



Part 2

LAWS AND REGULATIONS

24 August 2022 / Volume 154

Summary

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Part 2 – LAWS AND REGULATIONS

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Part 2 shall contain:

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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;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
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Regulations and other Acts

Gouvernement du Québec

O.C. 1529-2022, 10 August 2022

Act respecting collective agreement decrees
(chapter D-2)

Personnel in the traffic control industry in Québec

Decree respecting personnel in— the traffic control industry in Québec

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government may order that a collective agreement respecting any trade, industry, commerce or occupation is to also bind all the employees and professional employers in Québec or in a stated region of Québec, within the scope determined in such decree;

WHEREAS, in accordance with section 3 of the Act, any party to an agreement may apply to the Government for the passing of the decree contemplated in section 2 of the Act;

WHEREAS the Syndicat des Métallos, section locale 8922 (FTQ) and the Association Québécoise des Entrepreneurs en Infrastructure, mandated by Groupe de sécurité Garda S.E.N.C., addressed such an application to the Minister of Labour, Employment and Social Solidarity;

WHEREAS, under the first paragraph of section 6 of the Act, at the expiry of the time specified in the notice provided for in section 5 of the Act, the Minister may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft Decree respecting personnel in the traffic control industry in Québec was published in Part 2 of the *Gazette officielle du Québec* of 30 March 2022 and in a French language newspaper and in an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees, despite section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the Decree with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Decree respecting personnel in the traffic control industry in Québec, attached to this Order in Council, be made.

YVES OUELLET

Clerk of the Conseil exécutif

Decree respecting personnel in the traffic control industry in Québec

Act respecting collective agreement decrees
(chapter D-2, ss. 2, 3 and 6)

CHAPTER I GENERAL

DIVISION I CONTRACTING PARTIES

1. The contracting parties to this Decree are the following:

(1) for the employer party:

(a) Association Québécoise des Entrepreneurs en Infrastructure (AQEI);

(2) for the union party:

(a) Syndicat des Métallos, section locale 8922 (FTQ).

DIVISION II INTERPRETATION

2. For the purposes of this Decree, unless the context indicates otherwise,

(1) “office of the employer” means the establishment where the employer carries on its main activities. In the case of several establishments, it means the office of the establishment closest to the address of the employee at the time of the employee’s hiring, unless the employee’s contract of employment specifies another office;

(2) “roadway” means that part of a public highway ordinarily used for vehicular traffic;

(3) “public highway” means the surface of land or of a structure, the maintenance of which is entrusted to a municipality, a government or one of its bodies, over part of which one or more roadways open to public vehicular traffic and, where such is the case, one or more cycle lanes are laid out, except

(a) highways under the administration of or maintained by the Ministère des Ressources naturelles et de la Faune or the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation;

(b) highways under construction or repair, but only with respect to vehicles assigned to the construction or repair; and

(c) highways which the Government determines, under section 5.2 of the Highway Safety Code (chapter C-24.2), as being exempt from the application of that Code;

(4) «parity committee» means the Comité paritaire de l’industrie de la signalisation routière du Québec;

(5) “spouse” means either of two persons who

(a) are married or in a civil union and cohabiting;

(b) being of opposite sex or the same sex are living together in a *de facto* union and are the father and mother of the same child; or

(c) are of opposite sex or the same sex and have been living together in a *de facto* union for one year or more;

(6) “retaining device” means a frontal or side retaining device used on road construction sites and intended to protect employees in work areas exposed to traffic and road users from new obstacles attributable to the nature of the work or traffic patterns;

(7) “employee” means a natural person who, for an employer, performs traffic control work as defined in paragraph 11;

(8) “regular employee” means an employee who has completed 300 hours of uninterrupted service. A maximum of eight hours of work per day since the employee’s last hiring date is considered in the calculation of the number of hours worked;

(9) “week” means a period of seven consecutive days extending from midnight at the beginning of a given day to midnight at the end of the seventh day. The employer must inform the parity committee in writing, within 15 days, of the day on which the week begins. That choice remains in force for the term set out in section 49, but may be modified on 60 days’ written notice by the employer to the parity committee;

(10) “uninterrupted service” means the uninterrupted period during which an employee is bound to the employer by a contract of employment, even if the performance of the work has been interrupted without cancellation of the contract, and the period during which fixed-term contracts succeed one another without an interruption that would, in the circumstances, give cause to conclude that the contract has not been renewed;

(11) “traffic control work” means the following tasks when carried out on a public highway as part of the work and temporary events described in Division 4.3 of Chapter 4 of the manual entitled “Tome V – Traffic Control Devices”:

(a) installing, operating, moving, dismantling, servicing and maintaining traffic control and traffic management equipment;

(b) installing, operating, moving, dismantling, servicing and maintaining retaining devices and other equipment used to protect road users or workers at work;

(c) driving a protection vehicle on which an impact attenuator is mounted;

(d) driving an accompanying work vehicle;

(e) maintenance and surveillance patrol;

(f) slowdown patrol;

(g) driving an escort vehicle; and

(h) the work of a traffic control person consisting in directing traffic on a public highway so as to stop, slow and control traffic, protecting road users and workers at

work by regulating the flow of traffic, giving directives and traffic control signals to road users and ensuring traffic fluidity.

The task of applying pavement markings that constitute traffic control devices is not considered to be traffic control work.

For the purposes of this Decree, the manual entitled “Tome V – Traffic Control Devices” means the standards determined and set out by the Minister of Transport under the second paragraph of section 289 of the Highway Safety Code.

DIVISION III

SCOPE

3. This Decree applies to traffic control work performed in Québec.

4. This Decree does not apply to

(1) employees of the government of Canada or of Québec, a municipality, an intermunicipal board or a metropolitan community;

(2) members of a police force and special constables appointed under the Police Act (chapter P-13.1);

(3) employees employed exclusively by a professional employer within the meaning of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20); or

(4) employees who perform traffic control work exclusively for the specific service or needs of their employer.

CHAPTER II

WAGES AND WORK PERIOD

DIVISION I

WAGES

5. An employee is entitled to the following minimum hourly wage rate:

As of 24 February 2023

\$18.99

A premium of \$0.50 per hour is granted to every employee who performs the work of a traffic control person.

A premium of \$0.25 per hour is granted to every employee for whom the employer or client of the employer requires a certificate from the Association paritaire pour la santé et la sécurité du travail du secteur de la construction.

6. No benefit having a monetary value is to be used in calculating the wage rate in force.

7. The employer may make a deduction from wages only if required by an Act, a regulation, a court order or a collective agreement, or under the Decree or a mandatory supplemental pension plan or is authorized to do so in a writing by the employee for a specific purpose mentioned in the writing.

The employee may at any time revoke that authorization, except if it pertains to membership in a group insurance plan or a supplemental pension plan. The employer is to remit the sums so withheld to their intended receiver.

8. The employer must send to the employee, together with the employee’s wages, a pay sheet containing sufficient information to enable the employee to verify the wage calculation. The pay sheet must include, in particular, the following information, as applicable:

(1) the name of the employer and the name of the employee;

(2) identification of the employee’s occupation;

(3) the date of payment and the corresponding work period;

(4) the wage rate and the number of hours paid at the prevailing rate and the number of hours of overtime paid or replaced by a leave with the applicable premium;

(5) the nature and amount of any premiums, indemnities or allowances that are being paid;

(6) the amount of gross wages, the nature and amount of deductions made and the amount of the net wages paid to the employee;

(7) annual leave accumulated and percentage of sick leave accumulated;

(8) the amount of the employer’s contribution to the group registered retirement savings plan during the period and the contribution accumulated during the calendar year;

(9) the amount of the employee's voluntary contribution to the group registered retirement savings plan withheld by the employer during the period and the contribution accumulated during the calendar year.

DIVISION II **WORK PERIOD**

9. An employee is deemed to be at work

(1) while available to the employer at the place of work and required to wait for work to be assigned; and

(2) while travelling required by the employer, including the time spent travelling from one traffic control work site to another. Despite the foregoing, the time needed for an employee to travel to work before the workday begins and to return from work after is not part of the workday, except when the employee

(a) must travel from his or her usual place of residence to the meeting place designated by the employer or to a traffic control work site and that site is situated outside a 40-kilometre radius from the office of the employer; or

(b) travels from the meeting place designated by the employer to the traffic control work site.

For the purposes of subparagraph 2 of the first paragraph, the time spent travelling is paid at the wage rate applicable to the employee on the basis of the nature of the work to be performed at the traffic control work site, excluding premiums.

10. An employee who reports to the place of work at the express request of the employer or in the regular course of employment and works fewer than four consecutive hours is entitled, on each occasion, to an indemnity equal to four hours of the employee's prevailing hourly wage, except if the premium for overtime hours gives the employee a higher amount.

11. For the purpose of calculating overtime, the workweek is 40 hours. Any work performed in addition to workweek hours entails a 50% increase in the employee's prevailing hourly wage, excluding premiums.

12. Hours worked in addition to regular workday hours entail a 50% increase in the employee's prevailing hourly wage, excluding premiums, if the overtime is required by the employer and exceeds the employee's regular workday hours by at least two hours.

13. For the purpose of calculating overtime, annual leave and statutory general holidays are counted as workdays.

CHAPTER III **STATUTORY GENERAL HOLIDAYS, LEAVES** **AND ABSENCES**

DIVISION I **STATUTORY GENERAL HOLIDAYS**

14. For the purposes of this Decree, the following are statutory general holidays: 1 January, Good Friday, the Monday preceding 25 May, 1 July, the first Monday in September, the second Monday in October, 11 November and 25 December.

If applicable, the statutory general holidays of 1 July and 11 November are moved to the dates provided for in the collective agreement that applies to the civil engineering and roads sector.

15. For each statutory general holiday, the employer must pay to the employee a statutory general holiday indemnity equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of the holiday, but without calculating overtime hours.

16. An employee does not lose his or her weekly leave if it coincides with a statutory general holiday.

17. To benefit from a statutory general holiday, an employee must not have been absent from work, without the employer's authorization or without valid cause, on the working day preceding or following the holiday.

Despite the preceding paragraph, an employee who does not report to work on the day before or after a statutory general holiday because of sickness must produce a medical certificate to be entitled to the statutory general holiday indemnity.

18. The 24th of June is a statutory public holiday pursuant to the National Holiday Act (chapter F-1-1).

DIVISION II **ANNUAL LEAVE**

19. An employee is entitled to an annual leave of the duration determined in the Act respecting labour standards (chapter N-1.1).

20. The annual leave indemnity is equal to 6% of the employee's gross wages earned during the reference year. The calculation of gross wages earned during the reference year includes the annual leave indemnity paid.

21. The reference year is a period of 12 consecutive months during which an employee progressively acquires entitlement to the annual leave.

For the purposes of this Division, the reference year to determine annual leave extends from 1 May of the preceding year to 30 April of the current year unless a collective agreement sets a different starting date for the period, which cannot be changed during the term of the Decree.

The employer must provide the parity committee with written notice of its choice before 24 April 2023.

22. The annual leave must be taken within 12 months following the end of the reference year. It cannot be deferred to the following year.

DIVISION III SICK LEAVE

23. A regular employee accumulates as sick leave an amount equal to 2% of gross wages earned during the employee's reference year, including the statutory general holiday indemnity, but excluding premiums.

For the purposes of this Division, the reference period is from 1 June to 31 May.

Accumulation of the amount begins on the Sunday following acquisition by the employee of status as a regular employee.

24. A regular employee who is absent because of sickness receives a sick leave indemnity equivalent to the employee's wages for the number of hours scheduled for each day of absence, up to the employee's reserve accumulated in the preceding year. Two days of absence for a reason referred to in section 79.7 or section 79.1 of the Act respecting labour standards are taken out of the accumulated leave amount.

Despite the first paragraph, for the day to be paid, a regular employee must have accumulated the equivalent of a full day of wages. If that is not the case, the provisions of the Act respecting labour standards apply to the employee. The same applies to an employee who has not acquired status as a regular employee.

25. The sick leave indemnity is paid as of the first day of a regular employee's absence.

Before paying the indemnity, the employer may require a regular employee to provide proof of the reason for the absence or a medical certificate. A regular employee may, however, be absent for two sick days per year, at the employee's discretion, but not on the day before or after a statutory general holiday, without being required to provide the employer with a medical certificate.

An employee who is absent because of sickness on the day before or after a statutory general holiday must submit a medical certificate to be entitled to the sick leave indemnity.

26. The sick leave indemnity is not payable if it coincides with another day of leave provided for in the Decree.

27. On 1 June of each year, the employer is to establish the balance of the amount accumulated as sick leave in the preceding year for each regular employee and inform the employee of that amount not later than the following 1 July.

To be entitled to payment of the amount accumulated as sick leave, a regular employee must be in the employ of the employer on 1 June, except if there is a change in employer and the regular employee is hired on the same place of work by the new employer. The employer must pay the balance accumulated not later than the following 10 July.

DIVISION IV FAMILY OR PARENTAL ABSENCES

28. An employee may be absent from work for ten days per year to fulfill obligations relating to the care, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of a relative of a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector governed by the Professional Code (chapter C-26).

For the purposes of the first paragraph, "relative" has the meaning assigned by section 79.6.1 of the Act respecting labour standards.

The leave may be divided into days. A day may also be divided subject to the employer's consent.

If warranted in particular owing to the duration of the absence, the employer may request that the employee provide a document attesting to the reasons for the absence.

The employee must advise the employer of the absence as soon as possible and take reasonable steps to limit the taking and duration of the leave.

Subject to section 24, the first two days taken annually are remunerated according to the calculation described in section 62 of the Act respecting labour standards, with the necessary adjustments in the case of division. The employee becomes entitled to such remuneration on being credited with three months of uninterrupted service, even

if the employee was absent previously. The right applies in the same manner to absences authorized for a reason referred to in section 79.1 of the Act respecting labour standards. Despite the foregoing, the employer is not required to remunerate more than two days of absence in the same year if the employee is absent from work for any of the reasons referred to in section 79.1 of the Act respecting labour standards.

29. An employee may be absent from work for five days without reduction of wages by reason of the death or the funeral of the employee's spouse or child or spouse's child. The employee may also be absent, without pay, for two more days on such occasion.

30. An employee may be absent from work for three days without reduction of wages by reason of the death or the funeral of the employee's father, mother, brother or sister, the father or mother of the employee's spouse or one of the employee's grandchildren. The employee may also be absent, without pay, for two more days on such occasion.

31. An employee may be absent from work for two days without reduction of wages by reason of the death or the funeral of one of the employee's grandparents or the brother or sister of the employee's spouse.

32. An employee may be absent from work for one day, without pay, by reason of the death or the funeral of a son-in-law or daughter-in-law.

33. The days of absence provided for in sections 29 to 32 must be taken during the period between the death and the funeral, except that if the number of days comprised between the two events is less than the number of days of absence to which the employee is entitled, the days of absence that could not be used may be taken immediately after the funeral.

The employee must advise the employer of the absence as soon as possible.

34. An employee may be absent from work for one day without reduction of wages on the day of his or her wedding or civil union. An employee may also be absent from work, without pay, on the day of the wedding or civil union of the employee's child, father, mother, brother or sister or of a child of the employee's spouse. The employee must advise the employer of the absence at least one week in advance.

35. An employee may be absent from work for five days by reason of the birth of the employee's child, the adoption of a child or if there is a termination of pregnancy in or after the twentieth week of pregnancy.

The first two days of absence are remunerated. The employee must advise the employer of the absence as soon as possible.

The leave may be divided into days at the request of the employee. It may not be taken more than 30 days after the child arrives at the residence of its father or mother or after the termination of pregnancy.

36. The provisions relating to maternity, paternity, parental or adoption leave provided for in the Act respecting labour standards apply to the employee.

37. The days of absence provided for in this Division are remunerated provided the employee usually works on those days, but they are not remunerated if they coincide with a statutory general holiday, annual leave or another day of leave provided for in the Decree.

CHAPTER IV MISCELLANEOUS INDEMNITIES AND ALLOWANCES

38. An employee is entitled to a 30-minute meal period with pay for each work period of five consecutive hours per day. If the employee is unable to take advantage of the meal period, the employer pays an indemnity corresponding to 30 minutes of wages. Remuneration for meal periods does not operate to create overtime.

39. The employer pays an employee an amount of \$0.10 per regular hour worked, for the purchase of safety footwear.

40. The employer must provide an employee, free of charge, with all personal protection equipment, other than safety footwear, required under the Act respecting occupational health and safety (chapter S-2.1) or the Highway Safety Code, or provided for in the manual entitled "Tome V – Traffic Control Devices".

41. An employee who uses his or her personal vehicle at the request of the employer is entitled to an indemnity of \$0.50 per kilometre travelled if the employee satisfies the criteria in subparagraph 2 of the first paragraph of section 9.

An employee is also entitled to that indemnity if the employer requests that the employee travel with his or her personal vehicle to a site situated outside a 40-kilometre radius from the office of the employer. In that case, the indemnity is calculated from the employee's usual place of residence.

42. The employer advances, to an employee who must travel in the performance of duties, a reasonable amount to cover overnight costs and, as applicable, the following amounts for meals, including tips and taxes:

	Breakfast	Lunch	Supper
2023	\$9.11	\$13.64	\$17.05

43. After 15 hours of continuous work, including travel time remunerated by the employer, an employee receives the amount of the meal indemnity for supper provided for in section 42, unless the employer provides the meal.

44. An employee who is summoned to act as a juror or to appear as a witness before a court in a case where the employee is not one of the parties must inform the employer as soon as the summons is received.

In such circumstances, the employer pays to the employee, for each day of absence, an amount equal to the difference between 1/20 of the wages earned during the four weeks of pay preceding the trial, but excluding overtime and the indemnities or allowances that were paid to the employee as a juror or witness.

To benefit from that amount, the employee must apply for the indemnities and allowances to which the employee is entitled under the law and provide proof.

CHAPTER V **GROUP REGISTERED RETIREMENT** **SAVINGS PLAN**

45. The employer contributes to the group registered retirement savings plan (group RRSP) administered by the parity committee.

46. The employer's mandatory contribution to the group RRSP is \$0.10 per hour paid to a regular employee.

47. The employer must remit to the parity committee, not later than the fifteenth day of each month, its contribution to the group RRSP for the preceding month, as well as any voluntary employee contributions.

48. Sections 45 to 47 do not apply to employees who have reached 71 years of age or to employees who do not meet the Fonds de solidarité FTQ membership criteria. However, the mandatory contribution payable under section 46 must be paid to those employees as a benefit.

CHAPTER VI **FINAL**

49. The Decree remains in force until 24 February 2025. It is then renewed automatically from year to year, unless one of the contracting parties opposes the renewal by sending written notice to the Minister of Labour and to the other contracting parties during the month of June of the year 2024 or during the month of June of any subsequent year.

50. This Decree comes into force on 24 February 2023.

105964

Gouvernement du Québec

O.C. 1530-2022, 10 August 2022

Act respecting collective agreement decrees
(chapter D-2)

Security guards **—Amendment**

Decree to amend the Decree respecting security guards

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government may order that a collective agreement respecting any trade, industry, commerce or occupation is to also bind all the employees and professional employers in Québec or in a stated region of Québec, within the scope determined in such decree;

WHEREAS the Government made the Decree respecting security guards (chapter D-2, r. 1);

WHEREAS, under the first paragraph of section 6.1 of the Act respecting collective agreement decrees, sections 4 to 6 of the Act apply to an application for amendment;

WHEREAS, in accordance with the first paragraph of section 4 of the Act, the contracting parties addressed an application for amendment to the Minister of Labour, Employment and Social Solidarity;

WHEREAS, under the first paragraph of section 6 of the Act, at the expiry of the time specified in the notice provided for in section 5 of the Act, the Minister may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft Decree to amend the Decree respecting security guards was published in Part 2 of the *Gazette officielle du Québec* of 30 March 2022 and in a French language newspaper and in an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees, despite section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the Decree with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Decree to amend the Decree respecting security guards, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Decree to amend the Decree respecting security guards

Act respecting collective agreement decrees
(chapter D-2, ss. 2, 4, 6 and 6.1)

1. The Decree respecting security guards (chapter D-2, r. 1) is amended in section 1.01 by striking out paragraph 8.

2. Section 2.03 is amended by adding the following at the end:

“(9) employees who perform traffic control work within the meaning of paragraph 11 of section 2 of the Decree respecting personnel in the traffic control industry in Québec (D-2, r. (insert the number of the Regulation)).”.

3. Section 4.07 is amended by striking out the line “P-5 premium*” in the table in the first paragraph.

4. This Decree comes into force on 24 February 2023.

105965

Gouvernement du Québec

O.C. 1535-2022, 10 August 2022

Act respecting collective agreement decrees
(chapter D-2)

Govern the regulations of a parity committee

General Regulation to govern the regulations of a parity committee

WHEREAS, under the first paragraph of section 20 of the Act respecting collective agreement decrees (chapter D-2), the Government, after consultation with the Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2), may make general regulations respecting the regulations which a parity committee may make;

WHEREAS, under the third paragraph of section 20 of the Act respecting collective agreement decrees, every provision contained in a regulation of a parity committee and which is inconsistent with the provisions of such general regulation is to become inoperative;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft General Regulation to govern the regulations of a parity committee was published in Part 2 of the *Gazette officielle du Québec* of 18 May 2022 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 with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the General Regulation to govern the regulations of a parity committee, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

General Regulation to govern the regulations of a parity committee

Act respecting collective agreement decrees (chapter D-2, s. 20)

PART I SCOPE

1. This Regulation applies to all parity committees constituted under the Act respecting collective agreement decrees (chapter D-2).

It standardizes the normative content of certain regulations of parity committees, determines the minimum content of the regulations and sets out general rules supplementary to those made by the committees.

2. Any provision of a regulation of a parity committee that is inconsistent with this Regulation is inoperative.

PART II GENERAL

3. The mission of a parity committee is to oversee the application of a decree made under section 2 of the Act and ascertain compliance with the decree. A parity committee must also advise and inform the employees and professional employers of the conditions of employment determined in the decree.

4. A parity committee must respect the following values in all its actions:

(1) Equity: equity must serve as the basis of the interventions of the parity committee in order to ensure that the rights of the employees and employers are respected. It rests on the fair assessment of what is owed to each person;

(2) Integrity: a parity committee must act in an ethical, honest and transparent manner;

(3) Respect: the parity committee and its employees must adopt a respectful and non-discriminatory attitude towards every person.

PART III REGULATION FOR THE INTERNAL MANAGEMENT OF A PARITY COMMITTEE

5. In accordance with section 18 of the Act, a parity committee must adopt a regulation for its internal management and the exercise of the rights conferred on it by law.

DIVISION I NAME AND HEAD OFFICE OF THE PARITY COMMITTEE

6. A regulation for internal management must indicate the name and head office of the parity committee and the title of the decree that the committee is responsible for overseeing and ascertaining observance.

The head office must be situated in a municipality included in the territorial jurisdiction provided for in the decree.

DIVISION II COMPOSITION AND APPOINTMENT OF THE MEMBERS OF THE PARITY COMMITTEE

7. The parity committee is composed of members appointed by the union and employer parties or, where applicable, by each party of the group constituting the contracting party. The members are appointed in equal numbers of union and employer parties and all contracting parties are entitled to appoint at least 1 member.

The committee is also composed of members added by the Minister in accordance with section 17 of the Act, where applicable.

8. Gender parity must be favoured where a contracting party or the Minister appoints a number of members.

9. Officers and persons in the employ of a contracting party or an association that is a member of a contracting party and any other person subject to the decree may be appointed members of the committee, substitutes or replacements.

10. The following persons are disqualified for office as members of the parity committee:

(1) minors and persons of full age under tutorship or curatorship;

(2) undischarged bankrupts;

(3) persons prohibited by the court from holding the office of director of a legal person in accordance with article 329 of the Civil Code, on the terms and conditions set out in article 330 of the Code;

(4) persons convicted of an offence provided for in section 37.1 of the Act or, when it relates to the offence, in section 39 of the Act.

For the purposes of subparagraphs 3 and 4 of the first paragraph, the disqualification lasts for a period of 5 years as of the latest act charged, except if the person has obtained a pardon or the suspension of the criminal record, as the case may be.

Decisions made by the board of directors cannot be invalidated for the sole reason that one of its members is disqualified if the disqualification was unknown to the committee.

11. The contracting party or the Minister must replace the member the contracting party or the Minister has appointed on being informed in writing by the board of directors that the member is no longer qualified for the position of member, by reason in particular of grounds for disqualification or non-compliance of ethical and professional obligations.

The board or the Minister may exercise the recourse provided for in article 329 of the Civil Code, where applicable.

12. The regulation for internal management must include

(1) the number of members composing the parity committee and the number of members that each contracting party is entitled to appoint, where applicable, in order to obtain an equal distribution of members;

(2) the possibility of appointing a substitute for each member of the committee if the member is absent or unable to act and of defining the grounds for an absence or inability to act;

(3) the cases, including the non-compliance of the ethical and professional obligations, conditions and time limit for replacing members; and

(4) the procedure for sending the notice of appointment of the members, substitutes and replacements.

13. The rules on the appointment, renewal or replacement of the members of the parity committee set out in the regulation for internal management must allow the acquisition and transfer of knowledge.

DIVISION III

BOARD OF DIRECTORS OF THE PARITY COMMITTEE

§1. Composition and appointment of the members of the board of directors of the parity committee

14. The board of directors is composed of all the members of the parity committee. It is directed by a chair or co-chairs, as the case may be.

The chair and the vice-chair or co-chairs are elected by the members of the board from among themselves for a term of not more than 4 years, which is renewable, consecutively or not, without exceeding a total duration of 12 years.

Their term ends as soon as they cease to be members of the board or in the cases and on the conditions provided for in the regulation for internal management.

15. The regulation for internal management must provide for the election of a chair and vice-chair or co-chairs and a description of their respective functions.

The regulation for internal management must also set out rules on the chairing of board meetings, in particular if the chair and vice-chair or co-chairs, as the case may be, are absent or unable to act.

16. The members of the board of directors are appointed for a term of not more than 4 years, which is renewable, consecutively or not, without exceeding a total duration of 12 years.

At the end of their term, they remain in office until they are replaced or re-appointed.

§2. Functions of the board of directors of the parity committee

17. The board of directors exercises the functions, rights and powers conferred on the parity committee by the Act and those provided for in this Regulation and the regulation for internal management.

The functions of the board of directors include, in particular,

(1) defining the orientations for applying, overseeing and ascertaining compliance with the decree;

- (2) making the committee's regulations;
- (3) authorizing the committee's expenses and contracts;
- (4) approving the committee's staffing plan, annual report, budgetary estimates, internal audit report and financial statements;
- (5) adopting the committee's strategic orientations and governance rules, in particular a strategic plan, a statement of services, a code of ethics and conduct applicable to board members and another applicable to the employees of the committee, both including provisions to prevent conflicts of interest, a policy for processing complaints and a policy for the review of decisions, in conformity with this Regulation, as the case may be;
- (6) establishing the expertise and experience profiles of the committee members;
- (7) appointing a general manager, a secretary, inspectors and other committee employees, and determining their attributions and remuneration. The board may delegate to the general manager the hiring of other committee employees after having established a staffing plan;
- (8) retaining the professional services necessary for the management of the affairs of the committee, where required;
- (9) designating or requiring the professional services of an ethics and conduct officer for the board members and the committee's employees. That person must have completed appropriate training in ethics and conduct;
- (10) determining the delegations of authority, including those related to financial commitments and contracts; and
- (11) sending the information and documents required by section 23 or 23.1 of the Act, where required.

§3. *Meetings of the board of directors*

18. The regulation for internal management must include

- (1) the content of a convocation to a meeting of the board of directors or one of its committees or subcommittees, including the place of the meeting or the directives allowing to participate in the meeting using a technological means, where applicable;
- (2) the terms and conditions concerning the convocation to the annual meeting of the board, the inclusion of subjects on the agenda and the documents to be sent to the members;

(3) the terms and conditions concerning the convocation, the inclusion of subjects on the agenda, the documents to be sent to the members and the frequency of the regular meetings, which may not be less than 6 per year;

(4) the number of members required for the convocation of a special meeting of the board and the terms and conditions concerning the convocation and the inclusion of subjects on the agenda of that meeting;

(5) the possibility for the board members to waive a notice of convocation or derogate from the formalities and time limits for the convocation;

(6) the number of members required for each of the union and employer parties to allow the board to validly deliberate and make decisions; and

(7) the cases in which and the conditions on which the members may participate in a board meeting using technological means allowing all participants to immediately communicate with each other.

19. The decisions of the board of directors are taken by a majority vote of the members present. The vote may be taken by a show of hands, given verbally or, on a member's request, by secret ballot, as the case may be.

Subject to the first paragraph, the regulation for internal management sets out the rules on the decision to be taken by the board, in particular the decisions to be applied in the case of a tie-vote.

20. Every member present is required to vote or express their opinion for the purpose of making a decision, except in the case of a conflict of interest that the member is bound to declare to the chair or co-chairs of the board of directors or in the other cases of impediment provided for in the regulation.

The chair of the meeting must decide whether the member is in a situation of conflict of interest and, where applicable, direct the member to abstain from voting on the issue declared and withdraw from the meeting for the duration of the discussion or vote on the issue.

The withdrawal of the member and the general reasons for the withdrawal are entered in the minutes of the meeting.

21. The vote of a member given in contravention of this Regulation, the regulation for internal management or the code of ethics and conduct is not taken into consideration.

22. A resolution signed by all the members of the board of directors has the same value and the same effect than if it had been passed during a board meeting duly

convened and regularly constituted. Such a decision is entered in the minutes of the meeting that follows the date on which the resolution is signed.

23. The minutes of a meeting of the board of directors states the discussions and decisions made at the meeting. They are signed by the chair of the meeting and the secretary of the board.

In the absence of an indication to the contrary in the minutes, a decision made by the board is considered to have been adopted unanimously by the members present.

DIVISION IV FUNCTIONS OF THE PARITY COMMITTEE AND OF CERTAIN EMPLOYEES OF THE COMMITTEE

24. The parity committee sees to the implementation and application of the decree. It exercises the functions provided for in the Act and the decree in compliance with the applicable rules of law.

25. The general manager and the other employees of the parity committee exercise the functions and powers assigned to them by the regulation for internal management and, if applicable, by this Regulation.

26. The general manager is an employee of the parity committee and may be hired by more than one committee. The general manager may also fill the position of secretary.

27. The general manager manages the affairs of the parity committee.

As such, the general manager manages the decree, including the social security benefits plans and the funds of the committee, in compliance with the applicable rules of law, the orientations of the board of directors and sound and prudent management practices.

The general manager also sees to the execution of the decisions of the board of directors and the application of various documents adopted by the board.

28. The general manager or the person designated by the general manager must immediately publish the following information and documents on the website of the parity committee:

(1) the name of each member of the committee and the name of the contracting party that appointed the member or the entity that the member represents;

(2) an updated administrative codification of the regulations made by the committee pursuant to the Act;

(3) the documents adopted by the committee under subparagraph 5 of the second paragraph of section 17;

(4) every draft decree and regulation concerning the committee published in the *Gazette officielle du Québec*, and the accompanying notice of publication;

(5) the most recent version of the committee's annual report, annual budgetary estimates and audited financial statements, including the summary, after their anonymization.

The information and documents must be accurate and up to date.

29. The general manager declares to the chair or co-chairs of the board of directors any contravention to the ethical and professional obligations committed by a board member, and a contravention committed by the chair or one of the co-chairs must be declared to the board of directors.

30. The general manager is responsible for the relations of the parity committee with the Government, more specifically with the Minister or the person designated by the Minister.

To that end, the general manager must provide to the Minister or the person designated by the Minister, within the prescribed period, the information and documents required by section 23 or 23.1 of the Act.

This section does not limit the right of the Minister or of the person designated by the Minister to require information and documents from another person.

31. The function of the ethics and conduct officer is to raise awareness, train and advise the members of the board of directors and the employees of the parity committee and to answer their questions in those fields.

DIVISION V CODE OF ETHICS AND CONDUCT OF THE MEMBERS OF THE BOARD OF DIRECTORS OF THE PARITY COMMITTEE

32. The code of ethics and conduct must comply with the principles and rules set out in this Division and in articles 321 to 325 of the Civil Code. In case of inconsistency, the more stringent principles and rules apply.

The Code must also include provisions for preserving the integrity and impartiality of the parity committee, favouring transparency within the parity committee and fostering accountability of its members, while taking into account the particularity of the composition of the board of directors.

33. As director of a legal person, a member must act in compliance with the applicable rules of law, with honesty, loyalty, prudence, diligence, efficiency, application and fairness.

34. A member must fulfill the duties and obligations according to the requirements of good faith.

35. A member is bound to confidentiality regarding any matter brought to the member's knowledge in the performance of the duties and must, at all times, preserve the confidentiality of the information received and protect that information. A member may not give to a third person the documents obtained in or in connection with the carrying out of the duties of office. A member may not use for the member's own benefit or for the benefit of a third person the information and documents obtained in or in connection with the carrying out of the duties of office.

This section does not prevent a member from consulting or reporting to the contracting party that appointed the member or the entity that the member represents, except where the information is confidential by law or where the board of directors requires that confidentiality be maintained.

36. A member must act in the interest of the parity committee and avoid placing himself or herself in any situation where the member's interest or that of a related person would be in conflict with the member's obligations as a director.

A conflict of interest means, without limiting the general scope of the expression, a real, apparent or potential situation in which a member would be likely to favour, directly or indirectly, the member's interest or the interest of a related person, or directly the interest of the contracting party that appointed the member or the entity that the member represents to the detriment of those of another person.

A "related person" means the spouse, that is the person who is married to or in a civil union with the member or has been cohabiting with the member for more than 1 year, and the child, brother, sister, father, mother or grandparents of a member or the member's spouse.

37. The following situations constitute conflicts of interest:

(1) a member or a related person owns directly or indirectly an interest in an enterprise or a body that deals or is on the verge of dealing with the parity committee;

(2) a member uses the power of decision or influence to obtain an undue advantage for a third person;

(3) a member accepts an advantage from any person when the member knows or should know that the advantage has been granted to the member for the purpose of influencing the exercise of the member's functions;

(4) a member, a person related to the member or the contracting party that appointed the member or the entity that the member represents has a litigious claim against the committee.

38. A member must declare to the board of directors, using a declaration, the direct or indirect interests the member holds or that are held by a related person in a body, enterprise, association or any other entity that could place the member in a situation of conflict of interest as well as the rights the member may invoke against the body, enterprise, association or other entity indicating, where applicable, the nature and value of the rights.

The declaration of interest must be sent within 30 days of the adoption of the code of ethics and conduct or of the member's appointment, as the case may be, and every year thereafter.

Subject to section 35, the member must also send the declaration of interest to the contracting party that appointed the member or the entity that the member represents.

A member may not participate in a board meeting if the member has not sent the initial or annual declaration to the board.

In addition, a member must, without delay and in writing, inform the board and the contracting party that appointed the member or the entity that the member represents of any change to the declaration.

A declaration or any change to the declaration is entered in the minutes of the board meeting. The declaration or change is confidential, subject to section 23.1 of the Act.

39. A member who is in a situation of conflict of interest must immediately notify the chair or co-chairs of the board of directors. In the case of the chair or co-chairs, they must immediately notify the board of their situation of conflict of interest.

The member must abstain from discussing and voting on any issue involving the interest declared or concerning directly the contracting party that appointed the member or the entity that the member represents. The member must also withdraw from the meeting for the duration of the discussion and the vote on the issue.

This section does not prevent a member from expressing himself or herself on general application measures.

40. When a subject included on the agenda of a meeting of the board of directors or one of its committees or subcommittees includes a possibility of conflict of interest related to the function of a member or concerns directly the contracting party that appointed the member or the entity that the member represents, the secretary of the board of directors notifies the member concerned and the chair or co-chairs of the board of directors.

The member then discusses with the chair or co-chairs of the necessity to abstain from participating in the discussion and voting on the issue. Where applicable, the member's withdrawal and the general reasons for the withdrawal are entered in the minutes of the meeting concerned. A reminder of the undertaking to comply with the rules of discretion and confidentiality set out in this Regulation or the regulation for internal management may also be given to the member by the chair or co-chairs where the documents of the meeting have already been given to the member.

41. A member may represent the views of the contracting party that appointed the member or the entity whose interest the member represents, but the member must do so by taking into account the interest of the parity committee. The member must also represent the views of the committee to that contracting party or entity.

42. A member may not intervene in respect of an employee of the parity committee to influence the progress of a file or a decision related to a file.

43. A member may not accept, as part of the member's functions, any gift, hospitality or other advantage, except what is customary and is of modest value.

Any other gift, hospitality or advantage received, except what is customary and is of modest value, must be returned to the giver.

44. A member cannot himself or herself or by a related person grant, accept or solicit a favour from a person, a body, an enterprise or an association dealing with the parity committee or acting for or for the benefit of any of them.

45. A member must avoid any behaviour incompatible with the requirements of the member's functions and, in particular, that could discredit the parity committee, undermine its credibility or reputation or jeopardize trust in the committee.

46. A member must declare to the chair or co-chairs of the board of directors any contravention to the ethical and professional obligations committed by the member or of which the member has knowledge in the exercise of the functions. In the case of the chair or co-chairs, they must make their declaration to the board.

47. A member who has ceased holding the office must continue to comply with the obligations of integrity, loyalty and discretion towards the parity committee.

48. A member who has ceased holding the office must conduct himself or herself so as not to obtain undue benefit from their prior position in the parity committee.

49. A member who has ceased holding the office must not disclose confidential information obtained in or in connection with the carrying out of the duties of their former position, and must not give advice to any person based on information not available to the public concerning the parity committee in the year before the member ceased to hold the office.

A member who has ceased holding the office must not, in the year following the end of the office, act for or on behalf of any other person in a proceeding, negotiation or other transaction to which the committee is a party and for which the member holds information not available to the public.

DIVISION VI

DELEGATION OF AUTHORITY

50. The regulation for internal management must include a section on the general delegations of authority, which must provide for in particular the terms applicable if the general manager is absent, unable to act or replaced.

A person authorized in writing by the board of directors to exercise the functions of general manager on an interim or provisional basis or during a temporary replacement has the same powers and obligations as the general manager.

PART IV REGULATION ON A REGISTRATION SYSTEM OR THE KEEPING OF A REGISTER

51. A registration system or register kept by a professional employer under a regulation made pursuant to subparagraph *g* of the second paragraph of section 22 of the Act must contain the information listed therein.

The regulation may require that the following information also be indicated therein:

- (1) the number of hours of work per day;
- (2) the total number of hours of work per week;
- (3) the number of overtime hours paid or compensated for by a day off with the applicable premium or accounted for in a time bank;
- (4) the number of days of work per week;
- (5) the wage rate;
- (6) the nature and amount of premiums, indemnities, allowances or commissions paid;
- (7) the amount of gross wages;
- (8) the nature and amount of deductions made;
- (9) the amount of net wages paid to the employee;
- (10) the work period corresponding to the payment;
- (11) the date of the payment;
- (12) the reference year;
- (13) the duration of the annual vacation;
- (14) the date on which the employee leaves for the annual vacation with pay;
- (15) the date on which the employee was entitled to a general holiday with pay or to another day of holiday, including the compensatory holidays for general holidays with pay;

(16) the places, where applicable, where the work covered by a decree is carried out;

(17) any information necessary to the administration and application of the social security benefits provided for in the decree, including a pension plan or a group insurance and a vacation pay fund;

(18) any other information considered useful for the application of the decree and approved by the Government.

52. The information contained in the registration system or the register concerning a year must be kept for a period of 3 years following that year.

53. A registration system or register held by an employer in compliance with the Regulation respecting a registration system or the keeping of a register (chapter N-1.1, r. 6) is considered to be compliant with this Regulation provided that an indication is added to the registration system or the register, as the case may be, concerning the professional qualification held by the employees where a decree or a regulation of the parity committee makes the qualification certificate for carrying on a trade mandatory.

PART V REGULATION ON THE MONTHLY REPORT

54. A monthly report required in a regulation made pursuant to subparagraph *h* of the second paragraph of section 22 of the Act must only contain the information mentioned therein.

The regulation must provide that the report is sent to the parity committee even if no work has been performed. It may also determine the methods of transmission of the report authorized by the committee.

PART VI REGULATION ON THE LEVY

55. The parity committee may levy upon the professional employer, the employee and the worker or artisan who is not serving an employer the sums required for the carrying out of the decree.

The amount of the levy or the basis for the calculation of the levy, as the case may be, is set in the regulation made pursuant to subparagraph *i* of the second paragraph of section 22 of the Act. The amount of the levy must not exceed the limit provided for in that subparagraph.

The levy must be used only for the purposes for which it is collected.

56. The regulation determines the rate of levy required from the professional employer or the employees or both.

The levy required from the employees must be collected by retaining out of the wages of the employees.

The sums retained by the professional employer and those that the employer must pay must be remitted to the parity committee with the monthly report.

57. The regulation determines the levy demandable from the employee who is not serving a professional employer.

The levy is remitted to the parity committee in the manner and at the frequency determined in the regulation, but at least once a year.

PART VII REGULATION ON THE ATTENDANCE ALLOWANCES

58. The members of the parity committee are not remunerated. They are entitled to an attendance allowance and the reimbursement of their actual travel expenses.

59. The attendance allowance and actual travel expenses are granted to a member who participates in a meeting of the board of directors or one of its committees or subcommittees.

60. The amount of the attendance allowance is set in the regulation made pursuant to subparagraph 1 of the second paragraph of section 22 of the Act. The amount may not exceed \$200 per day and the total amount of the allowances may not exceed \$5,000 per year.

The amount is payable after the participation of the member to a meeting of the board of directors or one of its committees or subcommittees. No advance may be paid to a member.

Subject to the first paragraph, no salary, remuneration, compensation, benefit or other amount may be paid by the parity committee to the members for their participation in the meetings of the board of directors or of one of its committees or subcommittees or in the activities of the committee.

61. The actual travel expenses are composed of the costs for transportation, meals and accommodation. They are reimbursed after the participation of a member in a meeting of the board of directors or of one of its committees or subcommittees in accordance with the

Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 194603 dated 30 March 2000) and its subsequent modifications.

No expenses are reimbursed for the virtual participation of a member to a meeting of the board, one of its committees or subcommittees.

PART VIII TRANSITIONAL AND FINAL

62. As of 1 November 2022, subparagraph 1 of the first paragraph of section 10 is replaced by the following:

“minors and persons of full age under tutorship or under a protection mandate”.

63. Despite the first paragraph of section 16, a person who is a member of the board of directors of a parity committee on 8 September 2022 remains in office for the remainder of the term, which must however end not later than 8 September 2026.

64. For the purposes of subparagraphs 5 and 6 of the second paragraph of section 17, a parity committee has until 8 September 2023 to adopt or adopt again, with the necessary modifications, the documents provided for in subparagraph 5 of the second paragraph of that section or to establish the competence and experience profile of the members of the committee.

65. Despite section 28, the general manager of a parity committee or the person designated by the general manager has until 8 September 2023 to publish on the committee's website the information and documents provided for in that section.

66. This Regulation comes into force on 8 September 2022.

105966

Treasury Board

Gouvernement du Québec

T.B. 227183, 9 August 2022

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

**Supplementary benefits plan in respect of classes
of employees designated under section 208
of the Act respecting the Pension Plan
of Management Personnel
— Certain provisions relating to the partition
and assignment of benefits accrued
— Amendment**

WHEREAS, under the first paragraph of section 208 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), the Government may, with respect to classes of employees designated under the first paragraph of section 23 of the Act, establish a plan that provides for supplementary benefits payable from the date of retirement and the Government may also provide in the plan for the payment of benefits to the spouses of such employees;

WHEREAS the Government made the Order in Council respecting the Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 3);

WHEREAS, under section 416 of the Act respecting the Pension Plan of Management Personnel, the regulations and orders made under the provisions of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) that are in force on 20 June 2001 are considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as the regulations and orders made under the corresponding provisions of the Act, and they apply, with the necessary modifications, until they are replaced by regulations and orders made under such corresponding provisions;

WHEREAS the Government made the Order in Council respecting the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 220.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 6), and that

Order in Council, which was in force on 20 June 2001, is considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, to be an Order in Council made under the corresponding provisions of the Act, and it applies, with the necessary modifications, until it is replaced by the regulation or order made under the corresponding provisions;

WHEREAS, under the second paragraph of section 208 of the Act respecting the Pension Plan of Management Personnel, the Government may render all or some of the rules that concern the spouses referred to in section 163.1, provided for in Chapter VIII or enacted by the Government pursuant to Chapter VIII of the Act, applicable to the supplemental pension plan established under the first paragraph of section 208 of the Act in respect of classes of employees designated under the first paragraph of section 23 of the Act and it may also enact special provisions governing the determination and assessment of the supplementary benefits so granted;

WHEREAS the Government made the Regulation respecting certain provisions relating to the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1.1);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except for certain powers;

WHEREAS the consultation has taken place;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting certain provisions relating to the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel was published in Part 2 of the *Gazette officielle du Québec* of 1 June 2022, with a notice that it could be made by the Conseil du trésor on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting certain provisions relating to the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel, attached to this Decision, is hereby made.

Le greffier du Conseil du trésor
LOUIS TREMBLAY

Regulation to amend the Regulation respecting certain provisions relating to the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel

Act respecting the Pension Plan of Management Personnel
(chapter R-12.1, ss. 208 and 416)

1. The Regulation respecting certain provisions relating to the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1.1) is amended in section 1:

(1) by replacing “the sum of 75% of the actuarial value determined for a male and 25% of the actuarial value determined for a female” in the first paragraph by “the sum of 40% of the actuarial value determined for a male and 60% of the actuarial value determined for a female”;

(2) by replacing the table in subparagraph 3° of the first paragraph by the following:

“

Inflation level	Addition to the result of the PI – 3% formula	Adjusted indexing rate	Addition to the result of the 50% PI, min. PI – 3% formula	Adjusted indexing rate
0	0.00	0.00	0.20	0.20
0.5	0.00	0.00	0.10	0.35
1.0	0.00	0.00	0.05	0.55
1.5	0.05	0.05	0.00	0.75
2.0	0.10	0.10	0.00	1.00
2.5	0.20	0.20	0.00	1.25
3.0	0.40	0.40	0.00	1.50
3.5	0.20	0.70	0.00	1.75
4.0	0.10	1.10	0.00	2.00
4.5	0.05	1.55	0.00	2.25

”;

(3) by replacing subparagraph 6° of the first paragraph by the following:

“(6) the proportion of persons with a spouse at death:

Age	Male	Female
18-59 years old	80%	60%
60-64 years old	80%	55%
65-69 years old	75%	50%
70-74 years old	75%	40%
75-79 years old	70%	30%
80-84 years old	65%	20%
85-89 years old	55%	10%
90-109 years old	40%	5%
110 years old	0%	0%

”.

(4) by replacing “3800” in the second paragraph by “3500”;

(5) by striking out “, effective since 1 February 2005 and periodically revised”.

2. This Regulation comes into force on 1 November 2022.

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Decisions

Decision 2022QCCTQ1249, 9 June 2022

Act respecting remunerated passenger transportation by automobile
(chapter T-11.2)

Commission des transports du Québec — Establishing rates for remunerated passenger transportation by automobile

Note that by virtue of section 95 of the Act respecting remunerated passenger transportation by automobile (R.S.R.Q., c. T-11.2), the Commission des transports du Québec has fixed, with its June 9, 2022 decision 2022QCCT1249, the rates for remunerated passenger transportation by automobile and the conditions governing their application.

The basic and special rates identified in the Compendium of tariffs for remunerated passenger transportation by automobile shall be in effect as of September 12, 2022.

Note that the Compendium of tariffs for remunerated passenger transportation by automobile, the contents of which follows, replaces the Compendium of tariffs of private transportation by taxi published in the *Gazette officielle du Québec*, no. 23, June 6, 2018.

M^E HÉLÈNE CHOUINARD
*The Secretary of the
Commission des transports du Québec*

Compendium of tariffs for remunerated passenger transportation by automobile (RTTRPA 2022-0001), September 12, 2022

Act respecting remunerated passenger transportation by automobile
(chapter T-11.2, s. 95)

SECTION I GENERAL PROVISIONS

1. As of September 12, 2022, the current rates for remunerated passenger transportation by automobile shall apply to all trips except for:

1) a trip requested by a technological means that does not require human intervention and which enables the individual requesting the trip to be informed of the maximum fare in writing and to consent to this price before the qualified driver is notified of the request;

2) a trip the price of which is not calculated according to the Regulation respecting the contract to agree upon a fare with a customer (c. T-11.2, r. 1).

2. For the purposes of this Compendium of tariffs for remunerated passenger transportation by automobile, a taxi is a qualified automobile under section 44 of the Act respecting remunerated passenger transportation by automobile.

3. When a taxi is not equipped with a taximeter, and finds itself in a territory for which an automobile need not be equipped with a taximeter and where there is no requirement regarding the use of a technological means as referred to in section 93 of the Act respecting remunerated passenger transportation by automobile⁴⁸, the distance travelled with a client is established by referring to the odometer.

4. As regards these rates, the term “hour or fraction of an hour wait” designates the time during which a taxi is not running or is running at less than 22.537 km per hour during a trip, and at less than 22.723 km per hour during a trip that begins between 11:00 p.m. and 5:00 a.m.

The number 22.537 is calculated from the hourly rate (\$46.20) divided by the rate per km (\$2.05) specified in section 6 of Section II, below. The number 22.723 is calculated from the hourly rate (\$53.40) divided by the rate per km (\$2.35) specified in section 9 of Section III, below.

SECTION II BASIC RATES

5. The basic rates apply at all times, subject to the application of the special rates as described in Section III below.

6. The basic rate for a trip, calculated using the taximeter, is as follows:

⁴⁸ Commission des transports et al., 2020 QCCTQ 2319.

Basic rate (calculated by taximeter)

	Drop rate	Per kilometre covered with a customer	Per hour or fraction of an hour
Rate before taxes	\$3.56	\$1.78	\$40.18
5% GST	\$0.18	\$0.09	\$2.01
9.975% QST	\$0.36	\$0.18	\$4.01
Taximeter rate	\$4.10	\$2.05	\$46.20

7. The basic rate established, calculated by odometer, is as follows:

Basic rate (calculated by odometer)

	Drop rate	Per kilometre covered with a customer	Per hour or fraction of an hour
Rate before taxes	\$0.00	\$1.78	\$40.18
5% GST	\$0.00	\$0.09	\$2.01
9.975% QST	\$0.00	\$0.18	\$4.01
Odometer rate	\$0.00	\$2.05	\$46.20

**SECTION III
SPECIAL RATES****§1. Rates applicable between 11:00 p.m. and 5:00 a.m.**

8. Special rates apply to trips that begin between 11:00 p.m. and 5:00 a.m.

9. The special rate for a trip that begins between 11:00 p.m. and 5:00 a.m., calculated by taximeter, is as follows:

**Special rate by taximeter
(Trip that begins between 11:00 p.m. and 5:00 a.m.)**

	Drop rate	Per kilometre covered with a customer	Per hour or fraction of an hour
Rate before taxes	\$4.09	\$2.05	\$46.45
5% GST	\$0.20	\$0.10	\$2.32
9.975% QST	\$0.41	\$0.20	\$4.63
Taximeter rate	\$4.70	\$2.35	\$53.40

10. The special rate for a trip that begins between 11:00 p.m. and 5:00 a.m., calculated by odometer, is as follows:

**Special rate by odometer
(Trip that begins between 11:00 p.m. and 5:00 a.m.)**

	Drop rate	Per kilometre covered with a customer	Per hour or fraction of an hour
Rate before taxes	\$0.00	\$2.05	\$46.45
5% GST	\$0.00	\$0.10	\$2.32
9.975% QST	\$0.00	\$0.20	\$4.63
Odometer rate	\$0.00	\$2.35	\$53.40

§2. Rates applicable to transportation for which the starting point or destination is Montréal-Pierre Elliott Trudeau International Airport

11. The applicable rates for a trip between the airport's main terminal and downtown Montréal, whatever the number of passengers, are as follows:

	Daytime rate	Nighttime rate (trips that begin between 11:00 p.m. and 5:00 a.m.)
Flat rate	\$42.10	\$48.40
5% GST	\$2.10	\$2.42
9.975% QST	\$4.20	\$4.83
Total flat rate	\$48.40	\$55.65

These rates apply when a trip has only one pick-up point and one drop-off point.

For the purpose of this section, downtown Montréal is demarcated as follows:

— westward: avenue Atwater to the Lachine Canal; the Lachine Canal to the foot of rue de Condé; rue de Condé to rue St-Patrick; rue St-Patrick eastward to rue Bridge; rue Bridge to the Victoria Bridge;

— eastward: avenue Papineau;

— southward: the buildings located on avenue Pierre-Dupuy to the de la Concorde bridge;

— northward: avenue des Pins; rue Saint-Denis, from avenue des Pins to rue Cherrier; rue Cherrier, from rue Saint-Denis to rue Sherbrooke; rue Sherbrooke, from rue Cherrier to avenue Papineau.

Houses and buildings on either side of bordering streets are part of downtown Montréal.

12. The minimum rate for a trip from the main terminal of the Montréal-Pierre Elliott Trudeau International Airport is \$20.60 (including GST and QST) at all times, with the exception of trips that begin between 11:00 p.m. and 5:00 a.m., for which the minimum rate is \$23.70 (including GST and QST).

Any taximeter reading for a lower amount shall be upped to the minimum rate of \$20.60 (including GST and QST), at all times, with the exception of trips that begin between 11:00 p.m. and 5:00 a.m., for which the minimum rate is \$23.70 (including GST and QST).

§3. *Rates applicable to transportation for which the starting point or destination is Québec City Jean-Lesage International Airport*

13. The applicable rates for a trip between the Jean-Lesage airport's main terminal and downtown Québec City, whatever the number of passengers, are as follows:

	Daytime rate	Nighttime rate (trips that begin between 11:00 p.m. and 5:00 a.m.)
Flat rate	\$36.01	\$41.40
5% GST	\$1.80	\$2.07
9.975% QST	\$3.59	\$4.13
Total flat rate	\$41.40	\$47.60

For the purpose of this section, downtown Québec City is demarcated as follows:

—northward: autoroute Félix-Leclerc;

—eastward: avenue d'Estimauville and its extension to the St. Lawrence River;

—southward: St. Lawrence River;

—westward: autoroute Laurentienne; rue Saint-Anselme to rue des Commissaires; rue des Commissaires; boulevard Langelier; Côte-de-Salaberry; avenue de Salaberry and its extension to the St. Lawrence River.

Houses and buildings on either side of bordering streets are part of downtown Québec City.

14. The applicable rates for a trip from the main terminal of the Québec City Jean-Lesage International Airport to the Sainte-Foy area, whatever the number of passengers, are as follows:

	Daytime rate	Nighttime rate (trips that begin between 11:00 p.m. and 5:00 a.m.)
Basic flat rate	\$15.78	\$18.13
5% GST	\$0.79	\$0.91
9.975% QST	\$1.58	\$1.81
Total flat rate	\$18.15	\$20.85

This price applies when the trip has only one pick-up point and one drop-off point.

For the purpose of this section, the Sainte-Foy area is demarcated as follows:

—northward: rang Sainte-Anne; route de l'Aéroport; avenue Sainte-Geneviève;

—eastward: autoroute Henri IV;

—southward: autoroute Charest;

—westward: avenue Jean-Gauvin; boulevard Wilfrid-Hamel; rue des Champs Élysées and its extension between boulevard Wilfrid-Hamel and autoroute Charest. Houses and buildings on either side of bordering streets are part of the Sainte-Foy area.

§4. *Rates applicable to transportation involving the municipality of Fermont (97035) and the territory corresponding to the ancient municipality of Radisson and constituting a part of the municipality of Eeyou Istchee Baie-James (99060)*

15. The rates for a trip by odometer are as follows:

	Basic rate		
	Drop rate	Per kilometre covered with a customer	Per hour or fraction of an hour
Starting rate	\$0.00	\$2.48	\$40.18
5% GST	\$0.00	\$0.12	\$2.01
9.975% QST	\$0.00	\$0.25	\$4.01
Taximeter rate	\$0.00	\$2.85	\$46.20

Nighttime rate
(for trips that begin between 11:00 p.m. and 5:00 a.m.)

	Drop rate	Per kilometre covered with a customer	Per hour or fraction of an hour
Basic rate	\$0.00	\$2.87	\$46.45
5% GST	\$0.00	\$0.14	\$2.32
9.975% QST	\$0.00	\$0.29	\$4.63
Taximeter rate	\$0.00	\$3.30	\$53.40

16. The minimum rate for a trip with an origin or destination in either the municipality of Fermont (97035) or the territory corresponding to the ancient municipality of Radisson and constituting a part of the municipality of Eeyou Istchee Baie-James (99060) is \$7.75 (including GST and QST). Any reading for a lower amount shall be upped to the minimum rate of \$7.75.

The minimum rate for a trip that begins between 11:00 p.m. and 5:00 a.m. with an origin or destination in either in the municipality of Fermont (97035) or the territory corresponding to the ancient municipality of Radisson and constituting a part of the municipality of Eeyou Istchee Baie-James (99060) is \$8.90 (including GST and QST). Any reading for a lower amount shall be upped to the minimum rate of \$8.90.

§5. Rates applicable to the municipality of Saint-Augustin (98012) (Basse-Côte-Nord)

17. The rate for a trip between the Saint-Augustin airport or pier and the municipality of Saint-Augustin as well as between the Saint-Augustin airport and the Pakuashipi reserve is \$9.70 (including GST and QST), per customer per trip.

The rate for a trip that begins between the hours of 11:00 p.m. and 5:00 a.m. between the Saint-Augustin airport or pier and the municipality of Saint-Augustin as well as between the Saint-Augustin airport and the Pakuashipi reserve is \$11.15 (including GST and QST), per customer per trip.

SECTION IV
FINAL PROVISIONS

18. These rates replace those indicated in the Compendium of tariffs of private transportation by taxi (RTTP), R.S.R.Q., c. S-6.01 r. 6.

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