Information on the services and resources available to them is given to the person requiring assistance and, in the case of a child under 14 years of age, to one or both of the child's parents. The required consents are also given by the person requiring assistance, except those for a child under 14 years of age, which are given by one of the child's parents.

Where the child requiring assistance is 14 years of age or older, the director may, if the child consents to it, inform one or both of the child's parents of the

services and resources available in their community. In addition, where the child is directed to an institution, body or person in accordance with the first paragraph, the director may, if the child consents to it, inform one or both of the parents. Where the director directs the child without informing the parents, the director must meet with the child and the service provider."

40. Section 46 of the Act is amended by inserting the following subparagraph after subparagraph *e* of the fourth paragraph:

"(*e*.1) prohibiting the disclosure of specific information to one or both of the parents or any other person designated by the director;".

41. Section 50 of the Act is amended by striking out the second paragraph.

42. The Act is amended by inserting the following section after section 50:

"**50.1.** Where the director establishes that the security or development of the child is not in danger, but the director is of the opinion that the child or one or both of the child's parents require assistance, the director is subject to the obligations set out in section 45.2."

43. Section 57.2 of the Act is amended by striking out the second and third paragraphs.

44. The Act is amended by inserting the following section after section 57.2:

"**57.2.1.** If the director puts an end to an intervention, but is of the opinion that the child or one or both of the child's parents require assistance, the director is subject to the obligations set out in section 45.2.

The director is also subject to those obligations when a child whose security or development is in danger reaches 18 years of age."

45. Section 70.2 of the Act is amended by replacing "set out in the second paragraph of section 57.2" in the second paragraph by "set out in section 45.2".

46. Section 91 of the Act is amended by inserting the following subparagraph after subparagraph *l* of the first paragraph:

"(*l*.1) that specific information not be disclosed to one or both of the parents or any other person designated by the tribunal;".

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

47. Section 21 of the Act respecting health services and social services (chapter S-4.2) is amended by replacing the second paragraph by the following paragraphs:

"However, an institution shall refuse to give the holder of parental authority access to the record of a user under 14 years of age where the user has been the subject of an intervention within the meaning of section 2.3 of the Youth Protection Act (chapter P-34.1) or where a decision concerning him has been made under that Act, and the institution, after consulting the director of youth protection, determines that communication of the user's record to the holder of parental authority will or could be prejudicial to the user's health.

An institution shall also refuse to give the holder of parental authority access to the record of a user who is 14 years of age or over where, after being consulted by the institution, the user refuses to allow his record to be communicated to the holder of parental authority and the institution determines that communication of the user's record to the holder of parental authority will or could be prejudicial to the user's health. Where the user has been the subject of an intervention within the meaning of section 2.3 of the Youth Protection Act or where a decision concerning him has been made under that Act, the institution must first consult the director of youth protection. However, where the refusal of the user who is 14 years of age or over concerns information referred to in section 45.2, 50.1 or 57.2.1 or the second paragraph of section 70.2 of the Youth Protection Act, the holder of parental authority to whom the user has refused to allow information to be communicated may not receive the information concerned."

TRANSITIONAL AND FINAL PROVISIONS

48. The rules governing publication of a marriage or civil union or, as applicable, dispensation from publication in force on (*insert the date of coming into force of paragraph 1 of section 6*) continue to apply to marriages and civil unions solemnized within six months after that date.

The marriage of a minor to which the holder of parental authority or the tutor, as applicable, consented before 8 June 2016 continues to be governed by article 373 of the Civil Code as it read before that date provided the marriage is solemnized within six months after that date.

49. A notice regarding an application for a change of name or a tardy declaration of filiation published before (*insert the date of coming into force of section 2*) need not be published again if the application or declaration is sent to the registrar of civil status within six months after that date.

50. This Act comes into force on 8 June 2016, except sections 1, 2, 3, paragraph 1 of section 6, and sections 8 and 11, which come into force on the date or dates to be set by the Government.

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 75
(2016, chapter 13)

An Act respecting the restructuring of university-sector defined benefit pension plans and amending various legislative provisions

Introduced 11 November 2015
Passed in principle 12 April 2016
Passed 8 June 2016
Assented to 8 June 2016

Québec Official Publisher
2016

EXPLANATORY NOTES

This Act provides that university-sector defined benefit pension plans must be restructured not later than 31 December 2017 in order to facilitate improved risk management and help redress the financial position of some of those plans to ensure their sustainability.

Under the Act, an actuarial valuation must be prepared for all pension plans as at 31 December 2015 in order, in particular, to determine the cost of each plan at that date.

General restructuring measures are set out for the equal sharing of the total contributions for service subsequent to 31 December 2015 by the employer and the active members, effective not later than 1 January 2018. They may also agree on sharing the contributions in a minimum proportion of 45% for the active participants, or on a different apportionment for the various types of contributions.

A stabilization fund must be established on 1 January 2016 for pension plans required to undergo special restructuring measures. Such a fund must be funded by a stabilization contribution, to be paid into the plan not later than 1 January 2018. For the other pension plans, such a contribution must be paid into the plan's general account instead.

Special restructuring measures are to be applied to any pension plan whose cost determined as at 31 December 2015 exceeds 21% of the overall payroll of the active members or that maximum, increased as provided. The Act makes it possible to amend the benefits of active members from 1 January 2016 to reduce the cost of the plan to a percentage equal to or less than 21% or equal to the increased maximum, for service subsequent to 31 December 2015 as well as for service prior to 1 January 2016. The Act also allows the parties to limit the reduction of active members' benefits to 7.5% of their liabilities. Special rules are established for amendments pertaining to the normal pension and to the automatic indexation of pensions at retirement for service prior to 1 January 2016.

An amendment pertaining to the retirement pension's automatic indexation formula may apply to retired members provided the retirement pension's automatic indexation formula with respect to active members is also amended and the value of the amendments is

equivalent. Also, the parties to a pension plan that is not subject to special restructuring measures may agree to amend the benefits of the active members in accordance with rules similar to those that apply in a plan subject to such measures. In addition, any surplus assets in a pension plan that is subject to special restructuring measures for service prior to 1 January 2016 must first be used to increase pensions to the level they would have reached if the automatic indexation formula had not been amended.

The Act provides for a one-year negotiation period for the plans concerned. In addition, the parties may turn to conciliation, and if negotiations fail, the dispute is to be submitted to an arbitrator. A plan whose amendments are not subject to negotiations with each employee association may be amended in accordance with the amendment process provided for in the plan. In the case of pension plans not subject to special restructuring measures, the Act provides that the active members must be consulted before an amendment to their benefits can become effective.

The Act also extends the funding relief measure until not later than 31 December 2017 for certain pension plans.

Lastly, the Supplemental Pension Plans Act is amended to allow, among other things, the payment of variable benefits, under the defined-benefit provisions of a municipal- or university-sector pension plan. Technical amendments are also made to the Regulation respecting the funding of pension plans of the municipal and university sectors.

LEGISLATION AMENDED BY THIS ACT:

– Supplemental Pension Plans Act (chapter R-15.1).

REGULATION AMENDED BY THIS ACT:

– Regulation respecting the funding of pension plans of the municipal and university sectors (chapter R-15.1, r. 2).

Bill 75

AN ACT RESPECTING THE RESTRUCTURING OF UNIVERSITY-SECTOR DEFINED BENEFIT PENSION PLANS AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE AND APPLICATION

1. The purpose of this Act is the restructuring of the university-sector pension plans to which Chapter X of the Supplemental Pension Plans Act (chapter R-15.1) applies, in order to facilitate improved risk management and help redress the financial position of certain plans to ensure their sustainability.

The Act applies to pension plans where the employer is a university-level educational institution referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1).

2. This Act does not apply to pension plans that have certain defined contribution plan characteristics as well as certain defined benefit plan characteristics and that provide for a minimum retirement income established according to the characteristics of a defined benefit pension plan, including floor plans, nor to the defined contribution-type provisions of a defined benefit plan.

CHAPTER II

RESTRUCTURING OF PENSION PLANS

DIVISION I

GENERAL PROVISIONS

3. All university-sector pension plans must be restructured not later than 31 December 2017.

4. Before a pension plan is restructured, it must be the subject of a complete actuarial valuation as at 31 December 2015.

The report on the actuarial valuation must be sent to Retraite Québec not later than 30 June 2016.

5. For the actuarial valuation as at 31 December 2015, the demographic and economic assumptions from the last complete actuarial valuation of the plan at the end date of a fiscal year and for which the report has been sent to Retraite Québec must be used. The discount rate may however be modified up to a maximum of 6%.

6. The following rules apply with respect to the actuarial valuation as at 31 December 2015:

(1) the provision for adverse deviation referred to in the second paragraph of section 13 of the Regulation respecting the funding of pension plans of the municipal and university sectors (chapter R-15.1, r. 2) is established at zero;

(2) the monthly payments relating to funding deficiencies determined in an actuarial valuation prior to 31 December 2015 are eliminated;

(3) a single deficiency, to be known as a "technical actuarial funding deficiency", is determined and corresponds to the amount by which the liabilities determined on a funding basis exceed the assets determined on a funding basis, to which the special amortization payment is added;

(4) the assets and liabilities relating to defined contribution-type provisions must not be taken into consideration in the assets and liabilities of the pension plan to determine the technical actuarial funding deficiency.

7. If the actuarial valuation as at 31 December 2015 shows that the cost of a pension plan established under section 19 is equal to or less than 21% of the overall payroll, sections 4, 5 and 6 do not apply for the purposes of its funding.

8. When a pension plan must be restructured to reduce its cost under section 19, the actuarial valuation as at 31 December 2015 must establish the portion of the technical actuarial funding deficiency attributable to retired members at that date.

To establish that portion, the assets of the pension plan must be distributed in proportion to the liabilities of the retired members and to those of the active members. For the purposes of this distribution, the special amortization payment made as payment for an amendment to the plan that applies only to active members within the meaning of section 36 of the Supplemental Pension Plans Act is not considered in the assets of the plan. The value of the obligations arising from that amendment considered for the first time in the actuarial valuation as at 31 December 2015 is not included in the liabilities of the plan.

9. For the purposes of this Act, the members and beneficiaries who are receiving a pension under the pension plan on 31 December 2014 are considered retired members. All other members are considered active members.

DIVISION II

GENERAL RESTRUCTURING MEASURES

§1. — *Sharing contributions*

10. The total contributions for service subsequent to 31 December 2015 must, beginning 1 January 2018, be assumed equally by the employer and the active members or, if both agree, in another proportion, provided it complies with the parameters set out in the second paragraph. In addition, the employer and the active members may agree to share contributions beginning on an earlier date. They may also agree on a different apportionment for the various types of contributions, provided the total contributions are shared equally or in a proportion that complies with the parameters set out in the second paragraph.

The employer and the active members may agree to share the total contributions in a minimum proportion of 45% for the active members. In no case may the active members assume more than 50% of the total contributions.

The contributions to be taken into consideration for the purposes of the first paragraph for a fiscal year of the pension plan are the current service contribution, the amortization payment relating to any unfunded actuarial liability determined for service subsequent to 31 December 2015 and the stabilization contribution provided for in the second paragraph of section 13.

11. If the active members contribute 35% or less of the total contributions for service subsequent to 31 December 2015, the pension plan may provide that the proportion they assume from 1 January 2018 or from an earlier date agreed on by them and the employer is at least equal to the proportion they assumed before that date increased by at least half of the difference between that proportion and 50% of the total required contributions or the proportion determined under the second paragraph of section 10.

The proportion provided for in the first or second paragraph, as applicable, of section 10 must be reached not later than 1 January 2021.

§2. — *Stabilization fund*

12. A stabilization fund, aimed at protecting the plan from adverse deviation likely to affect the plan in the future, must be established on 1 January 2016 for service subsequent to 31 December 2015.

13. The stabilization fund is to be funded by

(1) a stabilization contribution;

(2) actuarial gains; and

(3) interest accrued.

The stabilization contribution that must be paid into the plan must represent 10% of the current service contribution, or a higher proportion of that contribution if the employer and the active members so agree. The amount of the stabilization contribution is determined without taking into account any margin for adverse deviation provided for by the Canadian Institute of Actuaries.

14. The stabilization contribution must be paid from 1 January 2018, or from an earlier date if the employer and the active members so agree.

15. The required value of the stabilization fund must be calculated in the same manner as the provision for adverse deviation established for service prior to 1 January 2016.

16. The employer and the active members may cease to pay the stabilization contribution once the stabilization fund reaches the value calculated under section 15.

17. The obligation under section 12 to establish a stabilization fund does not apply to a pension plan that does not have to be restructured under section 19.

A stabilization contribution established in accordance with the rules set out in the second paragraph of section 13 must nevertheless be paid into the general account of the pension plan from 1 January 2018, or from an earlier date if the employer and the active members so agree.

The employer and the active members may cease to pay the stabilization contribution once the provision for adverse deviation reaches the amount established under section 60.3 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6).

§3. — *Additional pension benefit*

18. The additional pension benefit provided for in section 60.1 of the Supplemental Pension Plans Act is abolished on 1 January 2016 with respect to members who are active on that date.

DIVISION III

SPECIAL RESTRUCTURING MEASURES

19. Any pension plan whose cost determined in the actuarial valuation as at 31 December 2015 exceeds 21% of the overall payroll of the active members or that maximum increased in accordance with the third paragraph must be restructured to reduce its cost, at that date, to a percentage equal to or less than 21% or than the maximum thus increased. The overall payroll must be established using the same method as the one used to determine the current service contribution in the last complete actuarial valuation of the plan at the end date of a fiscal year and for which the report has been sent to Retraite Québec.

The cost of the plan at 31 December 2015 is equal to the sum of the current service contribution and the amortization payment relating to any technical actuarial funding deficiency identified in the actuarial valuation as at 31 December 2015. For the purpose of establishing the cost, the technical actuarial funding deficiency may, if the parties so agree, be reduced by the value of a stabilization fund established before 1 January 2016.

If the average age of the active members within the meaning of section 36 of the Supplemental Pension Plans Act is over 45 on 31 December 2015, the maximum established under the first paragraph can be increased by 0.6% for each full year of deviation. In addition, a maximum increase of 0.5% is allowed if women make up more than 50% of the active members on that date. In the latter case, the report required under the second paragraph of section 4 must show that the increase is necessary to allow the payment of benefits equivalent to those that would have been paid had it not been for that characteristic.

20. The restructuring of a pension plan may be carried out with respect to active members by amending, suspending or abolishing, from 1 January 2016, any benefits other than the normal pension payable under the pension plan in addition to the minimum benefits provided for by the Supplemental Pension Plans Act.

Amendments to the definition of the salary or wages on which the normal pension is based may pertain to service prior to 1 January 2016 and service subsequent to 31 December 2015. However, the accrual rate for the normal pension may only be amended for service subsequent to 31 December 2015.

Despite the first paragraph, amendments pertaining to the automatic indexation of the retirement pension for service prior to 1 January 2016 may only apply to the retirement pensions's automatic indexation formula. The indexation may be established at zero.

21. An amendment to the retirement pension's automatic indexation formula for service prior to 1 January 2016 may apply to members who are retired on 31 December 2015 if the retirement pension's automatic indexation formula with respect to active members is amended. Furthermore, the value of the

amendment must be equivalent to the value of the amendment concerning the automatic indexation of the retirement pension of the active members when calculated in proportion to the respective liabilities of each of the groups.

The employer and the active members may however agree to an additional reduction pertaining to the automatic indexation formula for the retirement pension of active members.

22. The active members may not assume more than 50% of the technical actuarial funding deficiency identified in the actuarial valuation as at 31 December 2015, reduced, if applicable, by the portion of that deficiency assumed by the retired members.

Members who are retired on 31 December 2015 may not assume more than 50% of the portion of the technical actuarial funding deficiency attributable to them at that date and established in accordance with section 8.

23. The part of the technical actuarial funding deficiency assumed by the employer and that corresponds to the lesser of the following amounts may not be consolidated:

(1) the amount of the deficiency assumed by the active members and retired members under sections 20 and 21; and

(2) the amount of the technical actuarial funding deficiency to be assumed by the employer under the first paragraph of section 22.

For the purposes of the first paragraph, the amount of the deficiency assumed by the active members under sections 20 and 21 must be determined without reference to the limit agreed on by the employer and the active members under section 25.

The employer must repay, over a maximum period of 15 years, the part of the technical actuarial funding deficiency that may not be consolidated.

The employer may, with respect to a fiscal year of the pension plan, pay an additional amount to accelerate repayment of that part of the technical actuarial funding deficiency.

24. The employer must inform the retired members of any planned amendment to the automatic indexation formula for their pension at least 60 days before the agreement to be made under Chapter V.

To that end, the pension committee must convene the retired members to an information meeting during which the employer must report on the pension plan's financial position set out in the actuarial valuation as at 31 December 2015, on the effort the retired members are being asked to make and on the reasons for the amendment. The pension committee must convene the retired members at least 30 days before the date of the information meeting and enclose with

the notice of meeting a copy of the planned amendment and the notice required under the first paragraph of section 113.1 of the Supplemental Pension Plans Act.

At that time, retired members must be allowed to present comments to the employer on the planned amendment and submit any proposal on their pension's automatic indexation formula.

The employer must send Retraite Québec the planned amendment and a summary of the meeting for information purposes.

25. When the amount of benefits amended, suspended or abolished under section 20 exceeds 7.5% of the liabilities of the active members established at 31 December 2015, the employer and the active members may agree to limit the restructuring of the plan with respect to those members to 7.5% of their liabilities or to a higher percentage agreed on by the parties.

26. If the portion of the technical actuarial funding deficiency assumed by the active members is limited to 7.5% of their liabilities or a higher percentage under section 25, the employer must assume the difference between the technical actuarial funding deficiency the active members would have assumed under sections 20 and 21 had it not been for that limit and the portion they assume.

The part of the deficiency assumed by the employer under the first paragraph must be repaid over a maximum period of 25 years and may be consolidated.

27. The parties to a pension plan that does not have to be restructured under section 19 may, before 1 January 2018, agree to amend the benefits of the active members in accordance with the rules set out in section 20.

28. Sections 20 and 21 of the Supplemental Pension Plans Act do not apply to an amendment made under this division.

CHAPTER III

FUNDING OF THE AMENDMENTS TO THE PENSION PLANS

29. For any amendment made on or after or effective from 1 January 2016, a special amortization payment must be paid in full into the pension fund on the day following the date of the actuarial valuation determining the value of the additional obligations arising from that amendment. This value is the higher of the value calculated on a solvency basis and that calculated on a funding basis. Any surplus assets of the pension plan may be allocated to the payment of such obligations.

30. The surplus assets correspond, for service subsequent to 31 December 2015, to the difference between the plan's assets determined on a funding basis and the sum of its liabilities determined on the same basis and the amount corresponding to the required value of the stabilization fund, reduced

by the value of the additional obligations arising from any amendment to the plan considered for the first time in the actuarial valuation.

The surplus assets correspond, for service prior to 1 January 2016, to the difference between the plan's assets determined on a funding basis and the sum of its liabilities determined on the same basis and the provision for adverse deviation, reduced by the value of the additional obligations arising from any amendment to the plan considered for the first time in the actuarial valuation.

The present value of amortization payments relating to the part of the technical funding deficiency assumed by the employer under the first paragraph of section 23 must be included in the plan's assets for service prior to 1 January 2016.

Despite paragraph 1 of section 6, the surplus assets as at 31 December 2015 must be determined without establishing the provision for adverse deviation at zero.

31. The surplus assets of a pension plan that does not have to be restructured under section 19 are determined in accordance with the rules set out in the second paragraph of section 30, regardless of the period of service.

CHAPTER IV

APPROPRIATION OF SURPLUS ASSETS

32. Surplus assets may not be appropriated to the payment of contributions, unless a fiscal rule so requires.

The surplus assets identified in the actuarial valuation as at 31 December 2015 or in an actuarial valuation subsequent to that date must be appropriated to the purposes and in the order agreed on by the employer and the active members. The surplus assets may be used to reimburse the debts contracted by the pension plan toward the employer.

33. When a pension plan must be restructured under section 19, the surplus assets for service prior to 1 January 2016 and those for service subsequent to 31 December 2015 must be used in relation to the service to which they relate.

The surplus assets for service prior to 1 January 2016 that are identified in an actuarial valuation subsequent to 31 December 2015 must first be appropriated, in the year following the actuarial valuation, to resuming, if applicable, indexation of the pensions accrued at 31 December 2015 and that are in payment on the date of the indexation provided for in the pension plan.

A pension referred to in the second paragraph must be increased to the level it would have reached, since the last actuarial valuation, had it not been for the amendment to the retirement pension's automatic indexation formula under the first paragraph of section 21. If the surplus assets are insufficient to cover

the whole increase, the indexation is to be made on the basis of the surplus available to finance the increase.

If any surplus assets remain, the pension re-established under the third paragraph must be increased to the level it would have reached, since the last actuarial valuation, had it not been for the additional reduction in the retirement pension's automatic indexation formula under the second paragraph of section 21.

Furthermore, if the pension plan has surplus assets after the third and fourth paragraphs, as applicable, have been applied and unless the employer and the active members have agreed on a different apportionment and a different order, the surplus assets must be used for the following purposes in the following order:

(1) reimbursing the debts contracted by the pension plan toward the employer;

(2) funding improvements to the pension plan.

In no case may the increased pensions be higher than the pensions that would have been paid under the plan had the retirement pension's automatic indexation formula not been amended.

34. However, despite the second paragraph of section 33, the text of the plan may provide that the surplus assets identified in an actuarial valuation subsequent to 31 December 2015 and established in accordance with the second paragraph of section 30 may not be appropriated unless the plan's assets on a funding basis are equal to or greater than its liabilities, increased by the provision for adverse deviation plus an amount that corresponds to a rate of not more than 3% of the total solvency liabilities, reduced by the value of the additional obligations arising from any amendment to the plan considered for the first time on the date of the actuarial valuation.

35. In the case of a pension plan that must be restructured under section 19, the surplus assets for service subsequent to 31 December 2015 must be appropriated for the purposes and in the order agreed on by the employer and the active members.

CHAPTER V

RESTRUCTURING PROCESS FOR PENSION PLANS

DIVISION I

NEGOTIATIONS

36. When a pension plan must be restructured under section 19, negotiations between the employer and the active members must be undertaken not later

than 30 June 2016 for the purpose of entering into an agreement to amend the pension plan in accordance with this Act.

Not later than 15 June 2016, the employer sends every association representing active members who are covered by the plan a written notice not less than eight days beforehand stating the date, time and place its representatives will be ready to meet the association's representatives.

A copy of the notice must be sent to the Minister. Failing such a notice, negotiations are deemed to have begun on 30 June 2016.

37. If the active members of a plan are represented by more than one association, negotiations are conducted separately or jointly by those associations in accordance with the usual rules.

38. Negotiations must begin and continue diligently and in good faith in order for an agreement to be reached not later than 31 March 2017.

39. If the parties reach an agreement, they send the Minister a notice of agreement.

Likewise, the parties inform the Minister if they are unable to reach an agreement, unless a conciliator has been appointed, in which case the notice must be sent to the conciliator.

DIVISION II

CONCILIATION

40. Either of the parties may, at any time during the negotiation period, ask the Minister to designate a conciliator to help them reach an agreement.

Notice of such a request must be given to the other party on the same day.

The Minister designates the conciliator on receiving the parties' request.

41. The conciliation process does not alter the negotiation period.

42. The parties are required to attend all meetings to which they are convened by the conciliator.

43. If an agreement is reached on all the matters submitted to the conciliator, the conciliator reports on the agreement to the Minister and to the parties.

44. At the expiry of the negotiation period or as soon as it is clear to the conciliator that conciliation will not enable the parties to reach an agreement, the conciliator submits to the parties a report stating the matters on which they agree, those still in dispute and any recommendation the parties failed to implement.

At the same time, the conciliator forwards a copy of the report to the Minister.

DIVISION III

ARBITRATION

45. At the expiry of the negotiation period, an arbitrator is appointed to settle the dispute if no agreement has been sent to the Minister.

An arbitrator may also be appointed before the end of such a period at the joint request of the parties or as soon as they receive the conciliator's report provided for in section 44.

46. The Minister notifies the parties that the Minister is referring the dispute to arbitration. Within 10 days after the notice, the parties must jointly choose the arbitrator from the list drawn up under section 77 of the Labour Code (chapter C-27). If the parties cannot agree, the Minister appoints the arbitrator from that list.

The Minister determines the arbitrators' costs and fees, which are borne by the parties.

An arbitrator must not have any pecuniary interest in the dispute submitted to him or her or have acted as an attorney, adviser or representative of any of the parties.

47. The arbitrator is assisted by assessors unless the parties reach an agreement to the contrary within 15 days of the arbitrator's appointment.

Within 15 days of the arbitrator's appointment, each party designates an assessor to assist it. If a party does not designate an assessor within the prescribed time, the arbitrator may proceed in the absence of that party's assessor.

The arbitrator may proceed in the absence of an assessor who does not attend after having been convened.

48. Each party pays its assessor's costs and fees.

49. Each party pays the costs and fees of its expert witnesses.

The costs and fees of expert witnesses summoned on the initiative of the arbitrator are borne by the parties.

50. The arbitrator must render a decision not later than 31 December 2017.

51. No legal proceedings may be brought against an arbitrator for an act performed in good faith while carrying out the functions of office.

52. The parties may come to an agreement at any time on any of the matters in dispute.

The agreement is recorded in the arbitration award, which may not amend it.

53. The arbitrator renders a decision in accordance with the rules of law.

The arbitrator must take into account, among other considerations, intergenerational equity, the sustainability of the pension plan, compliance with cost-sharing principles and the objectives set out in this Act, contribution holidays and any improvements made to the plan.

In addition, the arbitrator must take into account the past concessions granted by the members with respect to other elements of the overall remuneration.

The arbitrator's decision is binding on the parties from the time it is rendered. No appeal lies from the arbitrator's decision.

54. The arbitrator sends a copy of the decision to the Minister.

55. Chapters III and V of Title II of Book VII of the Code of Civil Procedure (chapter C-25.01), except the third and fourth paragraphs of article 632, the third paragraph of article 642, the second and third paragraphs of article 643, and articles 282, 283 and 289 apply, with the necessary modifications, to arbitration under this Act.

56. Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure may be filed nor any injunction granted against an arbitrator acting in his or her official capacity.

DIVISION IV

MISCELLANEOUS PROVISIONS

57. The existence of a collective agreement or any other valid agreement does not preclude the application of this Act.

58. The signing of an agreement may take place only after being authorized by secret ballot by a majority vote of the members of the association representing the active members who exercise their right to vote.

If the negotiations are conducted jointly by two or more associations, the ballot is held in accordance with the usual rules. In the absence of such rules, the signing must be authorized, by secret ballot, by a vote in which the majority is calculated taking into account all the active members, regardless of which group they belong to.

59. The employer must take measures to allow active members who are covered by a pension plan established by a collective agreement, but who are

not represented by an association, as well as active members who are covered by a plan established otherwise than by a collective agreement, to submit observations on the proposed amendments to the plan.

If 30% or more of those active members object to the amendments, the amendments cannot be applied, unless a decision of the arbitrator so authorizes.

60. If a collective agreement is in force, any agreement reached or any decision made by the arbitrator under Chapter V that amends the terms of the collective agreement has the effect of amending the collective agreement. If negotiations are in progress to renew the collective agreement, the agreement or the decision is, from the date it becomes effective, deemed to be part of the most recent collective agreement.

61. When the rules set out in a pension plan before 11 November 2015 do not require that the amendments to the plan be negotiated with each association representing active members, the amendments to a pension plan to which this chapter applies are decided on by the authority that has the power to do so and under the conditions set out in the pension plan.

Divisions I to III of this chapter apply, with the necessary modifications. The amendments decided on in accordance with the rules set out in the pension plan are considered to be an agreement made under this chapter.

62. As soon as an agreement that provides for amending the automatic indexation formula of the retired members' pension is entered into or as soon as a decision is rendered by an arbitrator under this chapter, the pension committee must notify each retired member and each beneficiary in writing that the automatic indexation of their pension is amended from the date of the agreement or the arbitrator's decision.

Such a notice replaces the notice required under section 26 of the Supplemental Pension Plans Act with respect to retired members. A copy of the notice must be sent to Retraite Québec with the application to register the amendment to the pension plan resulting from the agreement or the arbitrator's decision.

63. To make possible an amendment to restructure a pension plan that does not have to be restructured under section 19, the employer must take measures to allow active members who are covered by a pension plan established by a collective agreement, but who are not represented by an association, as well as active members who are covered by a plan established otherwise than by a collective agreement, to submit observations. If 30% or more of those members object to the amendment, it cannot be applied.

Section 58 applies with respect to active members represented by an association.

If the active members do not agree to the amendment regarding the sharing of contributions and the establishment of the contribution to the stabilization fund before 1 January 2018, the rules set out in the first paragraph of section 10 and the second paragraph of section 13 apply.

CHAPTER VI

REGISTRATION OF AMENDMENTS

64. The provisions of every pension plan must be amended to set out

(1) the rules governing the sharing of contributions;

(2) the rate of the contribution to the stabilization fund; and

(3) any benefits that have been amended.

65. The amendments resulting from the restructuring of a pension plan described in section 19 must be communicated to Retraite Québec as soon as a notice of agreement is sent to the minister responsible for the administration of the Labour Code under the first paragraph of section 39 or as soon as an arbitrator's decision is sent to that minister under section 54. The amendments to a pension plan not described in section 19 must be submitted to Retraite Québec not later than 31 January 2018.

66. The application to register the amendments must be filed with a complete actuarial valuation of the pension plan as at 31 December 2015 that takes the amendments to the plan into account.

The actuarial valuation must be established on the basis of the same demographic and economic assumptions and the same discount rate as those used in the actuarial valuation referred to in section 5. However, the demographic assumption with respect to retirement may be adjusted to take the amendments to the pension plan into account.

67. If Retraite Québec is unable to register an amendment to the plan because of its non-compliance with this Act or the Supplemental Pension Plans Act, Retraite Québec must inform the pension committee.

If the amendment results from an agreement under Chapter V, the pension committee notifies the parties to the agreement of Retraite Québec's decision and asks them to amend the agreement within 30 days. If the parties fail to come to an agreement, the minister responsible for the administration of the Labour Code appoints an arbitrator whose name appears on the list drawn up under the first paragraph of section 46. The arbitrator must render a decision within three months after being seized of the matter. The second and third paragraphs of section 46 and sections 48, 51 to 54 and 56 apply.

If the amendment results from an arbitrator's decision under Chapter V, the pension committee notifies the arbitrator who rendered the decision of Retraite Québec's decision and asks the arbitrator to amend his or her decision within 30 days.

CHAPTER VII

AMENDING PROVISIONS

SUPPLEMENTAL PENSION PLANS ACT

68. Section 128 of the Supplemental Pension Plans Act (chapter R-15.1) is amended by replacing "by adding the plan stabilization provision target level less five percentage points" in the second paragraph by "taking into account the plan stabilization provision target level less five percentage points".

69. Section 318.5 of the Act is amended by replacing the second paragraph by the following paragraphs:

"Sections 90.1, 142.5 and 237 apply, however, to a plan referred to in the first paragraph.

Sections 60, 119.1, 143 and 146 apply to pension plans that are subject to the Regulation respecting the funding of pension plans of the municipal and university sectors (chapter R-15.1, r. 2). Those sections do not apply, however, to a pension plan referred to in Division I or I.1 of the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 8).

For the purposes of section 119.1, the actuarial valuation required is the one referred to in subparagraph 2 of section 118, as replaced by section 7 of the Regulation respecting the funding of pension plans of the municipal and university sectors."

REGULATION RESPECTING THE FUNDING OF PENSION PLANS OF THE MUNICIPAL AND UNIVERSITY SECTORS

70. The Regulation respecting the funding of pension plans of the municipal and university sectors (chapter R-15.1, r. 2) is amended by inserting the following section after section 6:

"**6.1.** For the purposes of the first paragraph of section 60 of the Act, the member contributions paid by a member are the current service contribution described in section 38 of the Act, as it read before 1 January 2016, and the stabilization contribution the member is required to pay under the Act to foster the financial health and sustainability of municipal defined benefit pension plans (chapter S-2.1.1) or the Act respecting the restructuring of university-sector defined benefit pension plans and amending various legislative provisions (2016, chapter 13)."

71. The Regulation is amended by replacing section 38.2 by the following section:

"**38.2.** The components of the plan are governed by the Act and this Regulation with regard to funding, asset investment, appropriation of any surplus assets, division and merger, and payment of members' and beneficiaries' benefits, as though they were two separate pension plans.

However, for the purposes of section 60 of the Act, the plan must be considered as a single pension plan.

Member contributions above the limit set by section 60 of the Act must be apportioned in proportion to the value of the benefits accrued in each component of the pension plan."

72. The Regulation is amended by striking out sections 38.11 and 38.12.

73. Section 38.13 of the Regulation is amended by striking out "once the payment referred to in section 38.11 has been made and" in the second paragraph.

74. Section 38.14 of the Regulation is amended by striking out the second paragraph.

75. Section 38.15 of the Regulation is amended by striking out subparagraph 2 of the first paragraph.

76. The Regulation is amended by inserting the following section after section 58:

"**58.1.** Excluding the amount that must be recorded as an actuarial gain in the reserve under section 14 of the Act to foster the financial health and sustainability of municipal defined benefit pension plans (chapter S-2.1.1), the amount determined under the first paragraph of section 15 of this Regulation must not be transferred from the general account to the reserve for the purposes of the actuarial valuation as at 31 December 2013 referred to in section 51 of that Act nor for the purposes of any actuarial valuation as at a date subsequent to that valuation but prior to 1 January 2016. The balance of actuarial gains that is referred to in the second paragraph of that section 15 must be determined assuming that the gains referred to in the first paragraph of that section have been transferred to the reserve.

Section 53.1 of this Regulation does not apply to an actuarial valuation referred to in the first paragraph. However, if an amount was appropriated under that section 53.1 in an actuarial valuation referred to in section 4 or 26 of the Act to foster the financial health and sustainability of municipal defined benefit pension plans, the same appropriation must be made in the actuarial valuation referred to in section 51 of that Act."

CHAPTER VIII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

77. In the case of a pension plan that must be restructured under section 19, if the pension committee was instructed to reduce the monthly payments due by 50% before 11 November 2015 under section 39.2 of the Regulation respecting the funding of pension plans of the municipal and university sectors (chapter R-15.1, r. 2), the funding relief measure set out in that section is extended until the date of the agreement or the arbitrator's decision under Chapter V, but not later than 31 December 2017.

In the case of a pension plan that does not have to be restructured under section 19 and in order for the funding relief measure referred to in the first paragraph to apply, the employer must post, in a conspicuous place within the establishment and in an area usually frequented by the active members, a notice indicating that the parties that have the power to amend the plan have agreed to restructure the benefits of the active members for service prior to 1 January 2016 and service subsequent to 31 December 2015 and that, consequently, the funding relief measure set out in section 39.2 of the Regulation respecting the funding of pension plans of the municipal and university sectors continues to apply until the date of the agreement on the amendments, but not later than 31 December 2017.

The provisions of the Regulation apply with the necessary modifications.

The pension committee must immediately inform Retraite Québec if the funding relief measure referred to in the first paragraph ceases to apply before 31 December 2017.

78. Only the provisions of a pension plan that concern the appropriation of the plan's surplus assets and are effective before 11 November 2015 are to be taken into account for the reimbursement, under the second paragraph of section 32 and subparagraph 1 of the fifth paragraph of section 33, of the debts contracted by the pension plan toward the employer.

79. For the purposes of this Act, members and beneficiaries who began receiving a pension during the period beginning after 31 December 2014 and ending before 11 November 2015 and members who entered into a retirement agreement with their employer before the latter date providing for the payment of their pension within 12 months after that date are considered members who are retired on 31 December 2014.

Active members who entered into a phased departure agreement with their employer before 11 November 2015 that has a maximum term of five years after that date and provides for the reduction of their work time by at least 20% for the duration of the agreement and their retirement at the end of the agreement are also considered members who are retired on 31 December 2014.

However, members referred to in subparagraph 2 of the first paragraph of section 67.3 of the Supplemental Pension Plans Act (chapter R-15.1) who, on 31 December 2014, are receiving phased retirement benefits under subdivision 0.1 of Division III of Chapter VI of that Act are not considered members who are retired on that date unless the agreement to that effect entered into with the employer before 11 November 2015 includes the conditions set out in the second paragraph.

80. A member's benefits that were transferred or refunded before 11 November 2015 or for which an application for transfer or refund was filed before that date are established without taking the pension plan's restructuring measures into account.

Likewise, the death benefit provided for in section 86 of the Supplemental Pension Plans Act to which the spouse or successors of a deceased member are entitled before 11 November 2015 must be established without taking the pension plan's restructuring measures into account.

81. When sections 19 and 27 apply, only part of the benefits the payment of which began on or after 11 November 2015 may be paid by the pension committee during the restructuring period.

Subject to the first paragraph of section 80, when sections 19 and 27 apply, only part of the member's benefits that were paid on or after 11 November 2015 and of the death benefits to which the spouse or successors of a member deceased on or after 11 November 2015 may be paid by the pension plan during the restructuring period.

82. Contributions paid into the pension plan by the employer and the active members and established in the actuarial valuation referred to in section 4 are deemed to have been validly paid despite the pension plan restructuring measures that apply from 1 January 2016.

83. Contributions paid by the employer in addition to the contributions required under the Supplemental Pension Plans Act for service subsequent to 31 December 2015 are not taken into consideration in the sharing of total contributions under section 10.

84. When a stabilization fund is established in a pension plan under section 38.6 of the Regulation respecting the funding of pension plans of the municipal and university sectors, the stabilization fund referred to in section 13 is deemed to be established. The provisions of this Act apply with respect to the fund from 1 January 2018 or from any earlier date agreed on by the employer and active members.

Service prior to the establishment of the fund is deemed to be the service prior to the plan for the purposes of this Act.

85. The indexation of pensions paid after 31 December 2014 to members who are retired on that date and until the date of an agreement or an arbitrator's decision under Chapter V, using the indexation formula set out in the pension plan before an amendment to the plan under the first paragraph of section 21, is deemed to have been validly paid.

86. This Act does not prohibit the sharing, by the employer and the active members, of the deficiencies identified in an actuarial valuation subsequent to 31 December 2015 for service prior to 1 January 2016 in a maximum proportion of 50% for the active members.

When a pension plan must be restructured under section 19, contributions may be paid by the active members after 31 December 2015 for service prior to the date the stabilization fund referred to in section 13 is established.

87. Any redemption of service on or after 1 January 2016 that is entirely paid by the member must be revised by the pension committee following the date of the agreement or the arbitrator's decision under Chapter V in order to ensure that the member benefits from the conditions set at the time of the transaction. The same applies to any agreement for a transfer of service entered into during the same period.

The first paragraph also applies when the benefits of active members are amended under section 27.

88. Any new pension plan established by an employer referred to in the second paragraph of section 1 must comply with Division II of Chapter II.

89. Any pension plan that is the object of a division or merger under Chapter XII of the Supplemental Pension Plans Act is subject to this Act.

90. Retraite Québec may issue technical directives relating to the administration of this Act.

91. For the exercise of the functions assigned to it under this Act, Retraite Québec may, in addition to the other powers conferred on it by this Act, the Act respecting the Québec Pension Plan (chapter R-9) and the Supplemental Pension Plans Act, require any document or information it considers necessary for the purposes of this Act from a pension committee or an employer.

In addition, sections 183 to 193, 246, 247 and 248 of the Supplemental Pension Plans Act apply to this Act, with the necessary modifications.

92. When a pension plan's fiscal year ends on a date other than 31 December, an actuarial valuation under section 4 is required.

Despite section 142 of the Supplemental Pension Plans Act, the amortization period for the part of the technical actuarial funding deficiency assumed by the employer that may not be consolidated under the first paragraph of section 23

may expire on a date other than the date corresponding to the end of the fiscal year of the pension plan.

93. Except in the case of a pension plan to which section 7 applies, the report on the actuarial valuation required under section 4 is deemed to be the report mentioned in section 8 of the Regulation respecting the funding of pension plans of the municipal and university sectors, when such a report on an actuarial valuation of the plan as at 31 December 2015 is required. If the latter report was sent to Retraite Québec, an amended version of it must be sent to Retraite Québec not later than 30 June 2016.

94. In a case of failure to produce the report required under section 4 and the amended report provided for in section 93, fees equal to 20% of the fees calculated in the manner prescribed by section 13.0.1 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), taking into account the number of members and beneficiaries indicated in the annual information return for the last fiscal year of the plan ended on the date of the actuarial valuation, must be paid to Retraite Québec for each full month of delay, up to the amount of those fees.

95. For the calculation of the technical actuarial deficiency, the value of the amortization payments yet to be paid by the employer with respect to the part of the technical actuarial funding deficiency that may not be consolidated under the first paragraph of section 23 must, for the purposes of actuarial valuations subsequent to 31 December 2015, be included in the general account.

96. This Act applies despite any provision to the contrary.

97. The minister responsible for the administration of the Supplemental Pension Plans Act is responsible for the administration of this Act, except Divisions I, II and III of Chapter V, which are administered by the minister responsible for the administration of the Labour Code.

98. Section 38.2 of the Regulation respecting the funding of pension plans of the municipal and university sectors, enacted by section 71 of this Act, has effect from 31 December 2015 with regard to any actuarial valuation of university sector plans as at a date subsequent to 30 December 2015. With regard to municipal sector pension plans, section 38.2 applies to any actuarial valuation as at a date subsequent to 31 December 2013 and to the actuarial valuation established as at that date under section 51 of the Act to foster the financial health and sustainability of municipal defined benefit pension plans (chapter S-2.1.1).

99. Section 77 has effect from 1 January 2016.

100. This Act comes into force on 8 June 2016.

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 97
(2016, chapter 14)

An Act to amend certain Acts establishing pension plans applicable to public sector employees

Introduced 11 May 2016
Passed in principle 18 May 2016
Passed 8 June 2016
Assented to 8 June 2016

Québec Official Publisher
2016

EXPLANATORY NOTES

The Act amends certain Acts establishing public sector pension plans to allow plan members to accumulate, for each year of service completed as of 2017, additional years of service credited over and above the 38 years of service used to calculate the pension, up to a maximum of 40 years.

It also allows employees to use all or part of their accumulated sick leave, if provided for in their conditions of employment, to pay the cost of redeeming years of service.

In addition, the Act respecting the Government and Public Employees Retirement Plan is amended to allow employees who are at least 60 years of age to retire without actuarial reduction if the sum of their age and their years of service is 90 or more, to establish an eligibility criterion for retirement without actuarial reduction at 61 years of age, and to increase the actuarial reduction applicable to the pension of employees who retire at 55 years of age without having met an eligibility criterion for retiring without actuarial reduction.

Lastly, the Act makes consequential amendments and includes transitional and various provisions.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting the Pension Plan of Certain Teachers (chapter R-9.1);

– Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

– Act respecting the Teachers Pension Plan (chapter R-11);

– Act respecting the Civil Service Superannuation Plan (chapter R-12);

– Act respecting the Pension Plan of Management Personnel (chapter R-12.1).

Bill 97

AN ACT TO AMEND CERTAIN ACTS ESTABLISHING PENSION PLANS APPLICABLE TO PUBLIC SECTOR EMPLOYEES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

1. Section 22 of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1) is amended by replacing all occurrences of "76%" in the first paragraph by "80%".

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

2. Section 19 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by replacing "38" in the first paragraph by "40".

3. Section 23 of the Act is amended by replacing "38" by "40".

4. Section 26 of the Act is amended by inserting "or, if provided for in the employee's conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "Retraite Québec" in the first paragraph.

5. Section 28 of the Act is amended by inserting "or, if provided for in the employee's conditions of employment, by using all or part of her accumulated sick leave. In the latter case, her employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "determined by Retraite Québec" in the fourth paragraph.

6. Section 29 of the Act is amended by replacing "38" in the third paragraph by "40".

7. Section 33 of the Act is amended, in the first paragraph,

(1) by replacing "60" in subparagraph 1 by "61";

(2) by inserting the following subparagraph after subparagraph 2:

"(2.1) has a combined total of age and service of 90 or more and is at least 60 years of age;".

8. Section 34.2 of the Act is amended by replacing "38" in the second paragraph by "40".

9. Section 38 of the Act is amended by replacing "1/3" in the first paragraph by "1/2".

10. Section 59.5 of the Act is amended by inserting "or, if provided for in the employee's conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "determined by Retraite Québec" in the second paragraph.

11. Section 59.6 of the Act is amended by inserting "or, if provided for in the employee's conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "determined by Retraite Québec" in the second paragraph.

12. Section 59.6.0.1 of the Act is amended by inserting "or, if provided for in the employee's conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "determined by Retraite Québec" in the second paragraph.

13. Section 59.6.0.2 of the Act is amended by inserting "or, if provided for in the employee's conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "determined by Retraite Québec" in the second paragraph.

14. Section 85.3 of the Act is amended by inserting "or, if provided for in the employee's conditions of employment, by using all or part of her accumulated sick leave. In the latter case, her employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "determined by Retraite Québec" in the fourth paragraph.

15. Section 109.4 of the Act is amended by replacing "in a lump sum" in the fifth paragraph by "in a lump sum or, if provided for in the employee's conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec".

16. Section 109.9 of the Act is amended by inserting "or, if provided for in the employee's conditions of employment, by using all or part of his accumulated

sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "determined by Retraite Québec" in the fourth paragraph.

17. Section 114.1 of the Act is amended by inserting "or, if provided for in the employee's conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "Retraite Québec" in the third paragraph.

18. Section 115 of the Act is amended by inserting the following paragraph after the second paragraph:

"The amount established under the second paragraph is payable in a lump sum or, if provided for in the employee's conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec."

19. Section 115.2 of the Act is amended by inserting "or, if provided for in the employee's conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "determined by Retraite Québec".

20. Section 115.10.2 of the Act is amended by inserting "or, if provided for in the employee's conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "determined by Retraite Québec".

21. Section 115.10.5 of the Act is amended by inserting "or, if provided for in the employee's conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "determined by Retraite Québec".

22. Section 115.10.7 of the Act is amended by inserting "or, if provided for in the employee's conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "determined by Retraite Québec".

ACT RESPECTING THE TEACHERS PENSION PLAN

23. Section 16 of the Act respecting the Teachers Pension Plan (chapter R-11) is amended by replacing "38" in the first paragraph by "40".

24. Section 20 of the Act is amended by replacing "38" by "40".

25. Section 22 of the Act is amended by adding the following sentences at the end of the third paragraph: "The teacher may also, if provided for in his conditions of employment, use all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec."

26. Section 23 of the Act is amended by inserting "or, if provided for in the teacher's conditions of employment, by using all or part of her accumulated sick leave. In the latter case, her employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "determined by Retraite Québec" in the third paragraph.

27. Section 26 of the Act is amended by replacing the first paragraph by the following paragraph:

"A teacher may pay the amount required for the redemption of years during which he was a Member in a lump sum or, if provided for in the teacher's conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec."

28. Section 28.2 of the Act is amended by replacing "38" by "40".

29. Section 28.3 of the Act is amended by inserting "or, if provided for in the teacher's conditions of employment, by using all or part of her accumulated sick leave. In the latter case, her employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "determined by Retraite Québec" in the third paragraph.

30. Section 28.5 of the Act is amended by replacing "38" by "40".

31. Section 29 of the Act is amended by replacing "38" in the second paragraph by "40".

32. Section 33.2 of the Act is amended by replacing "38" in the second paragraph by "40".

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

33. Section 58 of the Act respecting the Civil Service Superannuation Plan (chapter R-12) is amended by replacing "38" in the first paragraph by "40".

34. Section 60.1 of the Act is amended by replacing "38" by "40".

35. Section 62.4 of the Act is amended by replacing "38" in the second paragraph by "40".

36. Section 66.2 of the Act is amended by adding the following sentences at the end of the third paragraph: "The officer may also, if provided for in his conditions of employment, use all or part of his accumulated sick leave. In the latter case, the officer's employer shall pay all or part of the amount according to the terms determined by Retraite Québec."

37. Section 69 of the Act is amended by replacing "38" in the second paragraph by "40".

38. Section 90 of the Act is amended by inserting the following paragraph after the third paragraph:

"The amount established under the second or third paragraph is payable in a lump sum or, if provided for in the officer's conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec."

39. Section 99.6 of the Act is amended by replacing "38" by "40".

40. Section 99.7 of the Act is amended by inserting "or, if provided for in the officer's conditions of employment, by using all or part of her accumulated sick leave. In the latter case, her employer shall pay all or part of the amount according to the terms determined by Retraite Québec" after "determined by Retraite Québec" in the third paragraph.

41. Section 99.9 of the Act is amended by replacing "38" by "40".

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

42. Section 49 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended, in the second paragraph,

(1) by replacing "60" in subparagraph 1 by "61";

(2) by inserting the following subparagraph after subparagraph 2:

"(2.1) has attained 60 years of age and has a combined total of age and service of 90 or more;".

43. Section 56 of the Act is amended

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

"Where an employee is entitled to a pension under subparagraph 4 of the first paragraph of section 49, the employee's pension is reduced for its duration by 1/3 of 1% per month, computed for each month comprised between the date on which the pension is granted and the nearest date on which the pension would have otherwise been granted to the employee without actuarial reduction,

at the time the employee ceased to be a member of the plan, under the first paragraph.

Where an employee is entitled to a pension under subparagraph 3 of the second paragraph of that section, the employee's pension is reduced for its duration by 1/2 of 1% per month, computed for each month comprised between the date on which the pension is granted and the nearest date on which the pension would have otherwise been granted to the employee without actuarial reduction, at the time the employee ceased to be a member of the plan, under the second paragraph.";

(2) by replacing "under the first paragraph" in the second paragraph by "under the first or second paragraph".

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

44. For the purposes of the provision amended by section 1 of this Act, the percentage that exceeds 76% must be in relation to the years of service credited that are subsequent to 2016 and over and above 38 years of service used to compute the pension.

For the purposes of the provisions amended by sections 2, 3, 6, 8, 23, 24, 28, 30 to 35, 37, 39 and 41 of this Act, the years of service credited over and above 38 years of service used to compute the pension must be subsequent to 2016.

45. Sections 33 and 38 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), as they read on 30 June 2019, continue to apply to employees who are parties to a progressive retirement agreement referred to in section 85.5.1 of that Act, provided the application period of that agreement began before 11 May 2016.

Those provisions also continue to apply to employees who are parties to a progressive retirement agreement referred to in section 85.5.1 of that Act, provided the application period of that agreement began after 10 May 2016 but before 8 September 2016 and provided the agreement stipulates a reduction of their working time of at least 20% of the regular service of full-time employees in such employment.

This section also applies to a person described in the last paragraph of that section 85.5.1.

46. The second paragraph of section 49 and section 56 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), as they read on 30 June 2019, continue to apply to employees referred to in the fourth paragraph of section 10 of that Act who did not complete the additional 60-month period of membership in the Pension Plan of Management Personnel and who are parties to a progressive retirement agreement referred to in section 133 of that Act, provided the application period of that agreement began before 11 May 2016.

Those provisions also continue to apply to such employees who are parties to a progressive retirement agreement referred to in section 133 of that Act, provided the application period of that agreement began after 10 May 2016 but before 8 September 2016 and provided the agreement stipulates a reduction of their working time of at least 20% of the regular service of full-time employees in such employment.

This section also applies to a person described in the last paragraph of that section 133.

47. Section 38 of the Act respecting the Government and Public Employees Retirement Plan, as it reads on 30 June 2020, continues to apply to employees who cease to participate in the Government and Public Employees Retirement Plan before 1 July 2020, except if such employees are referred to in section 49 of this Act.

48. Section 56 of the Act respecting the Pension Plan of Management Personnel, as it reads on 30 June 2020, continues to apply to employees referred to in the fourth paragraph of section 10 of that Act who did not complete the additional 60-month period of membership in the Pension Plan of Management Personnel and who cease to participate in that plan before 1 July 2020, except if such employees are referred to in section 50 of this Act.

49. Section 33 of the Act respecting the Government and Public Employees Retirement Plan, as it reads on 30 June 2019, continues to apply to employees referred to in the second paragraph of section 3.1 of that Act if their last day of pensionable employment under the Government and Public Employees Retirement Plan is before 1 July 2019.

Section 38 of that Act, as it reads on 30 June 2020, continues to apply to employees referred to in the second paragraph of section 3.1 of that Act if their last day of pensionable employment under the Government and Public Employees Retirement Plan is before 1 July 2020.

50. The second paragraph of section 49 of the Act respecting the Pension Plan of Management Personnel, as it reads on 30 June 2019, continues to apply to employees referred to in the first paragraph of section 9 of that Act, who are also referred to in the fourth paragraph of section 10 of that Act and did not complete the additional 60-month period of membership in the Pension Plan of Management Personnel, if their last day of pensionable employment under that plan is before 1 July 2019.

Section 56 of that Act, as it reads on 30 June 2020, continues to apply to employees referred to in the first paragraph of section 9 of that Act, who are also referred to in the fourth paragraph of section 10 of that Act and did not complete the additional 60-month period of membership in the Pension Plan of Management Personnel, if their last day of pensionable employment under that plan is before 1 July 2020.

51. After 16 September 2003 and until the date of coming into force of the first amendment made by the Government after 8 June 2016 to the Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 2), the amount of the benefit payable to persons who have never belonged to a class referred to in paragraphs 1 to 11 of Schedule II to those special provisions and for whom the Government and Public Employees Retirement Plan was the last pension plan of which they were members before becoming subject to these special provisions is valid provided the amount is calculated considering the Government and Public Employees Retirement Plan as the former pension plan for the purposes of sections 13, 16, 17, 19, 26, 27 and 28 of those special provisions.

52. Sections 4, 5, 10 to 22, 25 to 27, 29, 36, 38, 40, 51 and 52 come into force on 8 June 2016.

Sections 1 to 3, 6, 8, 23, 24, 28, 30 to 35, 37, 39, 41 and 44 come into force on 1 January 2017.

Sections 7, 42, 45, 46 and the first paragraph of sections 49 and 50 come into force on 1 July 2019.

Sections 9, 43, 47, 48 and the second paragraph of sections 49 and 50 come into force on 1 July 2020.

Draft Regulations

Draft Minister's Order

An Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1)

Management indicators pertaining to the administration of certain municipal bodies —Revocation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Order of the Minister of Municipal Affairs and Land Occupancy concerning the revocation of the Order of the Minister of Municipal Affairs, Regions and Land Occupancy dated 15 February 2012 concerning management indicators pertaining to the administration of certain municipal bodies, appearing below, may be made on the expiry of 45 days following this publication.

The draft Order revokes the Order of the Minister of Municipal Affairs, Regions and Land Occupancy dated 15 February 2012 concerning management indicators pertaining to the administration of certain municipal bodies, which was made under section 17.6.1 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1).

Further information may be obtained by contacting Jean Villeneuve, Directeur général des finances municipales, Ministère des Affaires municipales et de l'Occupation du territoire, 10, rue Pierre-Olivier-Chauveau, 1er étage, Québec (Québec) G1R 4J3; telephone: 418 691-2007.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Minister of Municipal Affairs and Land Occupancy, 10, rue Pierre-Olivier-Chauveau, Québec (Québec) G1R 4J3.

MARTIN COITEUX,
Minister of Municipal Affairs and Land Occupancy

Order of the Minister of Municipal Affairs and Land Occupancy

An Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1, s. 17.6.1)

Revocation of the Order of the Minister of Municipal Affairs, Regions and Land Occupancy dated 15 February 2012 concerning management indicators pertaining to the administration of certain municipal bodies

WHEREAS, under section 17.6.1 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1), the Minister of Municipal Affairs and Land Occupancy may, after consultation with the bodies representing municipalities including the Union des municipalités du Québec and the Fédération québécoise des municipalités, establish management indicators that relate to the administration of municipal bodies and prescribe the conditions and procedures for the implementation of the indicators in municipal bodies;

WHEREAS an order was made by the Minister of Municipal Affairs, Regions and Land Occupancy for that purpose and published in the *Gazette officielle du Québec*;

WHEREAS the Groupe de travail sur la simplification des redditions de comptes des municipalités au gouvernement has examined the use of management indicators;

WHEREAS it is advisable to cease the compulsory use of management indicators;

THEREFORE, the Order of the Minister of Municipal Affairs, Regions and Land Occupancy dated 15 February 2012 concerning management indicators pertaining to the administration of certain municipal bodies is revoked.

MARTIN COITEUX,
Minister of Municipal Affairs and Land Occupancy

102741

Draft Regulation

An Act respecting pre-hospital emergency services (chapter S-6.2)

Ambulance technician
— Conditions for the registration in the national workforce registry
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the conditions for the registration of an ambulance technician in the national workforce registry, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation deletes the requirement that the certificate attesting to the absence of a criminal record required when an ambulance technician registers in the registry must be issued by a police force in Québec. It also determines the conditions under which an ambulance technician who has obtained an inactive status may again obtain an active status allowing him or her to carry on professional activities in Québec, particularly with respect to the evaluation of his or her qualifications.

Further information may be obtained by contacting Colette D. Lachaîne, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 9e étage, Québec (Québec) G1S 2M1; telephone: 418 266-5805; email: colette.lachaine@msss.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 Health and Social Services, 1075, chemin Sainte-Foy, 15e étage, Québec (Québec) G1S 2M1.

GAÉTAN BARRETTE,
Minister of Health and Social Services

Regulation to amend the Regulation respecting the conditions for the registration of an ambulance technician in the national workforce registry

An Act respecting pre-hospital emergency services (chapter S-6.2, s. 64)

1. Section 3 of the Regulation respecting the conditions for the registration of an ambulance technician in the national workforce registry (chapter S-6.2, r. 1) is amended by deleting "issued by a police force in Québec" in the second paragraph.

2. Section 9.1 of the Regulation is amended by adding the following after the second paragraph:

"Subject to section 12 and paragraph 3 of section 13, an ambulance technician to whom an inactive status has been attributed for a reason provided for in subparagraph 1 or 2 of the first paragraph and who, since then, has not been permanently struck off may once again obtain an active status by remedying the failings due to which the inactive status was attributed to him or her.".

3. Section 13 of the Regulation is amended by adding the following after paragraph 2:

"(3) the ambulance technician's inactive status was attributed more than 4 months previously and he or she wishes to once again obtain an active status in accordance with the third paragraph of section 9.1.".

4. Section 13 of the Regulation to amend the Regulation respecting the conditions for the registration of an ambulance technician in the national workforce registry made by Order in Council No. 856-2015 (2015, *G.O.* 2, 2770) is revoked.

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

102739

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