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**DU Québec**

**Part**

**2**

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1 May 2019

**Laws and Regulations**

Volume 151

**Summary**

Table of Contents

Acts 2019

Coming into force of Acts

Regulations and other Acts

Draft Regulations

Erratum

Index

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### Contents

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- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
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## Table of Contents

Page

---

### Acts 2019

	c. 4 An Act to amend the Pay Equity Act mainly to improve the pay equity audit process (Bill 10) .....	677
	List of Bills sanctioned (10 April 2019) .....	675

---

### Coming into force of Acts

433-2019	Héma-Québec and the haemovigilance committee, An Act respecting... — Coming into force of section 8 of the Act .....	693
----------	---	-----

---

### Regulations and other Acts

426-2019	Framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans (Amend.) .....	695
----------	---	-----

---

### Draft Regulations

	Administrative justice, An Act respecting... — Procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec .....	699
	Collective agreement decrees, An Act respecting... — Installation of petroleum equipment .....	700

---

### Erratum

	Assignment of temporary protection status as proposed biodiversity reserve or proposed aquatic reserve to three areas situated in the James Bay territory for four years, establishment of the plan and conservation plan of those areas and revocation of the plans of two proposed biodiversity reserves situated in that territory .....	703
--	---	-----



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**PROVINCE OF QUÉBEC**

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 10 APRIL 2019

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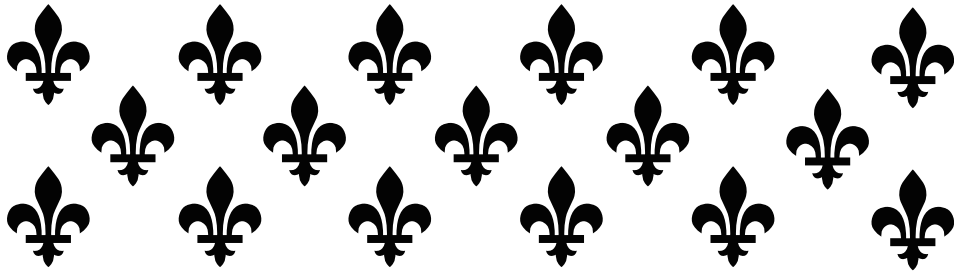
**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 10 April 2019*

This day, at ten minutes past two o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

- 10      An Act to amend the Pay Equity Act mainly to improve the pay equity audit process

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.





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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 10  
(2019, chapter 4)

**An Act to amend the Pay Equity Act  
mainly to improve the pay equity  
audit process**

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**Introduced 12 February 2019  
Passed in principle 20 March 2019  
Passed 9 April 2019  
Assented to 10 April 2019**

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**Québec Official Publisher  
2019**

## EXPLANATORY NOTES

*This Act makes various amendments to the Pay Equity Act, mainly to improve the pay equity audit process.*

*The Act requires certain employers who decide to conduct a pay equity audit alone to carry out a participation process, sets out rules for the process and requires the employers to report on it when posting the results of the audit. It also amends the content to be included in such postings, requiring employers to include the start date and, where applicable, end date for each of the events leading to adjustments.*

*The Act amends the date on which the adjustments determined following a pay equity audit become payable, making each adjustment payable as of the date of the event leading to the adjustment, and specifies the terms and conditions of payment of the adjustments.*

*Under the Act, the Commission des normes, de l'équité, de la santé et de la sécurité du travail is required to lend assistance to any employee seeking help in drafting a complaint. Furthermore, certain complaints are to be filed using the form prescribed by the Commission, and the date as of which the Commission may order adjustments when conducting an investigation into a pay equity audit is amended.*

*The Act amends the procedure for dealing with complaints filed following a pay equity audit conducted by an employer alone. Among other things, the Commission must designate a conciliator when a complaint has been filed by a certified association in an enterprise where more than one association represents a single job class. The Act allows the Commission to group complaints according to certain criteria and, for such cases, specifies the manner in which an agreement may be reached and allows an employee who has filed an individual complaint covered by the agreement to refuse to be bound by it.*

*The Act amends the date as of which a pay equity audit must take place and specifies the elements to be taken into account for the purposes of the valuation of differences in compensation and the determination of the required adjustments. The Act eliminates the obligation for an employer to issue a notice stating that the results of the pay equity exercise will be posted, both for an initial exercise*



*and for an audit. The conservation period for the information used by an employer for such an exercise or audit is increased, and the expression “partners advisory committee” is replaced by “pay equity advisory committee”.*

*Lastly, the Act makes certain amendments to the Commission’s regulatory powers and the penal provisions, and includes transitional provisions.*

**LEGISLATION AMENDED BY THIS ACT:**

- Pay Equity Act (chapter E-12.001).



## Bill 10

### AN ACT TO AMEND THE PAY EQUITY ACT MAINLY TO IMPROVE THE PAY EQUITY AUDIT PROCESS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### PAY EQUITY ACT

**1.** Section 14.1 of the Pay Equity Act (chapter E-12.001) is amended, in the second paragraph,

(1) by replacing “five” by “six”;

(2) by adding the following sentence at the end: “Where, under Chapter VI, a complaint has been filed or an investigation is being conducted, the period is extended until a final decision has been rendered on the complaint or the investigation has been completed.”

**2.** Section 35 of the Act is amended

(1) by replacing “payment, or a notice stating that no compensation adjustments are required” in subparagraph 4 of the first paragraph by “payment or, where no compensation adjustments are required, a notice to that effect”;

(2) by adding the following sentences at the end of the second paragraph: “It shall also mention that the remedies are to be exercised using the form prescribed by the Commission. In addition, the posting shall include information on the remedy available under section 101.”;

(3) by striking out the third paragraph.

**3.** Section 75 of the Act is amended by striking out the last sentence of the third paragraph.

**4.** Section 76 of the Act is amended by replacing “include information on the remedies available under this Act and the time within which they may be exercised” in the second paragraph by “shall include information on the remedies available under sections 96.1, 97 and 99 and specify the time within which they may be exercised. It shall also mention that the remedies are to be exercised using the form prescribed by the Commission. In addition, the posting shall include information on the remedy available under section 101”.

**5.** Section 76.1 of the Act is amended

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

“The audit shall be conducted to identify whether events that have occurred in the enterprise since the previous pay equity exercise have created differences in compensation between predominantly female job classes and equivalent predominantly male job classes and to determine the adjustments required, if any.”;

(2) in the second paragraph,

(a) by striking out “in order to determine whether adjustments in compensation are required”;

(b) by replacing “the second paragraph of section 76” by “the first paragraph of section 35, the second paragraph of section 75 or section 76.3”;

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

“Section 13 applies, with the necessary modifications, to a pay equity audit.”

**6.** The Act is amended by inserting the following section after section 76.1:

**“76.1.1.** For the purposes of the valuation of differences in compensation and the determination of the required adjustments, remuneration includes flexible pay and benefits having pecuniary value, if that pay and those benefits are not equally available to all the job classes that are the subject of the comparison. However, differences between job classes based on any of the factors listed in section 67 are not taken into account for the purposes of the valuation and the determination.”

**7.** Section 76.2 of the Act is amended by striking out “or associations” in subparagraph 3 of the first paragraph.

**8.** The Act is amended by inserting the following section after section 76.2:

**“76.2.1.** An employer that has set up a pay equity committee to establish a pay equity plan or whose enterprise includes at least one certified association representing employees covered by the pay equity audit shall, if the employer decides to conduct the audit alone, carry out a participation process. Such a process must be completed not later than 60 days before the posting under section 76.3 is made.

In the course of the participation process, the employer shall

(1) send information on the pay equity audit in progress to the certified associations and, where applicable, to the employees not represented by such associations or to their representatives designated under the third paragraph, in particular by providing them with documents describing the work done; and

(2) establish consultation measures regarding the audit to enable those associations and employees to ask questions or make observations to express their concerns, expectations, opinions or suggestions, among other things.

At the request of an employer, the employees not represented by a certified association shall designate one or more representatives for the carrying out of the participation process.

An employer shall allow those employees to hold a meeting in the workplace for the purpose of designating any representative. A representative so designated is deemed to be at work when performing any task related to the participation process.

Such a certified association and, where applicable, such an employee or representative are bound to protect the confidentiality of any information and document received under subparagraph 1 of the second paragraph. However, the association and, where applicable, the representative may forward the information and documents to the employees they represent, who must also protect their confidentiality.

**9.** Section 76.3 of the Act is replaced by the following section:

**“76.3.** After conducting a pay equity audit, the pay equity audit committee, or the employer in the absence of such a committee, shall post the audit results for 60 days in prominent places easily accessible to employees. The posting shall include

(1) a summary of the pay equity audit process;

(2) a summary of the questions asked and observations made in the course of the participation process consultation measures, if any, and a summary stating the manner in which they were taken into account;

(3) a list of the events leading to adjustments and, for each of those events, the start date and, where applicable, end date, or, where no adjustments are required, a notice to that effect;

(4) a list of the predominantly female job classes that are entitled to adjustments, if any;

(5) the percentage or amount of the adjustments to be paid, and the terms and conditions of payment, where applicable; and

(6) the date of the posting and information concerning the rights exercisable under the first paragraph of section 76.4 and the time within which they may be exercised.”

**10.** Section 76.4 of the Act is amended

(1) by replacing “which shall be dated, with any amendments clearly indicated or with an indication that no amendments are needed. If the pay equity audit was conducted by the employer alone, the posting shall include information concerning the remedies available under this Act and the time within which they may be exercised.” in the second paragraph by “which shall be dated and include a summary of the additional information requested or observations made as well as the means established by the committee, or the employer in the absence of such a committee, to address them. If no information was requested or observations made, the posting shall mention that. Furthermore, the posting shall specify the amendments made to the results of the pay equity audit conducted by the committee or the employer or, where no amendments are necessary, a notice to that effect.”;

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

“If the pay equity audit is conducted by the employer alone, the posting shall include information on the remedies available under section 100 and specify the time within which they may be exercised. It shall also mention that the remedies are to be exercised using the form prescribed by the Commission. In addition, the posting shall include information on the remedy available under section 101.”

**11.** Section 76.5 of the Act is replaced by the following sections:

**“76.5.** Any adjustment is payable as of the date of the event leading to the adjustment.

Any amount payable for the period preceding the date of the posting under the second paragraph of section 76.4 shall be paid on that date in the form of a lump sum. Such a sum constitutes remuneration at the time it is paid that must be considered for the purposes of employee benefit plans.

Any adjustment in compensation payable for the following period is paid from that date.

The adjustments bear interest at the legal rate from the date on which they should have been paid.

**“76.5.1.** Despite the second paragraph of section 76.5, payment of a lump sum may be spread over a maximum period of four years, after consultation with the pay equity audit committee or the certified association referred to in subparagraph 3 of the first paragraph of section 76.2, where applicable.

In such a case, the instalments are annual and the amount of each instalment shall be equal. The first instalment shall be paid on the date of the posting under the second paragraph of section 76.4. The balance owing bears interest from that date. The interest shall be added to the subsequent instalments.

**“76.5.2.** An employer may not, to maintain pay equity, reduce the remuneration of the employees holding positions in the enterprise. For the purposes of this section, remuneration includes flexible pay and benefits having pecuniary value. However, it does not include a lump sum referred to in the second paragraph of section 76.5.”

**12.** Section 76.6 of the Act is amended by adding the following paragraph at the end:

“The same applies to an amount paid in the form of a lump sum under the second paragraph of section 76.5, in a case of failure to pay, for the purposes of the exercise of a remedy.”

**13.** The Act is amended by inserting the following section after section 76.6:

**“76.6.1.** Where an employee who has left the enterprise is entitled to an amount paid in the form of a lump sum, the employer shall notify the employee of that fact in writing. Despite section 76.5.1, the sum may not be paid in instalments.

If an employer pays a lump sum in instalments under section 76.5.1 and an employee entitled to it leaves the enterprise during the period over which the instalments are spread, the employer shall, not later than 15 days after the employee’s departure, pay the employee the balance owing of the lump sum as well as the applicable interest.”

**14.** Section 76.8 of the Act is amended

(1) by replacing “five” by “six”;

(2) by adding the following sentence at the end: “Where, under Chapter VI, a complaint has been filed or an investigation is being conducted, the period is extended until a final decision has been rendered on the complaint or the investigation has been completed.”

**15.** Section 93 of the Act is amended by inserting the following paragraph after the first paragraph:

“For the purposes of subparagraph 6 of the first paragraph, in the case of a complaint filed under the second paragraph of section 100 or an investigation conducted on its own initiative in relation to a pay equity audit for which the required postings were not made, the Commission may investigate only in respect of the last pay equity audit for which the postings should have been made.”

**16.** Section 101 of the Act is amended by replacing the third paragraph by the following paragraph:

“Despite the fourth paragraph of section 76.5, if the employer contravenes section 76.9, the Commission may determine that the interest on an adjustment is payable as of the date of the event leading to the adjustment.”

**17.** The Act is amended by inserting the following section after section 101:

**“101.0.1.** Every complaint filed under this Act shall briefly state the grounds on which it is based.

The Commission shall lend assistance to employees who seek help in drafting a complaint.

For the purposes of sections 96.1, 97, 99 and 100, a complaint is to be filed with the Commission using the form prescribed by the latter.”

**18.** Section 102.2 of the Act is amended

- (1) by striking out the second sentence of the first paragraph;
- (2) by inserting the following paragraphs after the first paragraph:

“However, where an employer whose enterprise has more than one certified association representing employees in a single job class is the subject of a complaint filed by at least one of those associations under section 100, the Commission shall designate a conciliator. The designation shall take place not later than 60 days after the expiry of the time limit set out in the first paragraph of that section.

A conciliator may not have previously acted as an investigator in connection with a complaint referred to him.”



**19.** The Act is amended by inserting the following sections after section 102.2:

**“102.2.1.** The Commission may group complaints if they have the same juridical basis, are grounded on the same facts or raise the same points of law, or if circumstances permit. When grouping complaints, the Commission shall, to ensure fair representation of the parties, take into account the first paragraph of section 19.1, the second paragraph of section 21.1 and the second paragraph of section 103.0.1, where applicable.

**“102.2.2.** A conciliator designated under the second paragraph of section 102.2 has 120 days after being designated to meet with the parties and attempt to bring them to an agreement. The conciliator may extend that period by 60 days.”

**20.** Section 103 of the Act is amended

(1) by replacing “The agreement shall be signed” in the first paragraph by “Subject to section 103.0.1, the agreement shall be signed”;

(2) by striking out the second paragraph.

**21.** The Act is amended by inserting the following sections after section 103:

**“103.0.1.** An agreement reached during conciliation under the first paragraph of section 102.2 shall, if it concerns grouped complaints filed under section 100 in respect of an enterprise that has only one certified association representing employees in a single job class, be signed by the employer, the certified association having filed one of those complaints and the conciliator.

An agreement reached during conciliation under the second paragraph of section 102.2 shall, if it concerns grouped complaints, be signed by the employer and by at least one certified association or group of such associations. Within 30 days after being reached, the agreement shall also be ratified by one or more certified associations representing, for each job class concerned, a majority of employees. The agreement shall then be signed by the conciliator.

If it proves impossible to reach an agreement within the time set out in section 102.2.2, an agreement on the grouped complaints may be reached by the parties referred to in the second paragraph as long as the Commission has not determined measures under section 103.0.3. The agreement shall be ratified in accordance with the second paragraph.

If an agreement covers an employee who filed a complaint, the conciliator, or the parties in the case of an agreement referred to in the third paragraph, shall send the agreement to the Commission as soon as it is signed to enable the latter to promptly inform the employee that an agreement has been reached.

**“103.0.2.** An agreement reached in accordance with section 103.0.1 settles all complaints covered by the agreement and binds every certified association and, where applicable, every employee having filed such a complaint.

However, not later than 30 days after being notified of the agreement by the Commission, an employee may state in writing to the Commission his intention not to be bound by the agreement. In such a case, the employee’s complaint is maintained.

The notice sent to an employee by the Commission shall include a summary of the agreement, state how the employee may access the agreement and mention the employee’s right to refuse to be bound by it. The notice must be accompanied by a form allowing the employee to express his refusal.

**“103.0.3.** The Commission shall determine the measures to be taken to achieve or maintain pay equity in accordance with this Act where

- (1) it proves impossible to reach an agreement through conciliation;
- (2) an agreement was not reached within the time set out in section 102.2.2; or
- (3) an agreement was not ratified in accordance with the second paragraph of section 103.0.1.

The Commission shall do likewise in respect of a complaint filed by an employee who has stated his refusal to be bound by an agreement in accordance with the second paragraph of section 103.0.2.

The time allotted for the implementation of the measures is set by the Commission.”

**22.** Section 103.1 of the Act is amended

- (1) by replacing the first two paragraphs by the following paragraphs:

“In the case of a complaint filed under the second paragraph of section 96.1, the second paragraph of section 97 or section 99, the Commission may not determine compensation adjustments applicable prior to or require the use of information dating before the date that is five years before the date on which the complaint was filed.

In the case of a complaint filed under section 100, the Commission may not determine adjustments applicable prior to or require the use of information dating before the start date of the pay equity audit period covered by the complaint.”;

- (2) by striking out the last sentence of the third paragraph;

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

“In any other case in which the Commission conducts an investigation on its own initiative,

(1) if the investigation concerns an initial pay equity exercise, it may not determine compensation adjustments applicable prior to or require the use of information dating before the date that is five years before the date on which the investigation began; and

(2) if the investigation concerns a pay equity audit, it may not determine adjustments applicable prior to or require the use of information dating before the start date of the pay equity audit period covered by the investigation.”

**23.** Section 114 of the Act is amended

(1) by inserting “or the conduct of a pay equity audit” after “determination of adjustments in compensation” in subparagraph 1 of the first paragraph;

(2) by inserting “or the conduct of a pay equity audit” after “of a pay equity plan” in subparagraph 2 of the first paragraph;

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

“The provisions of a regulation made under the first paragraph may vary according to the number of employees in the enterprise.”

**24.** Section 115 of the Act is amended by replacing “section 76.1 or 76.3” and “section 76.8 or 76.9” in subparagraph 1 of the first paragraph by “section 76.1, 76.2.1 or 76.3” and “section 76.5.2, 76.6.1, 76.8 or 76.9”, respectively.

**25.** The Act is amended by replacing all occurrences of “partners advisory committee” by “pay equity advisory committee”.

#### TRANSITIONAL AND FINAL PROVISIONS

**26.** In any document, unless the context indicates otherwise, a reference to the partners advisory committee is a reference to the pay equity advisory committee.

**27.** The provisions of the Pay Equity Act (chapter E-12.001), as amended by this Act, apply to any complaint filed and investigation initiated before 10 April 2019, subject, in the case of a complaint referred to in the second paragraph of section 102.2, as amended by section 18, to the fact that

(1) if conciliation is in progress on that date, the conciliator in charge of the conciliation is deemed to be designated by the Commission on that date;

(2) despite subparagraph 1, if two pay equity audits for the same employer are the subject of complaints, the Commission designates a conciliator for the most recent pay equity audit only where the time limits applicable to the conciliation of the complaints relating to the previous pay equity audit have expired; and

(3) in the other cases, the Commission has 90 days from 10 April 2019 to designate a conciliator.

However, sections 76.5, 101 and 103.1 of the Pay Equity Act, as they read on 9 April 2019, continue to apply to any pay equity audit for which the posting under the second paragraph of section 76.4 was made before 10 April 2019.

**28.** If an employer is required to make a posting under section 76.3 of the Pay Equity Act, as replaced by section 9, within 12 months after 10 April 2019, the reference dates provided for in the third paragraph of section 76.1 of that Act, as amended by subparagraph *b* of paragraph 2 of section 5, apply to the employer only from the subsequent pay equity audit.

**29.** Section 76.2.1 of the Pay Equity Act, enacted by section 8, does not apply to an employer who is required to make a posting under section 76.3 of that Act, as replaced by section 9, within 90 days after 10 April 2019.

**30.** A pay equity audit committee, or the employer in the absence of such a committee, that made a posting under the first paragraph of section 76.3 of the Pay Equity Act before 10 April 2019 must, if the posting under the second paragraph of section 76.4 of that Act, as amended by section 10, is to be made after that date, include in the latter posting, for each of the events leading to adjustments, the start date and, where applicable, end date, or, where no adjustments are required, a notice to that effect.

Despite the applicable time limit to make the posting under the second paragraph of section 76.4, the posting may be made not later than 90 days after 10 April 2019.

However, the adjustments payable under section 76.5 of the Pay Equity Act, as amended by section 11, must be paid on the date on which the posting under the second paragraph of section 76.4 should have been made had it not been for the additional time granted under the second paragraph.

**31.** If, before 12 February 2019, the Commission, under section 101.1 of the Pay Equity Act, authorized an employer to conduct a pay equity audit on a date that is after 10 April 2019 even though the posting under the first paragraph of section 76.3 of that Act, without that authorization, should have been made before that date, the provisions of the Pay Equity Act, as they read on 9 April 2019, apply to the pay equity audit that is the subject of the Commission's decision.

**32.** The provisions of the Regulation respecting pay equity in enterprises where there are no predominantly male job classes (chapter E-12.001, r. 2) are deemed to apply, with the necessary modifications, in the context of a pay equity audit until those provisions are amended accordingly.

**33.** This Act comes into force on 10 April 2019.



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## Coming into force of Acts

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Gouvernement du Québec

**O.C. 433-2019, 17 April 2019**

**An Act to amend the Act respecting Héma-Québec  
and the haemovigilance committee  
(2013, chapter 11)**

**— Coming into force of section 8 of the Act**

COMING INTO force of section 8 of the Act to amend the Act respecting Héma-Québec and the haemovigilance committee

WHEREAS the Act to amend the Act respecting Héma-Québec and the haemovigilance committee (2013, chapter 11) was assented to on 5 June 2013;

WHEREAS section 22 of the Act provides that the Act comes into force on 5 June 2013, except section 8, which comes into force on the date to be set by the Government, and section 15, which comes into force on the date of coming into force of the first regulation made under the Act;

WHEREAS it is expedient to set 24 April 2019 as the date of coming into force of section 8 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT 24 April 2019 be set as the date of coming into force of section 8 of the Act to amend the Act respecting Héma-Québec and the haemovigilance committee (2013, chapter 11).

YVES OUELLET,  
*Clerk of the Conseil exécutif*

103900





## Regulations and other Acts

Gouvernement du Québec

**O.C. 426-2019**, 17 April 2019

Supplemental Pension Plans Act  
(chapter R-15.1)

### Supplemental Pension Plans

— **Framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans**  
— **Amendment**

Regulation to amend the Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans

WHEREAS, under section 230.0.0.11 of the Supplemental Pension Plans Act (chapter R-15.1), the Government may make any regulation required for the purposes of subdivision 4.0.1 of Division II of Chapter XIII of the Act and it may, in particular,

— set the rules applicable to the determination of the value of the benefits accrued to the members and beneficiaries and to the distribution of the assets and liabilities of a pension plan to determine which part of the pension fund of the plan must be administered by Retraite Québec;

— prescribe the terms and conditions that make it possible to improve the benefits of the members and beneficiaries referred to in section 230.0.0.4 of the Act;

— prescribe the terms and conditions for reducing the pensions paid by Retraite Québec;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans was published in Part 2 of the *Gazette officielle du Québec* of 12 December 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans**

Supplemental Pension Plans Act  
(chapter R-15.1, s. 230.0.0.11)

**1.** The Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans (chapter R-15.1, r. 3) is amended by striking out, in section 6, “in section 27 of this Regulation or”.

**2.** Section 9 of the Regulation is amended by replacing “60” by “120”.

**3.** Section 11 of the Regulation is amended by striking out paragraph 1.

**4.** Section 13 of the Regulation is revoked.

**5.** Section 15 of the Regulation is amended:

- (1) by replacing “30” by “45” in the first paragraph;
- (2) by replacing, in the second paragraph, “seventy-fifth” by “ninetieth”.

**6.** Section 16 of the Regulation is amended:

- (1) by replacing subparagraph 1 of the first paragraph with the following:

“(1) the ratio between the value of the assets reduced by the amount of the administration expenses of the pension fund allocated to the group of members and beneficiaries affected by the withdrawal and the value of the liabilities related to that group established as at the date of the withdrawal;”

- (2) by replacing, in subparagraph 4 of the first paragraph, “to whom section 230.0.0.2 or 230.0.0.3 of the Act applies, the methods of payment provided for in the section that applies to the member or beneficiary” by “to whom a pension is being paid on the date of the withdrawal, that, in accordance with section 230.0.0.3 of the Act, he or she may request that his or her pension be paid out of the assets administered by Retraite Québec under section 230.0.0.4 of the Act”;

- (3) by inserting, after subparagraph 5 of the first paragraph, the following:

“(5.1) the mention that, where the member or beneficiary to whom a pension is being paid on the date of the withdrawal fails to request that his or her pension be paid out of the assets administered by Retraite Québec within the time allotted under the second paragraph of section 15, his or her benefits will be paid by an insurer according to the conditions prescribed by regulation and chosen by the pension committee;”;

- (4) by replacing, in subparagraph 6 of the first paragraph, “3 to 10” by “3 to 9 and 10”.

**7.** Section 17 of the Regulation is replaced by the following:

“**17.** In the case of a plan termination, the statement of benefits is the statement referred to in section 207.3 of the Act, with the following modifications:

- (1) the payment methods that must be indicated in accordance with subparagraph 1 of the first paragraph of this section must include, for each member or beneficiary to whom a pension is being paid on the date of termination, the payment methods provided for under section 230.0.0.3 of the Act;

- (2) the time allotted under the second paragraph of section 15 must be indicated instead of the date mentioned in subparagraph 4 of section 207.3 of the Act;

- (3) the mention that, where the member or beneficiary to whom a pension is being paid on the date of the termination fails to request that his or her pension be paid out of the assets administered by Retraite Québec within the time allotted under the second paragraph of section 15, his or her benefits will be paid by an insurer according to the conditions prescribed by regulation and chosen by the pension committee.”.

**8.** Section 18 of the Regulation is revoked.

**9.** Section 19 of the Regulation is amended:

- (1) by striking out paragraph 1;

- (2) by striking out, in paragraph 2, “and, if an instruction has been given in respect of the plan under section 2 of the Regulation respecting measures to reduce the effects of the financial crisis on pension plans (chapter R-15.1, r. 4) covered by the Act, the estimated amount of the pension that could be paid by Retraite Québec by taking into account the third paragraph of section 230.0.0.9 of the Act”;

- (3) by adding, after paragraph 3, the following:

“(4) the rules set out in section 38.1 and in the second paragraph of section 39 regarding the reduction of pensions paid by Retraite Québec.”.

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

“**20.** The statement of benefits must, when intended for a member or beneficiary referred to in section 230.0.0.3 of the Act, be accompanied by the information provided by Retraite Québec concerning the payment methods referred to in that section and the administration of pensions paid by Retraite Québec.

Where the pension committee is informed that an association has been formed representing, for the purposes of the pensions plan, the members and beneficiaries to whom section 230.0.0.3 of the Act applies, it must include with the statement the notice required under section 113.1 of the Act.”.

**11.** Section 21 of the Regulation is amended by replacing the first sentence of the first paragraph with the following:

“The pension committee must, if the pension plan has more than 25 members and beneficiaries referred to in section 230.0.0.3 of the Act, call them to an information session on the methods of payment provided for under that section and on the administration of pensions, held by Retraite Québec on the date and at the place that Retraite Québec indicates.”

**12.** Section 22 of the Regulation is amended by striking out, in the second paragraph, “230.0.0.2 or”.

**13.** Sections 23 to 25 of the Regulation are replaced with the following:

**23.** No later than 15 days after the expiry of the time allotted for members and beneficiaries to indicate their choices and options, the pension committee must send to Retraite Québec the identifying information concerning the members and beneficiaries who opted to have a pension paid out of the assets administered by Retraite Québec, the amount and characteristics of the pension being paid by the pension plan to each of those members and beneficiaries on the date of the withdrawal or termination, the estimated amount of the reduced pension and the information required to pay the pensions.

**24.** The premium that the pension committee must use to determine, for settlement purposes, the value of the benefits of the members and beneficiaries to whom a pension was being paid on the date of the withdrawal or termination is the premium determined using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply at the date of the calculation.

Despite the foregoing, to determine the value of the non-guaranteed benefits of a member or beneficiary who has requested that his or her pension be guaranteed by an insurer in accordance with section 230.0.0.3 of the Act, the premium to be used is the premium provided by the insurer to guarantee the benefits.

The value of the benefits of the members and beneficiaries must be calculated in the seven days following the first day of the month that follows the expiry of a time period that is not more than 40 days after the deadline given to the members and beneficiaries to indicate their choices and options.

**25.** The day after the value of the benefits of the members and beneficiaries is established in accordance with section 24, the pension committee must proceed to pay the benefits in accordance with the withdrawal or termination report, and where applicable, taking into account any adjustments provided for under this subdivision.”

**14.** Section 27 of the Regulation is revoked.

**15.** Section 30 of the Regulation is amended by striking out the second paragraph.

**16.** Section 31 of the Regulation is amended by striking out, in paragraph 1, “and the portion of the difference amount described in the third paragraph of section 230.0.0.9 of the Act accrued on that date in each account”.

**17.** Section 32 of the Regulation is amended by replacing “section 59.0.1” by “paragraphs 1 to 5 and 6 of section 59.0.1”;

**18.** Section 33 of the Regulation is amended by replacing “6 months” by “9 months”.

**19.** Section 37 of the Regulation is amended by replacing, in the first line, “If an instruction has been given in respect of the pension plan” by “If the plan is referred to in the second paragraph of section 318.7 of the Act and an instruction has been given in respect of the plan”.

**20.** Section 38 of the Regulation is amended:

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

“If, at the date of the end of a fiscal year, the plan’s assets administered by Retraite Québec, determined on a solvency basis and reduced by the estimated amount of the administration expenses to be assumed by the pension fund, exceed the liabilities increased by the provision for adverse deviations referred to in subparagraph 2 of the first paragraph of section 128 of the Act increased by 30%, the members and beneficiaries to whom a pension is being paid by Retraite Québec on that date are entitled for the next fiscal year to the payment of an amount determined on the basis of the amount by which the assets exceed the liabilities increased by the provision for adverse deviations.”;

(2) by replacing, in the second paragraph, “the actuarial valuation” by “the actuarial valuation report”.

**21.** The Regulation is amended by inserting, after section 38, the following:

**38.1.** Where, at the date of the end of a fiscal year, the degree of solvency of the plan with regard to the part of the plan that Retraite Québec administers is less than 90%, the amount of the pension paid by Retraite Québec to each member or beneficiary is reduced by at least 5%.

The reduction in the amount of the pensions of the members and beneficiaries must begin on 1 January of the year after the actuarial valuation report is sent pursuant to section 119 of the Act.

**38.2.** Retraite Québec must, at least 30 days before the date of the reduction provided for under section 38.1, inform the affected members and beneficiaries in writing of the degree of solvency of the plan established in accordance with section 38.1, of the amount of the reduced pension and of the date on which its payment begins.”.

**22.** Section 39 of the Regulation is amended by adding the following paragraph:

“If the liabilities exceed the assets reduced by the amount of the administration expenses of the pension fund, the pensions being paid to the members and beneficiaries by Retraite Québec on the date of the purchase must be reduced in proportion to the value of the portion of their benefits that is administered by Retraite Québec. The pension thus reduced is established determined on the basis of the premium charged by the insurer.”.

**23.** Section 40 of the Regulation is amended by replacing the second paragraph by the following:

“The notice must state the amount of the annuity purchased and provide the following information:

(1) the amount by which the assets, after deducting the administration costs, exceeds or is less than the liabilities on the date on which Retraite Québec has the pension guaranteed;

(2) where an increase has been granted on the date on which Retraite Québec has the pension guaranteed, the amount of the assets attributed to the member or beneficiary in proportion to the value of his or her benefits, as well as the amount of the increase in his or her pension at the date on which payment by the insurer begins and, if applicable, the amount of any lump-sum refund that was granted;

(3) where the pension of the member or beneficiary is reduced pursuant to the second paragraph of section 39, the amount of the reduced pension at the date on which payment by the insurer begins;

(4) in the case of a plan referred to in section 318.7 of the Act, a mention that the amount of the annuity purchased is at least equal to the pension paid by Retraite Québec prior to the date on which Retraite Québec had the pension guaranteed.”.

**24.** Section 41 of the Regulation is amended:

(1) by replacing “45” in the first paragraph with “120”;

(2) by replacing paragraph 7 by the following:

“(7) in the case of a plan referred to in section 318.7 of the Act, if there are insufficient assets to have the pensions guaranteed, the amounts required from the Government for that purpose pursuant to section 230.0.0.10 of the Act as it read on 31 December 2015;”;

(3) by inserting, after paragraph 7, the following:

“(7.1) where the assets are insufficient, to have the pensions paid by Retraite Québec guaranteed, the amount by which the assets, after deducting the administration costs, are less than the liabilities at the date on which Retraite Québec has the pensions guaranteed as well as the proportion by which the pensions of the members and beneficiaries were reduced pursuant to the second paragraph of section 39;”;

(4) by replacing paragraph 8 by the following:

“(8) the name of each member or beneficiary affected by the purchase of annuities, the amount of the annuity purchased and, if applicable, the amount of the reduction or the increase in the pension as well as, where applicable, the amount of any lump-sum refund that was granted;”.

**25.** Section 42 of the Regulation is revoked.

**26.** The Regulation is amended by inserting, after section 43, the following:

“**43.1.** The provisions provided for under section 2 as they read on 15 May 2019 apply with regard to a pension plan referred to in the second paragraph of section 318.7 of the Act.”.

**27.** This Regulation comes into force on 16 May 2019.

103899

## Draft Regulations

### Draft Regulation

An Act respecting administrative justice  
(chapter J-3)

#### Procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec —Amendment

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 procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation reduces the number of intervenors involved in the process for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec. It also updates the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec (chapter J-3, R-2) in particular as to the text of the oath of the members of the selection committee.

Further information on the draft Regulation may be obtained by contacting Julie Baril, Director, Direction des affaires juridiques, Tribunal administratif du Québec, 500, boulevard René-Lévesque Ouest, 21<sup>e</sup> étage, Montréal, (Québec) H2Z 1W7; telephone : (514) 873-8030, extension 5010; email : julie.baril@taq.gouv.qc.ca.

Should you wish to comment on the draft Regulation, please send your comments in writing, within the next 45 days, to: Natalie Lejeune, President General Director of the Tribunal administratif du Québec, Tribunal administratif du Québec, 575, rue Jacques-Parizeau, Québec, (Québec) G1R 5R4.

SONIA LEBEL,  
*Minister of Justice*

### Regulation to amend the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec

An Act respecting administrative justice  
(chapter J-3, ss. 42)

**1.** The title of the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec (chapter J-3, r. 2) is amended by inserting “declared” before “apt”.

**2.** Section 1 is amended by inserting “declared” before “apt”.

**3.** Section 3 is amended by striking out “, to the ministers responsible for the administration of statutes providing for a recourse before the divisions of the Tribunal for which a member or members are to be recruited,”.

**4.** The first paragraph of section 4 is amended by replacing, in subparagraph 7, “ruin” by “undermine”.

**5.** The first paragraph of section 7 is replaced by the following:

“7. Before taking office, the members of the committee must take the following oath: “I, (full name), swear that I will neither reveal nor disclose, without due authorization to do so, anything of which I may gain knowledge in the performance of the duties of my office.”

**6.** The last paragraph of section 17 of the Regulation is replaced by the following:

« This report is submitted to the Associate Secretary General and the Minister of Justice. »

**7.** Section 22 is amended

(1) by inserting “to be appointed to the Tribunal” after “apt”;

(2) by striking out “and to the ministers responsible for the administration of statutes providing for a recourse before the divisions of the Tribunal in which there is a vacant position”.

**8.** Section 23 is amended by inserting “declared” in the first paragraph before “apt” and by inserting “of the Tribunal” after “members”.

## 9. Section 24 is amended

(1) by striking out “, having consulted the ministers responsible for the administration of statutes providing for recourses before the division of the Tribunal where there is a vacant position,” in the first paragraph;

(2) by striking out the last paragraph.

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

103898

## Notice

An Act respecting collective agreement decrees  
(chapter D-2)

### Petroleum equipment —Amendment

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister responsible for Labour was petitioned by the contracting parties to amend the Decree respecting the installation of petroleum equipment (chapter D-2, r. 12) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Decree to amend the Decree respecting the installation of petroleum equipment, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree increases the minimum hourly wage rates provided for in the Decree.

Further information may be obtained by contacting Steven Brooks, Policy Development Advisor, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 200, chemin Sainte-Foy, 5<sup>e</sup> étage, Québec (Québec) G1R 5S1; telephone: 418 528-9738; fax: 418 643-9454; email: steven.brooks@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Deputy Minister for Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1.

BRIGITTE PELLETIER,  
*Deputy Minister for Labour,  
Employment and Social Solidarity*

## Decree to amend the Decree respecting the installation of petroleum equipment

An Act respecting collective agreement decrees  
(chapter D-2, ss. 4 and 6.1)

**1.** The Decree respecting the installation of petroleum equipment (chapter D-2, r. 12) is amended in section 3.04 by adding the following after the third paragraph:

“Where the employee must reside away from home, the employee is not paid for the time spent travelling between the room and board location and the job site if the job site is 20 km or less from the room and board location.”.

**2.** Section 7.01 is amended by replacing “\$0.45” by “\$0.49”.

**3.** Section 9.01 is amended by replacing subsections 1 to 3 by the following:

“**9.01.** (1) The minimum hourly rate payable to a service mechanic, an installation mechanic, a shop mechanic and a tank-truck mechanic is established as follows for each class of employment:

Class of employment	[Insert the date of coming into force of the Decree]	As of 2019 12 31
A	\$34.07	\$34.75
B	\$28.92	\$29.50
C	\$24.93	\$25.43;

(2) A labourer is paid according to the number of hours accumulated since the date of hiring. The minimum hourly rate payable is established as follows:

Labourer	[Insert the date of coming into force of the Decree]	As of 2019 12 31
Starting	\$21.44	\$21.87
after 2,000 hours	\$21.96	\$22.40
after 4,000 hours	\$22.55	\$23.00
after 6,000 hours	\$23.30	\$23.77;

(3) The minimum hourly rate payable to a student is established as follows:

Student	[Insert the date of coming into force of the Decree]	As of 2019 12 31
	\$16.52	\$16.85;

”.

**4.** Section 12.01 is amended by replacing “2016” wherever it appears by “2019”.

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

103896





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## Erratum

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**M.O., 2018**

**Order of the Minister of Sustainable Development,  
the Environment and the Fight Against Climate  
Change dated 6 August 2018**

Natural Heritage Conservation Act  
(chapter C-61.01)

*Gazette officielle du Québec*, Part 2, August 22, 2018,  
Vol. 150, No. 34, page 4377.

On page 4382, the third paragraph of point 3.3 Land  
occupation and uses should read:

“With regard to conservation, Réserve de biodiversité  
projetée de Chisesaakahikan-et-de-la-Rivière-Broadback  
includes six biological refuges (Nos. 08666R001,  
08666R002, 08666R003, 08666R006, 08666R007  
and 08666R030). The protection status of biological  
refuge, governed by the Sustainable Forest Development  
Act (chapter A-18.1), is aimed at conserving the biological  
diversity associated with mature or overmature forests.  
The proposed reserve overlies two wildlife habitats pro-  
tected under the Act respecting the conservation and  
development of wildlife (chapter C-61.1), namely the Lac  
du Tast heronry (No. 03-10-0083-2007) and the Lac Evans  
heronry (No. 03-10-0079-2007). Lastly, the eastern part of  
the proposed reserve overlies the northwestern extremity  
of Réserve faunique Assinica.”.

FRANCIS BOUCHARD,  
*Director of Protected Areas*

103901



## Index

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

	Page	Comments
Administrative justice, An Act respecting... — Administrative Tribunal of Québec — Procedure for the recruitment and selection of persons apt for appointment as members . . . . . (chapter J-3)	699	Draft
Administrative Tribunal of Québec — Procedure for the recruitment and selection of persons apt for appointment as members. . . . . (An Act respecting administrative justice, chapter J-3)	699	Draft
Assignment of temporary protection status as proposed biodiversity reserve or proposed aquatic reserve to three areas situated in the James Bay territory for four years, establishment of the plan and conservation plan of those areas and revocation of the plans of two proposed biodiversity reserves situated in that territory . . . . . (Natural Heritage Conservation Act, chapter C-61.01)	703	Erratum
Collective agreement decrees, An Act respecting... — Installation of petroleum equipment . . . . . (chapter D-2)	700	Draft
Framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans. . . . . (Supplemental Pension Plans Act, chapter R-15.1)	695	M
Héma-Québec and the haemovigilance committee, An Act respecting... — Coming into force of section 8 of the Act. . . . . (2013, chapter 11)	693	
Installation of petroleum equipment . . . . . (An Act respecting collective agreement decrees, chapter D-2)	700	Draft
List of Bills sanctioned (10 April 2019) . . . . .	675	
Natural Heritage Conservation Act — Assignment of temporary protection status as proposed biodiversity reserve or proposed aquatic reserve to three areas situated in the James Bay territory for four years, establishment of the plan and conservation plan of those areas and revocation of the plans of two proposed biodiversity reserves situated in that territory. . . . . (chapter C-61.01)	703	Erratum
Pay Equity Act (Bill 10) . . . . . (2019, c. 4)	677	
Pay Equity Act mainly to improve the pay equity audit process, An Act to amend the... (Bill 10) . . . . . (2019, c. 4)	677	
Supplemental Pension Plans Act — Framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by Retraite Québec of certain pensions paid out of the assets of the plans . . . . . (chapter R-15.1)	695	M

