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## Regulations and other acts

Gouvernement du Québec

### O.C. 1217-96, 25 September 1996

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

#### Regional boards and public health and social services institutions

##### — Executive directors

Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional boards and of public health and social services institutions

WHEREAS under subparagraph 1 of the first paragraph of section 507 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Government may, by regulation, determine the standards and scales which must be used by regional boards, public institutions and private institutions under agreement for the selection, appointment and engagement of and the remuneration and other terms of employment applicable to executive directors and senior and middle management personnel;

WHEREAS under the same section, the Government may also establish by regulation, for persons referred to in subparagraphs 1 and 2 of the first paragraph of that section who are not governed by a collective agreement, a procedure of appeal for cases of dismissal, termination of employment or non-renewal of employment, except when arising from forfeiture of office, and for cases of suspension without pay or of demotion; such regulation may also prescribe a procedure for the settlement of disagreements over the interpretation and application of the terms of employment established thereby; lastly, it may prescribe a method for the designation of an arbitrator, to which sections 100.1 and 139 to 140 of the Labour Code (R.S.Q., c. C-27) apply, and the measures the arbitrator may take after having heard the parties;

WHEREAS it is expedient to make a Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional boards and of public health and social services institutions;

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

THAT the Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional boards and of public health and social services institutions, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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## DIVISION 2 INTERPRETATION

**4.** In this Regulation, unless otherwise indicated by the context:

“administrative reorganization” means an administrative operation resulting from the effect of an Act, of a decision on the part of the Minister or the concerned employers and involving the elimination of 1 or more positions of higher officer; this can be the amalgamation of employers, the integration of one or several employers to another employer, a grouping of employers, a pooling of officer resources, or the closing of an employer; (*réorganisation administrative*)

“assistant executive director” means a senior administrator holding a management position ranked as such by the Minister; (*directeur général adjoint*)

“association” means the Association des directeurs généraux des services de santé et des services sociaux du Québec;

“Centre de référence des directeurs généraux et des cadres” means the organization established under section 521 of the Act; (*Centre de référence des directeurs généraux et des cadres*)

“continuous service” means the duration of the employment relationship with one or more employers, including private institutions covered by section 475 of the Act and institutions being set up, as a senior administrator or as an officer without interruption of the employment relationship for a period exceeding 3 months; (*service continu*)

“demotion” means the transfer from a position of senior administrator to a position of a lower evaluation class; (*rétrogradation*)

“dismissal” means the termination by an employer of the contractual employment contract with a senior administrator at any time and for any reason; (*congédiement*)

“employer” means a regional board or a public institution; (*employeur*)

“employers’ association” means the Association des centres jeunesse du Québec, the Association des centres hospitaliers et des centres d’accueil privés du Québec, the Association des hôpitaux du Québec, the Confédération québécoise des centres d’hébergement et de réadaptation, the Conférence des régies régionales de la santé et des services sociaux du Québec, the Fédération des CLSC du Québec; (*association d’employeurs*)

“evaluation class” means a ranking unit of the classification system used for the positions of senior administrators and officers that corresponds to an evaluation point range reflecting the relative value of positions (*classe d’évaluation*)

“executive director” means a senior administrator holding a full-time or part-time regular management position ranked as such by the Minister; (*directeur général*)

“home base” means the home base determined by the employer according to the following criteria:

(1) the place where the officer usually carries on his duties;

(2) the place where the officer regularly receives his instructions;

(3) the place where the officer reports his activities.

“interim” means holding temporarily a position of a higher salary class with the same employer, during the absence of the incumbent and without holding the habitual position, in an operational hierarchy line where continuous occupation of the position is needed; (*intérim*)

“layoff” means the termination of the contractual employment relationship resulting from a decision of an employer applying chapter 5 on employment stability measures; (*mise à pied*)

“non-renewal of engagement” means the termination by the employer of the contractual employment relationship with a senior administrator at the end of an engagement, except for a layoff; (*non-renouvellement*)

“officer” means a person holding a full-time or part-time regular management position and whose position is ranked by the Minister at a senior or middle management level; (*cadre*)

“on reserve” means the situation of a senior administrator who has chosen reinstatement or maintenance of the employment contract following the elimination of his position in accordance with chapter 5 on employment stability measures; (*disponibilité*)

“parapublic sector” means the grouping of all public institutions as defined in section 98 of the Act respecting health services and social services, private institutions covered by section 475 of the Act, regional boards established under section 339 of the Act, school boards and general and vocational public colleges; (*secteur parapublic*)

“promotion” means the transfer of a senior administrator to a higher evaluation class position; (*promotion*)

“public sector” means government departments or public agencies whose staff is governed by the Public Services Act of Québec (R.S.Q., c. F-3.1.1); (*secteur public*)

“reinstatement” means the transfer of a senior administrator to another position of senior administrator, officer, union member or unionizable non-member; (*re-placement*)

“resignation” means the termination of the contractual employment relationship by a senior administrator; (*démission*)

“retirement plan” means the Government and Public Employees Retirement Plan (R.R.E.G.O.P.) set up under the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Teachers Pension Plan (R.R.E.) set up under the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11) or the Civil Service Superannuation Plan (R.R.F.) set up under the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12); (*régime de retraite*)

“senior administrator” means an executive director, an assistant executive director and a senior managerial advisor; (*hors-cadre*)

“senior managerial advisor” means a senior administrator holding a full-time or part-time regular management position ranked as such by the Minister; (*conseiller-cadre à la direction générale*)

“termination of engagement” means the termination by the employer of the contractual employment relationship before the end of the employment contract; (*résiliation d’engagement*)

“transfer” means the transfer of a senior administrator to a position in the same evaluation class; (*mutation*).

## CHAPTER 2 SELECTION, APPOINTMENT AND ENGAGEMENT

### DIVISION 1 SELECTION, APPOINTMENT AND ENGAGEMENT OF AN EXECUTIVE DIRECTOR

#### §1. Scope

**5.** This division applies to the selection, appointment and engagement of the executive director of a regional board or a public institution.

#### §2. Limited competition

**6.** When an administrative reorganization results in the reduction of the number of boards of directors of several institutions or of several institutions and one regional board to only one board of directors thus leaving only one position of executive director, the new board of directors shall eliminate all existing executive director positions and create a new one.

When, in that case, several executive directors hold those positions that are to be eliminated pursuant to a contract or an engagement resolution, the board of directors shall determine whether or not to offer the new executive director position to one of them. If it determines to do so, the board of directors shall select the executive director to whom the new position is granted and appoint him in accordance with the provisions of subdivision 5 of this division. Otherwise, the board of directors shall open a selection competition in accordance with subdivision 3 of this division.

The provisions of chapter 5 of this Regulation concerning employment stability for senior administrators apply to those executive directors whose position is eliminated under this section and who are not granted the new position of executive director.

If the board of directors decides to appoint an acting executive director, it shall proceed in accordance with the first and second paragraphs.

**7.** Where a private institution becomes a public institution and where, at the time of the change of status, a person holds the position of executive director, this person is deemed to be appointed executive director.

The appointment shall be valid for the remaining period of the person’s contract up to a maximum of 4 years. Where there is no term contract, the duration of the appointment shall be of 1 year.

#### §3. Opening of the selection competition

**8.** Unless otherwise provided for in this Regulation, the appointment of an executive director of a regional board or of a public institution shall be made following a selection competition and upon the recommendation of a selection committee.

Except in the cases provided for under sections 6 and 16 of this Regulation, the Minister’s authorization shall be obtained in order to open the selection competition for the position of executive director of a regional board or of a public institution. The authorization shall be requested by the employer no later than 60 days from the date on which the position actually becomes vacant.

**9.** The board of directors of a new public institution shall appoint an executive director within 6 months of taking office.

**10.** In the case of a regional board, the selection committee shall be composed of 5 members, 3 of whom shall be designated by the board of directors and 2 by the Minister.

In the case of a public institution, the selection committee shall be composed of 5 members. Of these 5 members, 3 shall be designated by the board of directors with at least 1 of them not being employed by an institution in the health and social services sector; 1 shall be designated by the regional board and 1 by the Minister.

All members of the selection committee shall be present for the pre-selection, selection and drawing-up of the eligibility list.

**11.** The board of directors shall notify the Minister of the dates of the sittings of the selection committee at least 30 days prior to the date of the first sitting.

#### *§4. Holding of the selection competition*

**12.** For the period starting on the date of coming into force of this Regulation and ending on 31 December 1999, the selection competitions for the appointment of the executive director of a regional board or of a public institution are limited to senior administrators and officers of the health and social services sector, the Department of Health and Social Services, the Conférence des régies régionales, the Centre de référence des directeurs généraux et des cadres, the Comité patronal de négociation du secteur de la santé et des services sociaux, the Secrétariat général du secteur de la santé et des services sociaux, and the associations of senior administrators, officers and institutions of the sector. The Minister may extend this period after consulting with the associations of senior administrators and officers as well as employers' associations.

**13.** The board of directors of a regional board or of a public institution shall give written notice of the holding of a competition for the appointment of an executive director to the Minister, the Centre de référence des directeurs généraux et des cadres, the Conférence des régies régionales de la santé et des services sociaux du Québec, the employers' associations and the associations of senior administrators and officers of the sector who shall circulate it at least 30 days prior to the first sitting of the selection committee. This internal notice for the competition shall provide for a registration period of at least 25 days from the day it is sent out.

**14.** The selection committee shall call for an interview the persons whose application is accepted. At least 7 days shall elapse between the date of the pre-selection and the date of the selection interviews.

**15.** The selection committee shall draw up a list of eligible candidates. The decision to declare a candidate eligible shall be made by at least 3 members of the selection committee. A member may express a minority position and communicate it to the board of directors.

The eligibility list and the substantiated recommendation of the selection committee shall be sent to the board of directors who shall make the final decision as well as to the Minister and the regional board for their information.

**16.** Where no candidate is declared eligible by the selection committee or where the board of directors decides to appoint none of the candidates declared eligible, the board of directors shall so notify the Minister and the regional board within 5 days and a new competition shall be held.

In such a case, the board of directors may decide to open a new limited competition in accordance with section 12 or open a public competition by giving the notice to that effect prescribed in section 17. In this latter case, the board of directors shall notify the Minister and the regional board in writing of the reasons for this decision and proceed in accordance with sections 13 to 16.

**17.** The board of directors of a regional board or of a public institution shall then, if necessary, give notice of the holding of a public competition for the appointment of an executive director of a regional board or of a public institution in a newspaper published in the region served by the regional board or in the region where the institution is located, as the case may be, as well as in a newspaper which is circulated throughout Québec. This external notice shall be published at least 20 days prior to the date of the first sitting of the selection committee. It shall provide for a registration period of at least 15 days from the date of publication.

#### *§5. Appointment and engagement*

**18.** The executive director shall be appointed by the board of directors for a period not exceeding 4 years.

**19.** The executive director shall sign an engagement contract. This engagement contract shall contain the employment rights, obligations and benefits specific to the position of executive director, including annual vacations, social leaves and the terms and conditions for



the annual appraisal of his work performance. The engagement contract of an executive director may make no provision for the payment of financial benefits other than those provided for in this Regulation.

Any provision of such contract that does not comply with the Act and the Regulations made thereunder is considered null.

**20.** The resolution of the board of directors on the appointment of the executive director and the engagement contract of the executive director shall be sent to the Minister within 30 days following the date of the signing of the contract.

Any subsequent change made to the contract, agreed upon by the parties, shall be sent in the same manner within 30 days.

**21.** Except in the case of an agreement between the employer and the executive director on another deadline, the executive director may leave his duties 60 days after having sent a written notice to that effect to the board of directors.

#### §6. Renewal of engagement

**22.** The engagement contract of an executive director may be renewed, each time, for a period not exceeding 4 years.

The executive director shall notify the board of directors in writing, except when physically incapable of doing so, that he will make a decision on the renewal of his engagement contract 180 days before the expiry of his engagement contract. An executive director who is physically unable to do so shall send this notice within 15 days following the end of his inability.

The board of directors shall inform the executive director in writing 90 days before the end of his engagement contract of its decision to renew or not to renew the contract. The board of directors may not renew the engagement contract of an executive director more than 180 days prior to the expiry date of the contract.

The resolution of the board of directors respecting the renewal of the engagement contract of the executive director and the renewed contract shall be forwarded to the Minister within 30 days following the date of renewal. Any subsequent change to the contract, agreed upon by the parties, shall be forwarded in the same manner within 30 days.

Where no decision has been made by the board of directors concerning the renewal of the executive

director's engagement contract and where the board of directors has failed to notify the executive director in writing of its decision at least 90 days prior to the end of his contract, the engagement contract shall be renewed for a term of the same duration.

Where the renewal notice of 180 days provided for in the second paragraph of this section has not been given, the engagement contract of the senior administrator shall be renewed for a period of six months or for successive periods of six months until such notice of 180 days has been given to the board of directors and the board of directors has had a period of 90 days to decide whether or not to renew the senior administrator's contract. In that case, the senior administrator's contract may be renewed for a period not exceeding 4 years decreased by the period elapsed since the moment where the contract should have been renewed initially.

### DIVISION 2 APPOINTMENT OF AN ASSISTANT EXECUTIVE DIRECTOR AND A SENIOR MANAGERIAL ADVISOR

**23.** The appointment of an assistant executive director shall be made by resolution of the board of directors upon the recommendation of the executive director.

Until 31 December 1999, the board of directors may only appoint a senior administrator or an officer employed by an employer prescribed in section 12 to the position of assistant executive director.

**24.** The position and title of senior managerial advisor shall only be granted to a senior administrator.

The appointment of a senior managerial advisor shall be made by resolution of the board of directors. The board of directors shall decide whether or not to establish a term for the engagement.

### CHAPTER 3 REMUNERATION

#### DIVISION 1 GENERAL

**25.** A senior administrator may not receive from his employer, and an employer may not give a senior administrator, for the carrying out of his duties as a senior administrator, any form of remuneration other than the remuneration provided for by this Regulation.

**26.** In general, no remuneration or compensation shall be paid to the senior administrator for the overtime occasionally required in carrying out his normal duties.

## DIVISION 2 SALARY CLASSES AND ANNUAL ADJUSTMENT

**27.** The evaluation class for a senior administrator position is determined by the Minister in accordance with the evaluation system he has established for the positions of senior administrators and officers. Applicable salary classes correspond to those evaluation classes. There shall be no appeal against the classification of a senior administrator's position under the provisions of this Regulation.

The modification, by the Minister, of the evaluation class of a position of senior administrator shall be effective on the date set by the Minister.

**28.** Salary classes are adjusted by the Minister on the date and in accordance with the parameters set by the government. The salary classes are shown in Appendix I.

## DIVISION 3 ANNUAL INCREASE OF INDIVIDUAL SALARIES

### *§1. Salary increase following the adjustment of salary classes*

**29.** At the time of the adjustment of salary classes, the salary of the senior administrator shall be increased, if applicable, by a rate equal to the rate of adjustment of the salary classes as determined under section 28.

### *§2. Increase for satisfactory performance*

**30.** On 1 July of each year, a salary increase shall be granted to a senior administrator whose work performance is deemed satisfactory and there shall be no appeal under this Regulation regarding the appraisal made by the employer to that effect. The rate of this increase shall represent 4 % of the salary of the senior administrator on 30 June, provided that this increase does not make the salary of the senior administrator higher than the maximum of the salary class for the position.

A senior administrator whose position has been eliminated and who has chosen the pre-retirement leave shall not be eligible for the increase for satisfactory performance provided for in this section.

Where a senior administrator has held his position for less than 1 year at the effective date of the increase for satisfactory performance or has changed employers during the reference period, the increase shall be established according to the time he has worked during the year prior to 1 July in this position or another position of senior administrator or officer with the same employer or another employer in accordance with the table shown in Appendix II.

A senior administrator who has not worked during the whole year preceding 1 July, either because he is disabled or on leave without pay, shall be eligible for the increase for satisfactory performance according to the time he has worked during the year in accordance with the table shown in Appendix II. However, for the purpose of calculating the percentage of increase for satisfactory performance, a disabled senior administrator shall be considered as having been at work during the first 6 months of his disability.

Where a senior administrator holds on 1 July or has held during the year preceding this 1 July a part-time position, the rate of increase for satisfactory performance shall be determined according to his relative annual work load during the year in accordance with the table shown in Appendix II.

## DIVISION 4 INTEGRATION INTO A SALARY CLASS

### *§1. Appointment to a senior administrator position*

**31.** Where a person accedes to a senior administrator position, from a position of union member or unionizable non-member or from outside the health and social services sector, his salary shall be established by the board of directors within the salary class for this senior administrator position.

### *§2. Change in the evaluation class for a position*

**32.** Where the evaluation class for a position of senior administrator is raised, the employer shall increase the salary of the senior administrator holding that position by a percentage equal to 5 %, provided that this increase does not make the salary of the senior administrator higher than the maximum for the new salary class. However, the employer shall ensure to the senior administrator the minimum for the new salary class. This salary shall be adjusted, if applicable, in accordance with division 3 of this chapter.

**33.** Where the evaluation class for a position of senior administrator is lowered, the salary of the senior administrator holding that position shall either be decreased, if needed, to reach the maximum for the corresponding salary class, or maintained, if it is already within the range of this salary class.

When the salary of a senior administrator is thus decreased because the evaluation class of the position he holds has been lowered:

— the senior administrator shall receive as a lump sum the total difference between the salary he received

prior to the new evaluation of his position and the new annual salary he is entitled to, for the first 3 years following the new evaluation;

— the senior administrator shall receive in the same manner two thirds of the difference between the salary he received prior to the new evaluation of his position and the new annual salary he is entitled to for the fourth year, during that fourth year;

— the senior administrator shall receive in the same manner one third of the difference between the salary he received prior to the new evaluation of his position and the new annual salary he is entitled to for the fifth year, during that fifth year.

### *§3. Change of senior administrator or officer position*

#### PROMOTION

**34.** Where a senior administrator or officer is promoted to a position of senior administrator, his salary shall be established by the board of directors within this higher salary class.

#### TRANSFER

**35.** Where a senior administrator or officer is transferred to a position of senior administrator, his salary shall be established by the board of directors within the salary class.

#### DEMOTION

**36.** Where a senior administrator is demoted, his salary shall either be decreased, if needed, to reach the maximum for the salary class for his new position, or maintained, if his salary is already within the range of this salary class.

When the salary of a senior administrator is thus decreased following such a demotion:

— the senior administrator shall receive as a lump sum the total difference between the salary he received prior to the demotion and the new annual salary he is entitled to, for the first 3 years following the demotion;

— the senior administrator shall receive in the same manner two thirds of the difference between the salary he received prior to the demotion and the new annual salary he is entitled to for the fourth year, during that fourth year;

— the senior administrator shall receive in the same manner one third of the difference between the salary he received prior to the demotion and the new annual salary he is entitled to for the fifth year, during that fifth year.

### *§4. Reassignment to a non-officer position*

**37.** Where a senior administrator is reassigned to a position of union member or unionizable non-member his salary shall be the salary he is entitled to in this new position in accordance with the collective agreement applicable to the incumbent of that position or, if such is the case, with the repertory of terms of employment for unionizable non-members.

When the salary of a senior administrator is thus decreased following such a reassignment:

— the senior administrator shall receive as a lump sum the total difference between the salary he received prior to the reassignment and the new annual salary he is entitled to, for the first 3 years following the demotion;

— the senior administrator shall receive in the same manner two thirds of the difference between the salary he received prior to the reassignment and the new annual salary he is entitled to for the fourth year, during that fourth year;

— the senior administrator shall receive in the same manner one third of the difference between the salary he received prior to the reassignment and the new annual salary he is entitled to for the fifth year, during that fifth year.

The classification of the senior administrator within the salary scale of the professional position to which he has been reassigned shall be determined by the employer in accordance with the applicable collective agreement.

## **DIVISION 5**

### **PLURALITY OF POSITIONS**

**38.** A senior administrator holding temporarily, at the request of his employer or another employer, in addition to his normal position, a full-time position of senior administrator or officer with his employer or another employer shall be entitled to an additional remuneration which shall be determined by the employer concerned and which shall vary between 5 % and 15 % of his salary. This additional remuneration shall be paid as a lump sum and shall not be part of the senior administrator's salary.

However, a senior administrator or acting senior administrator may not hold another position with the same employer.

Under this section, the word “temporarily” means for a period that may vary between 2 and 18 months. How-

ever, when replacing a senior administrator or officer on disability leave or parental leave without pay, this period may be extended to 24 months.

When the situation of plurality of positions becomes permanent or extends beyond the period provided for in the previous paragraph, the new position of senior administrator thus created shall be classified in accordance with section 27.

A senior administrator may not hold simultaneously more than one plurality of positions.

## **DIVISION 6** **INTERIM**

**39.** This section applies to any senior administrator requested to temporarily hold a position for an interim period.

Under this section, the word “temporarily” means for a period that may vary between 2 and 18 months. However, when replacing a senior administrator or officer on disability leave or parental leave without pay, this period may be extended to 24 months.

The senior administrator holding a position for an interim period shall receive a salary determined by the board of directors within the salary class of the position held in the interim.

## **DIVISION 7** **COMPENSATIONS AND ALLOWANCES**

**40.** A senior administrator who coordinates social emergency or health emergency measures for an employer shall receive a compensation of \$11.25 per shift of availability which shall be paid as a lump sum, on the condition that his employer demands that he be available 7 days a week.

**41.** A senior administrator shall receive the allowances for regional disparities under the same terms and conditions as those provided for in the collective agreements in effect in the health and social services sector.

## **CHAPTER 4** **GROUP INSURANCE PLANS AND** **SICK LEAVE FUND**

### **DIVISION 1** **INTERPRETATION**

**42.** In this chapter, unless the context indicates otherwise:

“benefits” means the benefits that a senior administrator receives as short-term salary insurance or the benefits he would have received had he been eligible to the mandatory basic long-term salary insurance plan; (*prestation*)

“date of taking over duties” means the date on which a person is appointed to a position of senior administrator; (*date de l'entrée en fonction*)

“disability” means the following: For the purposes of the short-term salary insurance plan, disability means a state of incapacity resulting from an illness, an accident, or serious complications of pregnancy of surgery related to birth planning requiring medical treatment and making the senior administrator totally incapable of carrying out the normal tasks of his employment or of any other employment with similar remuneration that is offered to the senior administrator by the employer. For the purposes of the long-term salary insurance plan, disability corresponds to the definition of total disability provided for in the management employees group insurance plans master policy; (*invalidité*)

“disability period” means the following: For the purposes of the short-term salary insurance plan, disability period means a continuous period of disability or successive periods of disability resulting from a single illness or accident, separated by less than 15 working days actually worked full-time or part-time according to the senior administrator’s position. Annual vacations, statutory holidays, leaves without pay, parental leaves or any other absence, paid or not, are not included in the calculation of the 15 working days. A subsequent disability period which the senior administrator declares to be due to an illness or accident which is totally unrelated to the previous disability is deemed to be a different disability period. A disability period resulting from an illness or injury caused voluntarily by the senior administrator himself, from alcoholism or drug addiction, from service in the armed forces or from active participation in a riot, insurrection, violation or criminal action is not deemed to be a disability period. However, in the case of alcoholism or drug addiction, the period during which the senior administrator receives medical care or treatment in view of his rehabilitation is deemed to be a disability period. For the purposes of the long-term salary insurance plan, disability period corresponds to the definition provided for in the management employees group insurance plans master policy; (*période d'invalidité*)

“insurer” means an insurance company having concluded a contract with the Québec Government for the purposes of insuring management employees in the public and parapublic sectors; (*assureur*)

“position” means a position that the senior administrator is deemed reasonably able to hold based on his education, training and experience; this position may be the position he held before his disability, a senior administrator position, or a position equivalent to the one he held before his appointment to a position of senior administrator, officer, unionizable non-member or union member; (*poste*)

“salary” means a senior administrator’s regular salary or the salary to which the senior administrator is entitled during a period of disability covered by the short-term salary insurance plan prescribed by division 5 of this chapter, including:

- (1) remuneration paid for annual vacations and statutory holidays;
- (2) the lump sum resulting from the application of sections 33, 36 and 37, and paragraph 7 of section 106;
- (3) the lump sum paid in the case of plurality of positions and allowances for regional disparities paid in accordance with section 41.

## DIVISION 2 GENERAL

**43.** The salary of a senior administrator holding a position of senior administrator at less than 70 % full-time is computed for the purposes of calculating the benefits payable under this chapter on the basis of the senior administrator’s average salary during the 12 weeks preceding the event that entitles him to a benefit and for which no disability period, annual vacation or maternity leave has been authorized.

**44.** A senior administrator reassigned to a position of unionizable non-member shall retain, on the date of his reassignment and provided that he has held a position of senior administrator or officer for at least 12 months, the group insurance plans provided for in this chapter.

A senior administrator reassigned to a position covered by an accreditation unit shall retain, on the date of his reassignment and provided that he has held a position of senior administrator or officer for at least 12 months, the group insurance plans provided for in this chapter, insofar as the collective agreement so allows.

**45.** Where a leave without pay or partial leave without pay staggers over a period of less than 30 days, the senior administrator shall maintain his participation in the insurance plans and pay the contribution he would normally pay if he were at work.

When such a leave staggers over a period of 30 days or more or during any other absence without pay, the senior administrator shall maintain his participation in the uniform life insurance plan and he may, provided that he applies to the employer for that purpose before the planned date of the leave or absence, maintain his participation in the insurance plans listed in subsections 1 and 2 of section 62 that he owned before the leave or the absence, in accordance with the provisions of the master policy. A senior administrator maintaining his participation in the insurance plans listed in subsections 1 and 2 of section 62 shall also maintain his participation in the survivor’s pension plan in accordance with the provisions prescribed for this plan.

For the purposes of the short-term salary insurance plan, a disability beginning during the leave without pay or the absence without pay is deemed to begin on the date of the end of the leave or absence.

Notwithstanding the second paragraph of this section, a senior administrator benefiting from a deferred salary leave plan shall continue to participate in the group insurance plans listed in subsections 1 and 2 of section 62. The sharing of the contributions paid to the mandatory basic plans shall be maintained during the deferred salary leave plan, including during the leave period, according to the terms that would be applicable to the senior administrator if he were not benefiting from the deferred salary leave plan. Throughout the deferred salary leave plan, the contributions of the senior administrator and of the employer shall be based on the total salary, as shall the coverage, and not on the salary paid under the chosen option.

**46.** The employer shall ensure that the short-term salary insurance plan and the mandatory basic long-term salary insurance plan are applied to a disabled senior administrator in accordance with section 133.

**46.1** Subdivisions 2 and 3 of division 7 of this chapter shall not apply to a senior administrator who elects maintenance of his employment contract or reinstatement under section 94 or to a disabled senior administrator whose position is eliminated. However, where the senior administrator disagrees with the decision of the insurer to the effect that he does not satisfy the definition of disability, the senior administrator may submit his disagreement to the Tribunal d’arbitrage médical prescribed in the master policy.

## DIVISION 3 ELIGIBILITY

**47.** A senior administrator holding a position of senior administrator at 70 % or more of full-time is eligible for the benefits of the insurance plans prescribed

in this chapter, at the expiry of 1 month from the date he takes over his duties, provided that he is then working. If he is not working on that date, he is eligible for the plans on the date he returns to work.

**48.** A senior administrator holding a position of senior administrator at more than 25 % but less than 70 % of full-time is eligible for the benefits of the insurance plans prescribed in this chapter, at the expiry of 3 months from the date he takes over his duties, provided that he is then working. If he is not working on that date, he is eligible for the plans on the date he returns to work.

**49.** Notwithstanding sections 47 and 48 and subject to the specific provisions to that effect prescribed in the master policy for the insurance plan listed in subsections 1 and 2 of section 62, a senior administrator who, before becoming a senior administrator governed by this Regulation, was employed by an employer in the public and parapublic sectors and was eligible for a group insurance plan applicable to the employees of those sectors, is eligible for the insurance plans provided for in this chapter on the date he takes over his duties as a senior administrator covered by this Regulation, provided that his previous employment ended less than 30 days before the date he takes over his duties and he provides proof of his previous employment.

#### **DIVISION 4** UNIFORM LIFE INSURANCE PLAN

**50.** A senior administrator is entitled to \$6,400 of life insurance payable to his estate. That amount is reduced by 50 % for a senior administrator holding a position of senior administrator at more than 25 % but less than 70 % full-time.

Where a senior administrator holds a position of senior administrator with several employers and that those positions amount to more than 70 % of full-time, he is deemed to be a senior administrator holding a full-time position of senior administrator.

The maximum amount of life insurance that a senior administrator holding more than one position with several employers may receive is \$6,400.

**51.** Subject to sections 44 and 152, a senior administrator's adherence to the uniform insurance plan ends on the earlier of the following dates:

- (1) the date on which he ceases to be subject to the provisions of this chapter;
- (2) the date of his retirement.

#### **DIVISION 5** SHORT-TERM SALARY INSURANCE PLAN

**52.** The short-term salary insurance plan covers the first 104 weeks of a disability period.

**53.** During the first week of disability, the senior administrator shall receive the salary to which he would have been entitled had he been at work.

**54.** From the second week of disability and up until the 26<sup>th</sup> week from the beginning of the disability, the senior administrator shall receive a salary insurance benefit equal to 80 % of the salary to which he would have been entitled had he been at work.

From the 27<sup>th</sup> week of disability and up until the 104<sup>th</sup> week from the beginning of the disability, the senior administrator shall receive a salary insurance benefit equal to 70 % of the salary to which he would have been entitled had he been at work.

**55.** The salary prescribed in section 53 and the benefit prescribed in section 54 shall be reduced by the amount of disability benefits or retirement benefits paid under the Automobile Insurance Act (R.S.Q., c. A-25), the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), the Crime victims compensation Act (R.S.Q., c. I-6) of the Act to promote good citizenship (R.S.Q., c. C-20), the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) or any other retirement plan to which the employer contributes, without regard to subsequent increases in benefits consequent upon their indexation.

A senior administrator benefiting from a disability benefit or a retirement benefit covered by the first paragraph shall so advise the employer immediately.

**56.** A disabled senior administrator shall continue to contribute to his retirement plan and to be entitled to the benefits of the group insurance plans. From the second week of disability, a senior administrator receiving a salary insurance benefit is exempted from paying contributions to the insurance plans and to the retirement plan where the plan prescribes such an exemption.

**57.** Payment of short-term salary insurance plan benefits shall be made to the senior administrator throughout the disability period covering the first 104 weeks by the employer upon presentation of vouchers establishing the disability.

A senior administrator shall immediately notify the employer if he cannot be present at work because of a disability and shall accept any medical examination to

be performed by the employer's physician. The cost of such examination shall be borne by the employer.

A senior administrator who has been disabled for a period of at least 5 months shall also allow the employer or the employer's representative, in this case the Commission administrative des régimes de retraite et d'assurances, the insurer or any other consulting firm to reveal the vouchers establishing the disability for the purposes of evaluating the possibilities of offering him a position in accordance with the provisions of this chapter.

**58.** Subject to sections 59, 71 and 72, a disabled senior administrator ceases to accumulate vacation days after a continuous disability period of at least 6 months.

**59.** A senior administrator receiving a short-term salary insurance plan benefit may, in agreement with his employer, benefit from a period of progressive return to work provided that, during that period, he carries out all the duties of the position he held before his disability or of any other position offered to him by the employer that corresponds to his training and experience and involves a similar remuneration.

During such period of progressive return to work, the senior administrator shall be deemed to be disabled and shall continue to be subject to his salary insurance plan. The senior administrator shall receive, for the proportion of time he works, the salary of the position and any bonus, allowance, compensation or lump sum, if any, and he shall accumulate vacation time and continuous service. For the proportion of time he does not work, he shall receive the applicable salary insurance benefit.

A period of progressive return to work shall not normally exceed 6 consecutive months and may not have the effect of extending the disability period beyond 104 weeks.

**60.** A senior administrator's participation in the short-term salary insurance plan and his right to receive benefits shall end on the earliest of the following dates:

(1) subject to section 44, the date on which he ceases to be subject to the provisions of this chapter;

(2) the date on which use of his sick leaves begins in order to fully compensate the work benefit prescribed in the progressive retirement agreement and which immediately precedes the actual retirement;

(3) the date on which his pre-retirement leave begins or the date on which begins the 12-month period preceding the coming into effect of his pre-retirement leave as prescribed in section 123;

(4) the date of his retirement.

## **DIVISION 6** **SURVIVOR'S PENSION PLAN**

**61.** A senior administrator shall be entitled to the survivor's pension plan in accordance with the Directive concernant le régime des rentes de survivants passed by decision of the Conseil du trésor on 5 December 1995, and bearing the number C.T. 188102 subject to the fact that the words "civil servant" be replaced by the words "senior administrator".

## **DIVISION 7** **PLANS ISSUED BY AN INSURANCE COMPANY AND REHABILITATION**

*§1. Plans issued by an insurance company*

**62.** Besides the plans that are issued by the Québec Government and prescribed in divisions 4, 5 and 6, a senior administrator shall also be protected by plans issued by an insurance company.

The guaranties offered by these plans as well as the provisions governing them are those contained in the master policy of the management employees group insurance plans.

These plans are the following:

(1) mandatory basic plans:

- a) a health-accident insurance plan;
- b) a long-term salary insurance plan;
- c) a life insurance plan;

(2) additional plans:

- a) an optional additional health-accident insurance plan;
- b) a mandatory long-term salary insurance plan;
- c) an optional additional life insurance plan.

**63.** The cost of the mandatory basic plans shall be shared between the Government and all the participants in the plans according to the agreement signed on 22 June 1994 by the Québec Government and the associations representing the participants in the management employees group insurance plans of the public and parapublic sectors, for the length of the agreement.

The cost of the additional plans shall be paid entirely by the participants in the plans.

## §2. Rehabilitation

**64.** A senior administrator shall be eligible to rehabilitation as prescribed in the master policy provided that he meets the following eligibility criteria:

(1) the disability began after 31 March 1994, and the senior administrator has been disabled for 6 months or more;

(2) the senior administrator's disability began more than 24 months prior to the earlier of the following dates:

- a) his sixty-fifth birthday;
- b) the earlier date on which he becomes eligible to:

i. a retirement benefit without actuarial deduction based on 35 years of service credited to his retirement plan or on 32 years of service credited to the Pension plan of peace officers in correctional services (RRAPSC);

ii. a retirement benefit with actuarial deduction the amount of which would correspond to the amount of a retirement benefit without actuarial deduction based on 35 years of service credited to his retirement plan or on 32 years of service credited to the Pension plan of peace officers in correctional services (RRAPSC).

**65.** However, a senior administrator shall not be eligible to rehabilitation in either of the following circumstances:

(1) the treating physician or the insurer confirms that the senior administrator is able to return to work without rehabilitation;

(2) the insurer confirms that the senior administrator will not return to work;

(3) the insurer confirms that the senior administrator is not capable of rehabilitation.

**66.** A senior administrator who is offered in writing by the employer a position which is in relation with his rehabilitation plan shall notify the employer in writing of his acceptance or refusal of this position, whether the rehabilitation begins before or after the end of the first 104 weeks of disability. This position shall not involve a weekly work benefit which is lower than the work benefit of the position he held at the beginning of his disability.

After the first 104 weeks of disability, the senior administrator must accept the position or else the employer may terminate his engagement contract.

**67.** The period during which the senior administrator may hold, on trial, a position which is in relation with his rehabilitation plan shall not have the effect of extending the disability period beyond 104 weeks.

**68.** A senior administrator whose rehabilitation takes place during the first 104 weeks of disability is deemed to be disabled during that period and he shall receive, for the time he works in a position in relation with his rehabilitation plan, a short-term salary insurance plan benefit equal to 90 % of the salary to which he would have been entitled had he been at work in his position and, for the time he does not work or the waiting period for such a position, if such is the case, a benefit equal to 70 % of that salary.

This benefit shall be subject to the provisions which apply to the waiver of insurance and retirement plans premiums and shall also be subject to the provisions governing the coordination of the benefit, in accordance with the terms and dispositions prescribed in division 5.

However, a senior administrator whose rehabilitation takes place in his position shall receive his salary for the time he works and shall be governed by the provisions which apply to that position.

**69.** A senior administrator whose rehabilitation takes place in part after the 104<sup>th</sup> week of disability shall be entitled to the provisions which apply to the first 104 weeks of disability, until the end of that period.

From the 105<sup>th</sup> week and until the end of the rehabilitation, the senior administrator shall receive for the time he works the salary of the position in relation with his rehabilitation plan, which salary shall not be lower than the mandatory basic long-term salary insurance plan benefit. For the time he does not work, the senior administrator shall receive a salary equal to that benefit. Moreover, a senior administrator whose rehabilitation takes place in his position shall receive his salary for the time he works and a salary equal to the mandatory basic long-term salary insurance plan benefit for the time he does not work.

**70.** A senior administrator whose rehabilitation takes place entirely after the 104<sup>th</sup> week of disability shall receive for the time he works the salary of the position in relation with his rehabilitation plan, which salary shall not be lower than the mandatory basic long-term salary insurance plan benefit.

**71.** A senior administrator shall accumulate vacation time and continuous service during the time he works in a position which is in relation with his rehabilitation plan.



**72.** The training or development period scheduled in a senior administrator's rehabilitation plan approved by the insurer is deemed to be time the senior administrator works in a position in relation with his rehabilitation plan.

**73.** The senior administrator shall be reassigned by an employer to a position in relation with his rehabilitation plan at the end of the 104<sup>th</sup> week of disability or, if such is the case, at the end of his rehabilitation if the rehabilitation ends after the 104<sup>th</sup> week, and he shall receive from the date of the reassignment the salary of that position and shall be governed, subject to section 44, by the provisions which apply to that position.

The premiums and contributions to the insurance and retirement plans shall be established based on that salary.

**74.** A Sectorial Committee on Rehabilitation is hereby established. This Committee is composed of:

— 3 representatives designated jointly by the Association des directeurs généraux des services de santé et des services sociaux du Québec and by the Association des cadres supérieurs de la santé et des services sociaux, the Association des gestionnaires des établissements de santé et de services sociaux inc. and the Association des cadres intermédiaires de la santé et des services sociaux du Québec;

— 1 representative designated by the employers' associations that represent the institutions;

— 1 representative designated by the Conférence des régies régionales de la santé et des services sociaux du Québec;

— 1 representative designated by the minister.

The committee may appoint resource persons, if needed.

**75.** The Sectorial Committee shall carry out the following duties:

(1) at the request of one of the parties:

— analyze any particular problem pertaining to the return to work;

— intervene with the employer, the senior administrator and the insurer by suggesting appropriate solutions, notably in cases where the return to work may involve the temporary use of the senior administrator's services and in the situation prescribed in the second paragraph of section 79;

(2) evaluate the functioning of the rehabilitation programme and carry out the follow-up.

**§3. Disability after one hundred and four weeks**

**76.** When the employer receives notice from the insurer to the effect that the senior administrator does not satisfy the definition of disability and that payment of the benefits shall be interrupted or refused, the employer may submit to the Tribunal d'arbitrage médical the disagreement that opposes the employer to the insurer in order to establish whether or not the senior administrator satisfies the definition, in accordance with the medical arbitration convention agreed upon with the insurer and provided that the senior administrator accepts that the disagreement be submitted to the arbitration court for final decision.

Where the employer and the senior administrator agree with the decision of the insurer to the effect that the senior administrator does not satisfy the definition of disability, the employer must offer an available position to the senior administrator and the applicable provisions are those prescribed in section 79 in the case of the acceptance of a position or in section 80 during the waiting period for such a position.

The disagreement of the senior administrator with the insurer's decision to the effect that he does not satisfy the definition of disability may be submitted to the arbitration court by the senior administrator, under the conditions prescribed in the medical arbitration convention. In such a case, the employer shall pay no expenses.

**77.** The employer shall pay to the senior administrator a salary equal to the benefit, for the period beginning on the date of interruption of payment of the benefit or the date the refusal to pay the benefit comes into effect and ending on the date the decision of the Tribunal d'arbitrage médical is rendered, if the following conditions are met:

(1) the senior administrator has adhered to the medical arbitration convention agreed upon with the insurer;

(2) the disagreement between the employer and the insurer or between the senior administrator and the insurer has been submitted to the arbitration court for final decision, in accordance with the medical arbitration convention agreed upon with the insurer.

**78.** When the Tribunal d'arbitrage médical confirms that the senior administrator does not satisfy the definition of disability, payment of the premiums and contributions to the insurance and retirement plans shall be made retroactively from the date of interruption of payment of the benefit or the date the refusal to pay the

benefit came into effect and the employer continues to pay the senior administrator a salary equal to the benefit, until the employer offers him a position. Where the disagreement was submitted to the arbitration court by the senior administrator, the senior administrator shall reimburse the salary that was paid to him to the employer.

When the arbitration court confirms the senior administrator's disability, the employer shall continue to pay a salary equal to the benefit until the date on which the insurer pays the benefit. The insurer shall reimburse to the employer the amounts that are equivalent to the benefits paid to the senior administrator by the employer. The employer shall reimburse to the senior administrator the arbitration fees as well as the medical examination fees paid by him, if any.

**79.** A senior administrator who does not satisfy the definition of disability after the first 104 weeks from the beginning of the disability must accept, or else the employer may terminate his engagement, a position offered to him by an employer from his administrative region or by an employer from another administrative region located less than 50 kilometres by road from his home base and his residence, except during the period where he has submitted to the arbitration court his disagreement with the insurer. The employer shall send a notice to the senior administrator 15 days before terminating his engagement. A copy of that notice shall be forwarded to the Sectorial Committee established under section 74.

During that period, the employer shall allow the Sectorial Committee established under section 74 to carry out the necessary interventions in accordance with section 75.

The senior administrator shall accept the position if the position does not involve a weekly work benefit that is lower than the work benefit of the position he held at the beginning of his disability.

A senior administrator who is reassigned in accordance with the first paragraph shall receive the salary for that position and shall be governed, subject to section 44, to the provisions that apply to that position.

The premiums and contributions to the insurance and retirement plans shall be established based on the new salary.

**80.** During the waiting period for a position, when the employer and the senior administrator agree with the insurer's decision or from the date on which the decision of the Tribunal d'arbitrage médical is rendered to the effect that the senior administrator does not satisfy the

definition of disability, the senior administrator shall receive a salary equal to the benefit and the premiums and contributions to the insurance and retirement plans shall be established based on that salary. The employer may temporarily use the services of the senior administrator during that period for duties that take into account the senior administrator's training and experience. The senior administrator shall accumulate vacation time and continuous service during the time he works.

**81.** Payment to the senior administrator of a salary equal to the benefit, under this subdivision, shall not go beyond the date on which the benefit ends according to the master policy.

**82.** Beside the situation prescribed in section 133, a senior administrator shall also maintain his employment relationship with his employer when the insurer refuses or ceases to pay to the senior administrator long-term salary insurance benefits, until the decision of the Tribunal d'arbitrage médical, if such is the case.

## DIVISION 8 SICK-LEAVE FUND

### §1. *General*

**83.** A senior administrator who, at 31 December 1973, had a sick-leave fund acquired with 1 or more employers, may use the fund for the purposes of redeeming years of prior service for which no contributions were made to the Government and Public Employees Retirement Plan (RREGOP) for the purposes of pre-retirement, in the case of departure or death or for the purposes of making up the difference between the salary insurance benefit and the net salary.

**84.** At the senior administrator's request, the employer shall give him a statement of the sick-leave fund accumulated at 31 December 1973, and authorized by the Department.

**85.** The sick-leave days accumulated by a union member or by a unionizable non-member appointed as senior administrator after 31 December 1973, are governed by the provisions that apply to the senior administrator's original group.

### §2. *Use of the sick-leave fund*

**86.** A senior administrator may use the sick-leave days in his fund in the following manner:

(1) for the purposes of redeeming years of prior service for which no contributions were made to the Government and Public Employees Retirement Plan

(RREGOP), in accordance with the rules respecting retirement plans;

A senior administrator may use his full sick-leave fund as follows:

- a) the first 60 days at 100 % of their value;
- b) the portion exceeding 60 days, without limit, at 50 % of their value;

(2) for the purposes of making up the difference between the salary insurance benefit and the net salary of the senior administrator:

In such case, the disabled senior administrator may use his sick-leave fund to make up the difference between the short-term salary insurance benefit provided for in section 54 and the net salary he would be receiving if he were not on disability leave; the net salary corresponds to the gross salary that he would be receiving if he were at work, less federal and provincial income taxes, and contributions to the Q.P.P., the unemployment insurance plan and the retirement plan;

Days or parts of days used in accordance with the second paragraph shall be subtracted from the sick-leave fund;

(3) for the purposes of taking a pre-retirement leave:

In such case, the sick-leave fund may be used in full, at the rate of 1 day of pre-retirement for each day in the fund;

(4) in the case of departure or death:

A senior administrator may be reimbursed up to a maximum of 120 days from his sick-leave fund, from which must be subtracted the number of days used under subparagraphs 1, 2 and 3; those days may be reimbursed as follows:

a) the first 60 days at 100 % of their value, from which must be subtracted the number of days already used under subparagraphs 1, 2 and 3 of this section;

b) the next 60 days at 50 % of their value, from which must be subtracted the number of days already used at 50 % for the purposes of redeeming years of prior service for which no contributions were made to the Government and Public Employees Retirement Plan (RREGOP);

(5) for the purpose of taking a pre-retirement leave to replace the long-term salary insurance benefit:

A senior administrator who receives a benefit from the mandatory basic long-term salary insurance plan may elect to take a pre-retirement leave instead and in place of this benefit, provided that this pre-retirement does not exceed the date of the end of the benefit from this plan which would otherwise have been applicable to him; in such case, the sick-leave fund may be used in full, at the rate of 1 day of pre-retirement for each day in the fund.

**87.** The value of the sick-leave days is calculated on the basis of the senior administrator's salary at the time they are used. The daily salary is obtained by dividing the senior administrator's annual salary in force at the time of use by 260.9.

Notwithstanding the first paragraph of this section, where the senior administrator is on long-term disability at the time of their use, his salary shall be equivalent to the salary he was receiving at the end of the first 104 weeks of disability, adjusted on 1 January of each year according to the same procedures that apply to the mandatory basic long-term salary insurance plan benefit.

## CHAPTER 5 EMPLOYMENT STABILITY MEASURES

### DIVISION 1 SCOPE

**88.** Employment stability measures apply to a senior administrator whose position is eliminated.

### DIVISION 2 SERVICES OFFERED BY THE CENTRE DE RÉFÉRENCE DES DIRECTEURS GÉNÉRAUX ET DES CADRES

**89.** The Centre de référence des directeurs généraux et des cadres shall offer the following services:

(1) advise employers on the means of readjusting staff;

(2) provide senior administrators on reserve, in collaboration with the regional boards and institutions, with professional career transition services, including among others reception, help and advice, and evaluation of their potential, as well as support in the setting-up of their reinstatement plan, in their search for employment and in orientating them towards available positions;

(3) coordinate, in collaboration with the regional boards, the setting-up and management of a bank of senior administrators on reserve and a bank of available positions with employers;

(4) advise and train employers, associations of senior administrators and officers, and employers' associations as to the role they need to play as far as career transition is concerned.

**90.** The Centre de référence shall periodically present evaluation reports on the services prescribed in section 89 to the associations of senior administrators and officers, the employers' associations, the regional boards and the Department.

**91.** The Centre de référence shall consult with the associations of senior administrators and officers regarding the support programmes that it offers.

### **DIVISION 3** **EMPLOYMENT STABILITY MEASURES**

#### *§1. Stability measures during the period preceding the elimination of a position*

**92.** The employer shall notify in writing, at least 120 days in advance, the senior administrator concerned, the regional board and the Association des directeurs généraux des services de santé et des services sociaux of its intention to carry out an administrative reorganization that could result in the elimination of the senior administrator's position.

**93.** During the period preceding the elimination of the senior administrator's position, the employer shall consult with the senior administrator concerned on the measures to be taken to reorganize the employer's staff, such as adaptation, training, promotion, transfer, demotion and departure from the sector.

The employer and the senior administrator may agree that before or at the end of that period, the senior administrator shall be reinstated in a position of senior administrator or officer, or in a union member or unionizable non-member position.

A senior administrator who is reinstated with his employer before the elimination of his position shall be entitled, from the date of his reinstatement, to the same advantages as a senior administrator whose position has been eliminated and who has been reinstated with the same employer.

A senior administrator who is reinstated with another employer before the date on which his position is eliminated shall be entitled, from the date of his reinstatement, to the same advantages as a senior administrator who has been reinstated with another employer after the elimination of his position.

Reinstatement under the second or fourth paragraph of a senior administrator who is disabled, on maternity leave, adoption leave, leave without pay or deferred salary leave shall come into force on the date on which the disability period or leave ends.

During that period, the employer shall ensure that a senior administrator who is not reinstated or covered by a reinstatement benefits from the services of the Centre de référence. The employer shall reimburse to the senior administrator the travelling and living expenses incurred by his participation in the activities of the Centre de référence and his authorized employment search activities.

**94.** If a senior administrator cannot be reinstated during that period, the employer shall notify him in writing of the elimination of his position. This notice shall be received by the senior administrator and the regional board at least 30 days before the date on which the position is eliminated. A copy of the notice shall be sent to the Association des directeurs généraux des services de santé et des services sociaux.

Upon receiving the notice, the senior administrator shall choose in writing, before the date of elimination of his position, one of the following options:

(1) the maintenance of his employment contract for its remaining period as prescribed in subdivision 1 of this division;

(2) reinstatement within the sector as prescribed in division 4 of this chapter;

(3) departure from the sector as prescribed in division 5 of this chapter.

The senior administrator's choice shall come into force on the date of elimination of his position.

A senior administrator who has failed to communicate his choice to his employer by the date of elimination of his position is deemed to have chosen the end-of-engagement indemnity.

The choice of a senior administrator who is disabled, on parental leave or on deferred salary leave shall be made and come into force on the date on which the disability period or leave ends. A senior administrator whose position is eliminated during a disability period shall continue to receive his salary insurance benefits as long as he is disabled.

## §2. Maintenance of the employment contract

**95.** A senior administrator who elects the maintenance of his employment contract for its remaining period shall have the status of senior managerial advisor. He shall retain his salary and, subject to section 46.1, all his terms of employment of senior administrator.

A senior administrator who thus elects the maintenance of his employment contract is deemed to have resigned on the date of expiry of his contract except in the case where the senior administrator is disabled on that date. In such case, the resignation is postponed to the date on which the disability period ends.

**96.** During the remaining period of the contract, the employer shall ensure that the senior administrator who has elected the maintenance of his employment contract is offered the services of the Centre de référence as defined in division 2 of this chapter and destined to facilitate his eventual reinstatement. The employer shall reimburse the travelling and living expenses incurred by the employment search activities authorized by the employer.

**97.** Where the senior administrator's employer decides to fill a position of senior administrator or officer, the employer shall invite in writing the senior administrator to apply for that position provided that the position and its usual requirements correspond to the training and experience of the senior administrator.

The senior administrator concerned may apply for that position and shall then accept it if the position is offered to him.

A senior administrator who elects the maintenance of his employment contract shall accept to provide services to his employer in duties that take into account the training and experience of the senior administrator and his reinstatement plan, if any.

The employer may put an end to a senior administrator's employment stability measures if the senior administrator does not comply, without valid reason, to his obligations under this section.

## DIVISION 4 REINSTATEMENT WITHIN THE SECTOR

### §1. General

**98.** A senior administrator who elects the option of reinstatement within the sector shall have the status of senior managerial advisor for a period not exceeding 36 months from the date of elimination of his position or

for a period of reinstatement which is staggered in accordance with section 102.

The employer shall maintain, during the reinstatement period, the senior administrator's adjusted salary and, subject to section 46.1, all his terms of employment as a senior administrator, provided that the senior administrator does not refuse, without valid reason, to provide the services required by the employer in duties that take into account the senior administrator's training and experience and his reinstatement plan, if any.

Where a senior administrator's reinstatement period is totally or partly staggered in accordance with section 102, the senior administrator shall receive, for the overall period, a salary equivalent to a maximum of 36 months of his salary.

During the reinstatement period, the senior administrator shall take the vacation he accumulated during the previous reference period. On the date of the severance of the employment relationship, the original employer shall reimburse to the senior administrator an amount equivalent to the accumulated annual vacation not taken.

During the reinstatement period, the senior administrator shall retain all the benefits of the group insurance plans prescribed in chapter 4. Any disability period of more than 3 weeks shall be excluded from the reinstatement period.

Any parental leave and leave without pay of a senior administrator being reinstated shall be excluded from the reinstatement period.

At the end of the reinstatement period, a senior administrator who has not been reinstated shall be laid off by his employer. At the request of the senior administrator, his name shall be entered in the bank of reinstatement senior administrators or on the recall list and he shall remain eligible for selection competitions for the appointment of senior administrators and officers for a period of 24 months.

Any period where the services of the senior administrator are loaned to another employer at the expense of this other employer shall be excluded from the reinstatement period for a period not exceeding 36 months, for the equivalent in time of the portion of the service loan that is at the expense of this other employer.

**99.** The employer shall facilitate the reinstatement of the senior administrator who has elected reinstatement namely in determining the services required in accordance with the second paragraph of section 98 and by reimbursing to the senior administrator the travelling

and living expenses incurred by his participation in the activities of the Centre de référence and his authorized activities in search for employment with another employer including an employer outside the sector.

**100.** A senior administrator who elects reinstatement shall:

(1) participate in the career transition programmes offered to him by the Centre de référence;

(2) elaborate within 6 months from the date on which his position is eliminated his reinstatement plan with the help, if needed, of the Centre de référence and submit it for approval to his employer who shall convey his decision to the senior administrator within 15 days following receipt of the reinstatement plan; the senior administrator may modify his reinstatement plan in agreement with the employer;

(3) commit to search for a position where he can be reinstated and in particular accept, to that effect, the assistance of the Centre de référence.

**101.** A reinstatement plan may, namely, be aimed at the principal potential employment fields within the sector and outside the sector and comprise training sessions, study sessions, development activities, assistance programmes and loans of service, as well as the activities to be undertaken by the senior administrator to find a new position for himself.

A loan of service shall take into account the training and experience of the senior administrator as well as his prospective reinstatement. A senior administrator may refuse a loan of service offered by his employer if the location where he is to perform the service is not located within 50 kilometres by road from his home base and his residence.

**102.** To enable the reinstatement plan to be carried out, a senior administrator may stagger all or part of his reinstatement period over a period of up to 60 months. In such case, the senior administrator is deemed to be on leave without pay for the portion not paid.

**103.** A senior administrator who has chosen reinstatement within the sector may, upon authorization from his employer and in accordance with his reinstatement plan, obtain one or more leaves without pay. The employer may not refuse to grant such leave without pay without valid reason. The total duration of the leaves shall not exceed 36 months. Such leave without pay is excluded from the reinstatement period. During his leave without pay, the senior administrator may continue to participate in the group insurance plans in accordance with section 45.

**104.** A senior administrator who has chosen reinstatement within the sector may change his initial choice and elect departure from the sector as prescribed in division 5 of this chapter. In such case, the end-of-engagement indemnity prescribed in subdivision 2 and the pre-retirement leave and the retirement prescribed in subdivision 3 shall not be reduced if the change of choice is made before the end of the 12<sup>th</sup> month following his placement on reserve. They are reduced by 1 month per month spent in the reinstatement option after the 12<sup>th</sup> month.

**105.** The employer may, after having heard the senior administrator and, upon his request, his representative, put an end to the employment stability measures of a senior administrator who has chosen reinstatement within the sector when the senior administrator, without valid reason, refuses:

(1) to participate in the career transition programmes as prescribed in subsection 1 of section 100;

(2) to establish his reinstatement plan as prescribed in subsection 2 of section 100 or fails to adhere to it;

(3) to provide services required by his employer as prescribed in the fourth paragraph of section 97 and the second paragraph of section 98;

(4) a loan of service offered by his employer as prescribed in section 101;

(5) to fill a position offered by his employer in accordance with the second paragraph of section 97 and the second paragraph of section 110;

(6) to commit to the search for a position with another employer or to fill a position of senior administrator or officer with another employer that corresponds to his training and experience.

**106.** A reinstated senior administrator shall be governed by the provisions which apply to his new position.

The salary of a senior administrator who is reinstated in a position of senior administrator or officer, or in a position of union member or unionizable non-member shall be the salary of the new position.

The salary of a senior administrator who is reinstated in a position of senior administrator or officer in a salary class higher than the class of the position that he held shall be determined by the employer in accordance with section 34.

The salary of a senior administrator who is reinstated in a position of senior administrator or officer in a salary

class equal to the class of the position that he held shall not change.

The salary of a senior administrator who is reinstated in a position of senior administrator or officer in a salary class lower than the class of the position that he held shall be within the salary class of the new position.

The salary of a senior administrator who is reinstated in a position of union member or unionizable non-member shall be governed by the provisions which apply to the position in which the senior administrator is reinstated.

Where the reinstatement involves a decrease of the senior administrator's salary, the entire difference between the salary he received at the date of the reinstatement and the salary he receives in his new position shall be paid to him as lump sums until the end of a period of 3 years following the date on which his position was eliminated. During that period, the sum of his salary and lump sum shall not be lower than the adjusted salary which the senior administrator would have received had he remained in reinstatement. For the first year following that period, the senior administrator shall receive in the same manner two thirds of that difference. For the second year following that period, he shall receive in the same manner one third of that difference.

**107.** A senior administrator who is reinstated in a position of union member or unionizable non-member:

(1) shall continue to be entitled to the group insurance plans in accordance with section 44;

(2) shall maintain his sick-leave fund and may use it according to the provisions prescribed in division 8 of chapter 4;

(3) may apply for a position of senior administrator or officer notwithstanding section 12;

(4) shall continue to be entitled, for a period of 24 months, to the services of the Centre de référence.

**108.** A senior administrator who is reinstated in a position located more than 50 kilometres by road from his home base and his residence shall be entitled to have his moving expenses and temporary moving-in expenses reimbursed to him by his original employer in accordance with the Règles sur les déménagements des fonctionnaires passed under the Financial Administration Act (R.S.Q., c. A-6).

**109.** The employer shall determine and offer the adaptation activities which he deems necessary for the reinstated senior administrator.

## §2. Reinstatement with the same employer

**110.** Where the employer has a position of senior administrator, officer, union member or unionizable non-member, the employer shall invite in writing the senior administrator who has chosen reinstatement within the sector, if the senior administrator has the adequate training and experience and meets the requirements of the position, to apply for that position.

The senior administrator may apply for that position and shall accept the position if it is offered to him.

**111.** The employer may return to reinstatement a senior administrator who has been reinstated, in accordance with section 110, to a position of senior administrator or officer in a class higher than the class of the position which he held before his reinstatement if, during the period of 6 months following the reinstatement, the employer realizes that it is not expedient to retain the services of the senior administrator in that position. There shall be no appeal against this judgment of expediency under this Regulation. The period where the senior administrator was replaced shall be excluded from the reinstatement period.

## §3. Reinstatement with another employer

**112.** A senior administrator who has chosen the reinstatement option may find himself a job or be reinstated with another employer in a position of senior administrator, officer, union member or unionizable non-member that corresponds to his training and experience, taking into account the normal requirements of the position to be filled and the reinstatement plan if such a plan is available.

**113.** A senior administrator who is reinstated with another employer shall be submitted to a trial period. During that period, he shall maintain his employment relationship with his original employer.

**114.** Where, during the trial period, the new employer no longer considers it expedient to retain the services of the senior administrator, the original employer shall reinstate him and apply the salary and terms of employment to which the senior administrator was entitled before his reinstatement, until the expiry of the reinstatement period. The time spent with the new employer shall be excluded from the senior administrator's remaining reinstatement period. There shall be no appeal against the decision made by the new employer under this Regulation.

**115.** The original employer shall dispose of the senior administrator's sick-leave fund in accordance with

the provisions of sections 142 and 142.1 of the Regulation referred to in subsection 1 of section 156, after the trial period has been completed with the new employer.

**116.** A senior administrator who is reinstated with another employer located more than 300 kilometres from the head office of his original employer, his home base and his residence, during his reinstatement period, shall receive from his original employer a mobility bonus equivalent to 3 months of the salary he was receiving at the date of reinstatement. The senior administrator shall ask for payment of this bonus at the end of his trial period.

## DIVISION 5 DEPARTURE FROM THE SECTOR

### §1. *General*

**117.** A senior administrator who has chosen the departure from the sector may elect one of the following measures:

- (1) an end-of-engagement indemnity;
- (2) a pre-retirement leave and retirement, if he is at least 50 years of age.

### §2. *End-of-engagement indemnity*

**118.** A senior administrator who has chosen an end-of-engagement indemnity shall receive an indemnity equivalent to 4 months of salary per year of continuous service, including service as union member or unionizable non-member, with 1 or several employers in the public or parapublic sector. However, the minimum amount of that indemnity shall be 6 months salary and the maximum shall be 24 months salary. The indemnity shall be calculated based on the salary which the senior administrator was receiving at the date on which his position was eliminated or the date on which he changed his choice.

Where the senior administrator has changed his choice, the end-of-engagement indemnity is reduced in accordance with section 104.

Notwithstanding section 4, for the application of the first paragraph, the notion of parapublic sector includes the Department of Health and Social Services, the Conférence des régions régionales, the Centre de référence des directeurs généraux et des cadres, the Comité patronal de négociation du secteur de la santé et des services général du secteur de la santé et des services sociaux and the associations of senior administrators, of officers and of institutions of the sector.

**119.** The end-of-engagement indemnity shall not include accumulated annual vacation nor the reimbursement of the senior administrator's sick-leave fund.

**120.** Where a senior administrator has chosen the end-of-engagement indemnity, the employment relationship between the senior administrator and his employer shall be severed on the date on which the position is eliminated or, if such is the case, on the date on which the senior administrator changes his choice. The senior administrator shall then cease to contribute to his retirement plan and to be entitled to the group insurance plans.

**121.** To be entitled to an end-of-employment indemnity, a senior administrator shall commit, in writing, not to hold a position of senior administrator, officer, union member or unionizable non-member in the public and parapublic sectors for a period twice as long as the duration to which corresponds the end-of-engagement received, starting from the date on which his position was eliminated or the date on which he changed his choice.

A senior administrator may not receive remuneration from the Régie de l'assurance-maladie du Québec for a period twice as long to which corresponds the end-of-engagement, starting from the date on which his position was eliminated or the date on which he changed his choice.

**122.** The end-of-engagement indemnity shall be paid, according to the senior administrator's choice, in one or several payments, starting from the date on which the employment relationship is severed.

### §3. *Pre-retirement leave and retirement*

**123.** A senior administrator who has chosen retirement preceded by a pre-retirement leave may delay the coming into force of the pre-retirement leave for 12 months at the most. In such case, the employer establishes with the senior administrator a plan of use with his employer or with another organization.

**124.** A senior administrator who has chosen pre-retirement leave, with in some cases an end-of-engagement indemnity at the moment of the retirement, may not hold another position in the public and parapublic sectors. If he does so, his pre-retirement leave shall come to an end. Moreover, the senior administrator shall commit in writing not to hold another position in the public and parapublic sectors during the 24 months following the date on which his retirement comes into force.



**125.** The pre-retirement leave shall begin on the date on which the senior administrator's position is eliminated, on the date determined by the application of section 123 or on the date of his change of choice in accordance with section 104 and shall end on the date on which his retirement comes into force in accordance with his retirement plan. The senior administrator shall choose the date of his retirement and, consequently, the duration of his pre-retirement leave.

**126.** The total amount to be paid, that is the sum of the salary paid during his pre-retirement leave and the amount paid in end-of-engagement indemnity, at the time of the retirement, to the senior administrator who has chosen departure from the sector, shall be equivalent to 24 months of the salary he was receiving on the date on which his position was eliminated, adjusted if applicable. Where the senior administrator chooses the pre-retirement leave and retirement option after having spent some time in reinstatement, the total amount to be paid shall be reduced in accordance with section 104.

The combination of the amount prescribed in the first paragraph of this section and of the amount prescribed in section 123 that is equivalent to a maximum of 12 months of salary shall not be higher than the equivalent of 36 months of the senior administrator's salary at the date of the elimination of his position, adjusted if applicable.

**127.** During the staggered pre-retirement leave, the senior administrator's salary shall be established as follows:

the salary the senior administrator was receiving on the date on which his position was eliminated, adjusted if such is the case	X	the amount to which the senior administrator is entitled under section 125 expressed in months <hr style="width: 100%;"/> the duration in months of his pre-retirement leave
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This salary shall not be higher than the eventually adjusted salary which he was receiving at the time of elimination of his position or on the date of his change of choice.

Where the total amount to which the senior administrator is entitled is higher than the amount of adjusted salary paid to him during his pre-retirement leave, the difference shall be paid to the senior administrator as an end-of-engagement indemnity on the date of his retirement.

**128.** A senior administrator who has chosen to stagger his pre-retirement leave shall be deemed to be on

leave without pay for the portion of his pre-retirement leave that is not paid.

**129.** During his pre-retirement leave, a senior administrator shall continue to participate in the retirement plans and in the group insurance plans in accordance with chapter 4 and with section 130.1, proportionally to the adjusted salary paid to him. For the portion of his leave without pay, the applicable provisions of the retirement plans and of the group insurance plans shall apply.

**130.** On the conditions prescribed in subsection 3 of section 86, the sick-leave fund may be used to add to the amount of adjusted salary prescribed in section 127.

The balance of cashable leave days at the end of the pre-retirement leave, if any, shall be paid on the conditions prescribed in subsection 4 of section 86.

**130.1** The senior administrator covered by this subdivision shall not participate in the short-term salary insurance plan as prescribed in subsection 3 of section 60, in the mandatory basic long-term salary insurance plan and in the additional mandatory long-term salary insurance plan.

**CHAPTER 6**  
END-OF-ENGAGEMENT MEASURES

**DIVISION 1**  
DISMISSAL, NON-RENEWAL,  
TERMINATION OF EMPLOYMENT

**131.** The decision to dismiss a senior administrator, not to renew his appointment or to terminate his engagement shall be made by the board of directors, by a resolution adopted by the affirmative vote of at least two thirds of its members during a special meeting called for that purpose.

The board of directors shall notify the senior administrator in writing that it will place on the agenda of a special meeting the consideration of his dismissal, non-renewal or termination of employment. The employer shall enclose with this notice the appraisal of the senior administrator as well as the reasons supporting the consideration of his dismissal, non-renewal or termination of employment.

The senior administrator is entitled to be heard and to make representations through the association at the special meeting contemplated in the first paragraph.

**132.** The employer shall notify the senior administrator in writing of the decision of the board of directors and of the grounds that motivate the decision.

In the case of a decision of non-renewal or termination of employment, such notice shall reach the senior administrator at least 90 days prior to the date of the end of the senior administrator's employment.

**133.** A senior administrator disabled since 1 April 1994 shall maintain his employment relationship with his employer for as long as he is disabled and shall not be subject to dismissal, non-renewal or termination of employment for the reason that he is disabled.

A senior administrator disabled before 1 April 1994, shall maintain his employment relationship with his employer for a period of at least 5 years from the beginning of a single disability period and shall not be subject to dismissal, non-renewal or termination of employment except for gross negligence.

## DIVISION 2 SEVERANCE PAY

### *§1. Termination and non-renewal of appointment*

**134.** An employer shall pay severance pay to a senior administrator in the case of termination of employment with severance of the contractual employment relationship or in the case of non-renewal of appointment, except in the case of gross negligence.

To be entitled to a severance pay, a senior administrator:

- (1) shall waive any claim;
- (2) shall not be eligible, on the date of termination of his employment or non-renewal of his appointment, to a retirement pension equal to 70 % or more of the pensionable average salary, as determined for the purposes of calculating the retirement pension, in accordance with the retirement plan applicable to the senior administrator;

(3) shall not be subject to a forfeiture of office of the Superior Court for failure to comply with the rules respecting conflict of interest or exclusiveness of duties.

### *§2. Resignation*

**135.** An employer shall pay severance pay to a senior administrator who resigns provided that the senior administrator:

- (1) is at least 55 years of age;
- (2) has at least 15 years of continuous service in the public and parapublic sectors, in the Conférence des

régies régionales, in an association of institutions, of senior administrators or of officers;

(3) is not eligible to a retirement pension equal to 70 % or more of the pensionable average salary, as determined for the purposes of calculating the retirement pension, in accordance with the applicable retirement plan;

(4) is not subject to a forfeiture of office of the Superior Court for failure to comply with the rules respecting conflict of interest or exclusiveness of duties.

### *§3. Procedures respecting quantum and payment of severance pay*

**136.** The severance pay shall be equal to two months of salary per year of continuous service as a senior administrator or officer with one or several employers of the public and parapublic sectors, in the Conférence des régies régionales, or in an association of senior administrators, of officers, or of institutions. This severance pay shall be paid according to the procedures of the employer's pay system or monthly. It shall in no case exceed 12 months of salary.

The employer may not agree with the senior administrator on a severance pay other than the severance pay prescribed in the first paragraph, unless so authorized by the Minister.

**137.** A senior administrator who holds another position in the public or parapublic sector immediately following his departure shall not receive severance pay and shall be subject, where applicable, to the provisions respecting the maintenance of income prescribed in the second paragraph of section 36.

**138.** Payment of the one of the severance pays provided for in section 134 or 135 shall cease where the senior administrator holds another position in the public or parapublic sector with a salary which is equal or higher to the indemnity paid for the same period. It also ceases where the senior administrator receives from the Régie de l'assurance-maladie du Québec a remuneration which is equal or higher to the indemnity paid for the same period.

Where a senior administrator holds a position in the public or parapublic sector before he has been paid the total amount of one of the severance pays provided for in section 134 or 135 and where that senior administrator receives a salary lower than the salary he was receiving on the date of his departure, the original employer shall, upon presentation of vouchers, pay periodically to the senior administrator the difference between the two

salaries, up to the total amount of the severance pay, or until the senior administrator's new salary has reached or exceeded the salary he was receiving on the date of his departure, whichever occurs first.

Where a senior administrator receives a remuneration from the Régie de l'assurance-maladie du Québec before he has been paid the total amount of one of the severance pays provided for in section 134 or 135 and where that remuneration is lower than the salary he was receiving on the date of his departure, the original employer shall, upon presentation of vouchers, pay periodically to the senior administrator the difference between his salary and this remuneration, up to the total amount of the severance pay, or until the senior administrator's new salary has reached or exceeded the salary he was receiving on the date of his departure, whichever occurs first.

**139.** The severance pay provided for in section 134 or the severance pay provided for in section 135 shall be the subject of a resolution of the board of directors of the employer. A copy of this resolution and of the agreement, if any, shall be sent to the Minister within 5 days of its adoption.

**140.** At the request of the senior administrator, the Centre de référence may, after consideration, provide reinstatement services to the senior administrator who benefits from a severance pay under section 134. These reinstatement services, the duration of which is determined by the Centre de référence, shall be of a minimum duration of 6 months and a maximum duration of 18 months.

#### *§4. Leave with pay*

**141.** A senior administrator who benefits from severance pay under section 134 or 135 may choose to replace the severance pay by a leave with pay.

A senior administrator opting for a leave with pay shall retain a status of senior managerial advisor.

The duration of the leave shall be equal to the number of months obtained by applying the first paragraph of section 136.

A senior administrator is deemed to have resigned on the date on which his leave expires.

## CHAPTER 7 PROCEDURE OF APPEAL

### DIVISION 1 RESOLUTION OF MISUNDERSTANDINGS

**142.** Where there is a misunderstanding between a senior administrator and his employer concerning the interpretation and application of the provisions of this Regulation, except for the provisions of division 1 of chapter 6, the senior administrator shall address a written complaint to his employer within 30 days of his becoming aware of the situation and within a period not exceeding 6 months of the occurrence of the fact which gives rise to the misunderstanding.

**143.** The employer and the senior administrator shall meet together within 30 days following receipt of the complaint in order to discuss it and, where possible, come to an agreement. The senior administrator that wishes to do so may be accompanied to this meeting by an association representative.

If the misunderstanding persists at the end of these 30 days, the senior administrator may, within the following 20 days, notify the employer in writing that he intends to submit his complaint to an arbitrator.

**144.** Such arbitration request shall include the full particulars respecting the senior administrator's position, the name of his representative, unless the senior administrator elects to represent himself, the nature of the misunderstanding and supporting documents.

The employer shall provide the senior administrator with copies of the documents required by the senior administrator to submit his complaint and to ensure his defence. A complaint shall not be invalidated solely because it fails to include all of the particulars requested.

Within 10 days of receiving the arbitration notice, the employer shall provide the name of his representative in writing to the senior administrator's representative.

After this deadline, the parties have 15 days in which to agree on the choice of an arbitrator from the list established under section 154.

Where the parties fail to agree on the choice of an arbitrator, either party shall apply in writing for the Minister to designate an arbitrator. This application shall include a copy of the senior administrator's initial arbitration request, the name of his representative and the name of the employer's representative.

Within 30 days of receiving the application, the Minister shall designate the arbitrator who shall hear the complaint and so shall notify the parties in writing.

**145.** The arbitrator shall establish the hearing procedure taking into account the recognized principles of natural justice and shall exercise the powers prescribed

by Division III of Chapter IV of Title I of the Labour Code (R.S.Q., c. C-27) subject to this Chapter.

Notwithstanding section 100.6 of the Labour Code, the Minister may not be summoned to testify.

The arbitrator shall convene the parties at least 10 days prior to the date of the first hearing. Where the representative, duly summoned, of a party fails to be present, the arbitrator may proceed with the hearing.

The arbitrator shall ascertain that the complaint was filed within the prescribed period and assess the admissibility and the nature of the complaint.

The arbitrator shall receive the observations of the parties and take the complaint under advisement. They shall exchange copies of their respective written observations, if any.

**146.** The arbitrator shall verify the grounds of the complaint, analyze the employer's decision and assess its compliance with the Act and this Regulation.

The arbitrator shall deliver a decision which is substantiated, written and signed within 30 days following the end of the hearings. This period may be extended upon agreement between the parties. The decision shall not be invalidated solely because it is delivered after that period.

The arbitrator shall send a copy of his decision to the parties and to the Minister.

Where the senior administrator withdraws his complaint, namely when an agreement occurs prior to the arbitrator's decision, the senior administrator shall so notify his employer and the arbitrator in writing.

Where the arbitrator finds the employer's decision to be in compliance with the Act and this Regulation, he shall maintain that decision.

Where the arbitrator finds the employer's decision to contravene the Act and this Regulation, he shall deliver his decision by exercising to do so the powers prescribed in the first paragraph of section 145.

The arbitrator's decision shall in no case have the effect of changing, adding to or subtracting from the provisions of the Act and of this Regulation.

**147.** The arbitrator's decision is final and enforceable and it binds the senior administrator and the employer.

## **DIVISION 2**

### **PROCEDURE OF APPEAL RESPECTING THE APPLICATION OF DIVISION 1 OF CHAPTER 6 – END-OF-ENGAGEMENT MEASURES**

**148.** Where a senior administrator contests his employer's decision to dismiss him, not to renew his appointment or to terminate his employment, either because he considers that such decision is in violation of section 1 of chapter 6 or because he disagrees with its validity, he shall notify the employer, within 30 days of the date of dismissal, non-renewal of appointment or termination of employment, of his decision to submit the issue to an arbitrator. An arbitrator shall be designated in accordance with the procedure defined under section 144.

The arbitrator so designated shall proceed in accordance with section 145.

**149.** The arbitrator shall verify whether the employer's decision was made following a procedure which is in accordance with section 1 of chapter 6.

**150.** The arbitrator shall analyze the employer's decision and assess whether it is just and reasonable. He shall deliver a decision which is substantiated, written and signed within 30 days following the date of the end of the hearings. This period may be extended upon written agreement between the parties. The decision shall not be invalidated solely because it is delivered after that period. The arbitrator shall send a copy of his decision to the parties and to the Minister.

Where the senior administrator withdraws his complaint or where an agreement occurs prior to the arbitrator's decision, the arbitrator shall be so notified in writing.

**151.** The arbitrator's decision is enforceable and without appeal. It binds the senior administrator and the employer. It is homologated by the Supreme Court upon application of the senior administrator or the employer, the whole at the employer's expense.

Where the arbitrator finds the employer's decision to be justified, he shall maintain that decision.

Where the arbitrator finds the employer's decision to be unjustified or to contravene division 1 of chapter 6, he shall determine a compensation for any salary lost by the senior administrator. In computing the compensation, the arbitrator shall take into account in particular any salary or benefits received by the senior administrator in the public and parapublic sector since the end of his employment.

Moreover, the arbitrator shall order the employer to apply one of the following measures:

(1) the payment to the senior administrator of a compensation equal to 12 months of his salary;

(2) the application to the senior administrator of the employment stability measures prescribed in chapter 5 of this Regulation.

The compensations and benefits granted to the senior administrator by decision of the arbitrator shall be paid by the employer concerned.

**152.** A senior administrator who contests his employer's decision to dismiss him, not to renew his appointment or to terminate his employment shall continue to benefit from his group insurance plans, except the short-term salary insurance plan prescribed in division 5 of chapter 4 and the mandatory basic long-term salary insurance plan, until the date on which the arbitrator's decision is delivered or the date of the agreement prescribed in the second paragraph of section 150 and provided that he so applies to the concerned insurance company within 90 days following the date of his dismissal, non-renewal or termination of employment and that he pays the total contributions to those plans.

Where the arbitrator's decision is in favour of the senior administrator, the employer shall reimburse to the senior administrator the portion of the contributions that the employer should have paid.

**153.** Where an agreement occurs before the arbitrator delivers his decision, the agreement shall be the subject of a resolution of the board of directors of the employer.

Copies of that resolution and of the agreement shall be sent to the Minister and to the arbitrator within 15 days following the adoption of the resolution.

Such agreement shall include a clause withdrawing the complaint and the senior administrator's waiver of any other claim. Any benefits granted under such agreement shall in no case exceed those prescribed in section 151.

### DIVISION 3

#### LIST OF ARBITRATORS AND ARBITRATION FEES

**154.** A list of arbitrators shall be drawn up by the Minister, the employers' associations and the association. The list of arbitrators may be updated on April 1<sup>st</sup> of each year at the request of one of the signatories. Any amendment made to the list of arbitrators shall be approved by all of the signatories.

**155.** Each party shall pay for its own expenses. In cases contemplated in division 1 of this chapter, the arbitrator's fees and expenses shall be borne by the losing party or the party which withdraws. Where an agreement is reached before the arbitrator delivers his decision, such agreement shall prescribe the sharing of the arbitrator's fees and expenses by the parties. Where the arbitrator considers his decision or his recommendation to be split, the arbitrator shall determine the proportion in which his fees and expenses shall be paid by each party. In cases contemplated under division 2 of this chapter, the arbitrator's fees and expenses shall be paid by the employer.

### CHAPTER 8

#### TRANSITORY AND FINAL

**156.** This Regulation replaces:

(1) chapters 2, 3, 4, 6, 7, division 8 of chapter 11 and chapters 12 and 13 of the Regulation respecting certain terms of employment applicable to executive directors of regional boards and of public health and social services institutions made by Order in Council 1179-92 dated 12 August 1992 and amended by Orders in Council 1403-92 dated 23 September 1993, 782-93 dated 2 June 1993, 430-94 dated 23 March 1994, 1841-94 dated 21 December 1994, and 1007-95 dated 19 July 1995;

(2) the Regulation respecting remuneration of directors general and senior and intermediate officers of regional councils, public establishments and private establishments referred to in sections 176 and 177 of the Act respecting health services and social services (R.S.Q., c. S-5, s.154) made by Order in Council 1572-90 dated 7 November 1990 and amended by the regulation made by Order in Council 828-91 dated 12 June 1991, except where they apply to the territory of the Cree Board of Health and Social Services of James Bay;

(3) the Regulation respecting the remuneration of executive directors of regional boards and public health and social services institutions made by Order in Council 1801-92 dated 9 December 1992;

(4) the Regulation respecting the remuneration of executive directors and senior and middle management personnel of regional boards and health and social services institutions made by Order in Council 572-93 dated 21 April 1993 and amended by Orders in Council 1154-93 dated 18 August 1993 and 1420-94 dated 7 September 1994.

**157.** However, among the provisions of which the replacement is prescribed in section 156, sections 144.1 to 148.1, 157, 179 to 181, 198.1 to 207.10 of the Regulation contemplated in subsection 1 of section 156 shall

continue to apply to the executive director covered by the application of these sections.

A senior administrator whose salary is higher than the new salary class for his position at 30 June 1996 following the application of the second paragraph of section 44 of the Regulation referred to in subparagraph 2 of section 156 and of section 4.3 of the Regulation contemplated in subparagraph 4 of section 156, shall continue to retain his salary.

**158.** An executive director placed on reserve in accordance with the definition prescribed in section 4 of chapter 1 shall benefit, retroactively to the date on which his position is eliminated, from the provisions of chapter 5 of this Regulation. In such case, the maximum amount that the senior administrator is entitled to receive may not be higher than the equivalent of 36 months of his adjusted salary, if applicable.

Within 60 days following the date of coming into force of this Regulation, a senior administrator covered by subsection 2 of section 159 of the Regulation referred to in subparagraph 1 of section 156 shall make a choice in accordance with section 94. Where the senior administrator chooses reinstatement, his choice shall come into force retroactively from the date on which he holds a position of senior managerial advisor according to subparagraph 2 of section 159. Where the senior administrator chooses the departure from the sector option, the amount which corresponds to the period during which he benefits from section subparagraph 2 of section 159 shall be reduced by the amount of the end-of-engagement indemnity and from that of the pre-retirement leave, if such is the case. Notwithstanding section 104, where the senior administrator chooses reinstatement, this amount shall also be reduced by the end-of-engagement indemnity or the pre-retirement leave when the senior administrator changes his decision for departure from the sector according to section 104.

A senior administrator who has not made his choice in accordance with the second paragraph of this section is deemed to have chosen the end-of-engagement indemnity, and according to the procedures prescribed in the said paragraph.

Section 30 of this Regulation shall come into force on the date and in accordance with the parameters set by the government.

Sections 32 and 33 of this Regulation shall come into force on 30 June 1996.

**159.** The provisions applying to the definition of disability, to the definition of a disability period, to the level of benefits and those prescribed in subdivision 3 of

division 7 of chapter 4 shall not apply to a senior administrator who is disabled on 31 March 1994. Such senior administrator shall continue to be subject to the provisions that were applicable to that effect at the beginning of his disability, until the end of this disability.

**160.** This Regulation shall come into force on the day of its publication in the *Gazette officielle du Québec*.

## APPENDIX I

### SALARY CLASSES 1 APRIL 1993

Class	Minimum	Maximum
2	\$24,580	\$31,955
3	\$25,065	\$33,753
4	\$27,351	\$35,556
5	\$28,744	\$37,365
6	\$30,132	\$39,173
7	\$31,460	\$40,897
8	\$33,008	\$42,909
9	\$34,604	\$44,984
10	\$36,580	\$47,553
11	\$38,873	\$50,535
12	\$41,284	\$53,668
13	\$43,715	\$56,829
14	\$46,574	\$60,546
15	\$48,996	\$63,696
16	\$52,080	\$67,703
17	\$55,021	\$71,526
18	\$57,969	\$75,359
19	\$61,016	\$79,319
20	\$64,504	\$83,855
21	\$68,063	\$88,481
22	\$71,583	\$93,059

Class	Minimum	Maximum	
23	\$75,065	\$97,584	These salary rates shall determine, for each of these salary classes, the minimum and maximum salary limits for the annual salary of a full-time senior administrator.
24	\$79,009	\$102,713	The conversion of the annual salary into weekly salary is obtained by dividing the annual salary by 52.18. The conversion of the annual salary into daily salary is obtained by dividing the annual salary by 260.9.
25	\$81,260	\$105,639	
26	\$85,557	\$111,224	
27	\$89,943	\$116,925	
28	\$94,389	\$122,707	

**APPENDIX II**  
**SALARY PROGRESSION CALCULATION TABLE**  
(in %)

Date of entry	Percentage of the salary progression granted on an annual basis												
	Between 06-16 and 07-01	Between 05-16 and 06-15	Between 04-16 and 05-15	Between 03-16 and 04-15	Between 02-16 and 03-15	Between 01-16 and 02-15	Between 12-16 and 01-15	Between 11-16 and 12-15	Between 10-16 and 11-15	Between 09-16 and 10-15	Between 08-16 and 09-15	Between 07-16 and 08-15	Between 07-01 and 07-15
%	%	%	%	%	%	%	%	%	%	%	%	%	%
0.5	0.00	0.04	0.08	0.13	0.17	0.21	0.25	0.29	0.33	0.38	0.42	0.46	0.5
1.0	0.00	0.08	0.17	0.25	0.33	0.42	0.50	0.58	0.67	0.75	0.83	0.92	1.0
1.5	0.00	0.13	0.25	0.38	0.50	0.63	0.75	0.88	1.00	1.13	1.25	1.38	1.5
2.0	0.00	0.17	0.33	0.50	0.67	0.83	1.00	1.17	1.33	1.50	1.67	1.83	2.0
2.5	0.00	0.21	0.42	0.63	0.83	1.04	1.25	1.46	1.67	1.88	2.08	2.29	2.5
3.0	0.00	0.25	0.50	0.75	1.00	1.25	1.50	1.75	2.00	2.25	2.50	2.75	3.0
3.5	0.00	0.29	0.58	0.88	1.17	1.46	1.75	2.04	2.33	2.63	2.92	3.21	3.5
4.0	0.00	0.33	0.67	1.00	1.33	1.67	2.00	2.33	2.67	3.00	3.33	3.67	4.0
4.5	0.00	0.38	0.75	1.13	1.50	1.88	2.25	2.63	3.00	3.38	3.75	4.13	4.5
5.0	0.00	0.42	0.83	1.25	1.67	2.08	2.50	2.92	3.33	3.75	4.17	4.58	5.0
5.5	0.00	0.46	0.92	1.38	1.83	2.29	2.75	3.21	3.67	4.13	4.58	5.04	5.5
6.0	0.00	0.50	1.00	1.50	2.00	2.50	3.00	3.50	4.00	4.50	5.00	5.50	6.0
6.5	0.00	0.54	1.08	1.63	2.17	2.71	3.25	3.79	4.33	4.88	5.42	5.96	6.5
7.0	0.00	0.58	1.17	1.75	2.33	2.92	3.50	4.08	4.67	5.25	5.83	6.42	7.0
7.5	0.00	0.63	1.25	1.88	2.50	3.13	3.75	4.38	5.00	5.63	6.25	6.88	7.5
8.0	0.00	0.67	1.33	2.00	2.67	3.33	4.00	4.67	5.33	6.00	6.67	7.33	8.0
8.5	0.00	0.71	1.42	2.13	2.83	3.54	4.25	4.96	5.67	6.38	7.08	7.79	8.5
9.0	0.00	0.75	1.50	2.25	3.00	3.75	4.50	5.25	6.00	6.75	7.50	8.25	9.0
9.5	0.00	0.80	1.58	2.38	3.17	3.95	4.75	5.53	6.33	7.13	7.92	8.70	9.5
10.0	0.00	0.84	1.66	2.50	3.34	4.16	5.00	5.84	6.66	7.50	8.33	9.16	10.0

Gouvernement du Québec

## O.C. 1218-96, 25 September 1996

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

### Regional boards and health and social services institutions

#### — Officers

Regulation respecting accessibility to positions, remuneration, group insurance plans and employment stability measures applicable to officers of regional boards and health and social services institutions

WHEREAS under subparagraph 1 of the first paragraph of section 507 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Government may, by regulation, determine the standards and scales which must be used by regional boards, public institutions and private institutions under agreement for the selection, appointment and engagement of and the remuneration and other terms of employment applicable to executive directors and senior and middle management personnel;

WHEREAS under the same section, the Government may also establish by regulation, for persons referred to in subparagraphs 1 and 2 of the first paragraph of that section who are not governed by a collective agreement, a procedure of appeal for cases of dismissal, termination of employment or non-renewal of employment, except when arising from forfeiture of office, and for cases of suspension without pay or of demotion; such regulation may also prescribe a procedure for the settlement of disagreements over the interpretation and application of the terms of employment established thereby; lastly, it may prescribe a method for the designation of an arbitrator, to which sections 100.1 and 139 to 140 of the Labour Code (R.S.Q., c. C-27) apply, and the measures the arbitrator may take after having heard the parties;

WHEREAS it is expedient to make a Regulation respecting accessibility to positions, remuneration, group insurance plans and employment stability measures applicable to officers of regional boards and health and social services institutions;

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

THAT the Regulation respecting accessibility to positions, remuneration, group insurance plans and employment stability measures applicable to officers of re-

gional boards and health and social services institutions, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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**Regulation respecting accessibility to positions, remuneration, group insurance plans and employment stability measures applicable to officers of regional boards and health and social services institutions**

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 507, 1<sup>st</sup> p., ss. 1 and 2<sup>nd</sup> p.)

**CHAPTER 1  
GENERAL**

**DIVISION 1  
SCOPE**

**1.** This Regulation applies to an officer of a regional board and of a public institution or a private institution covered by section 475 of the Act respecting health services and social services.

**2.** Only chapter 1 of this Regulation and chapters 2, 5, 7 and sections 181 and 182 of the Regulation referred to in section 129 apply to a person who is not already

employed by an employer and who is appointed to temporarily hold a position of officer.

A person who is not already employed by an employer and who is temporarily holding a position of officer with this employer at more than 25 % of full time, for a period of at least 12 months, shall benefit, for the duration of the employment, from the insurance plans prescribed in chapter 4 of this Regulation.

**DIVISION 2  
INTERPRETATION**

**3.** In this Regulation, unless otherwise indicated by the context:

“administrative reorganization” means an administrative operation resulting from the effect of an Act, of a decision on the part of the Minister or the concerned employers and involving the elimination of 1 or more positions of officer; this can be among others the amalgamation of employers, the integration of one or several employers to another employer, a grouping of employers, a pooling of officer resources, or the closing of an employer; (*réorganisation administrative*)

“Centre de référence des directeurs généraux et des cadres” means the organization established under section 521 of the Act; (*Centre de référence des directeurs généraux et des cadres*)

“continuous service” means the duration of the employment relationship with one or more employers, including implementing institutions, as senior administrator or officer without interruption in the employment relationship for a period of more than 3 months; (*service continu*)

“demotion” means the moving of an officer to a position in a lower evaluation class; (*rétrogradation*)

“dismissal” means the termination by an employer of the contractual employment relationship as an officer at any time and for cause; (*congédiement*)

“employer” means a regional board or a public institution or a private institution covered by section 475 of the Act; (*employeur*)

“employers’ association” means the Association des centres jeunesse du Québec, the Association des centres hospitaliers et des centres d’accueil privés du Québec, the Association des hôpitaux du Québec, the Confédération québécoise des centres d’hébergement et de réadaptation, the Conférence des régies régionales de la santé et des services sociaux du Québec, the Fédération des CLSC du Québec; (*association d’employeurs*)

“evaluation class” means a ranking unit of the classification system used for the positions of senior administrators and officers that corresponds to an evaluation point range reflecting the relative value of positions (*classe d'évaluation*)

“home base” means the home base determined by the employer according to the following criteria:

- (1) the place where the officer usually carries on his duties;
- (2) the place where the officer regularly receives his instructions;
- (3) the place where the officer reports his activities.

“interim” means holding temporarily a position of a higher salary class with the same employer, during the absence of the incumbent and without holding the habitual position, in an operational hierarchy line where continuous occupation of the position is needed; (*intérim*)

“layoff” means the termination of the contractual employment relationship resulting from a decision of an employer applying chapter 5 on employment stability measures; (*mise à pied*)

“non-renewal of engagement” means the termination by the employer of the contractual employment relationship with a senior administrator at the end of an engagement, except for a layoff; (*non-renouvellement*)

“officer” means a person holding a full-time or part-time regular management position and whose position is ranked by the Minister at a senior or middle management level; (*cadre*)

“officers' association” means the Association des cadres supérieurs de la santé et des services sociaux, the Association des gestionnaires des établissements de santé et de services sociaux inc. and the Association des cadres intermédiaires de la santé et des services sociaux du Québec;

“on reserve” means the situation of an officer who has chosen the reinstatement option following the elimination of his position in accordance with chapter 5 on employment stability measures; (*disponibilité*)

“original group” means the group of employees of which the officer was part or could have been part before his appointment as an officer; (*groupe d'origine*)

“parapublic sector” means the grouping of all public institutions as defined in section 98 of the Act respect-

ing health services and social services, private institutions covered by section 475 of the Act, regional boards established under section 339 of the Act, school boards and general and vocational public colleges; (*secteur parapublic*)

“parental leave” means any leave prescribed in chapter 5 of the Regulation referred to in section 129 respecting the parental rights plan; (*congé parental*)

“probation” means the period during which an employer verifies whether the officer shows competence and adaptation in carrying out his duties; (*probation*)

“promotion” means the transfer of an officer to a higher evaluation class position; (*promotion*)

“public sector” means government departments or public agencies whose staff is governed by the Public Services Act of Québec (R.S.Q., chap. F-3.1.1); (*secteur public*)

“recall list” means a recall list, an availability list, a list of substitute persons or any other list which serves as such according to the collective agreements in force with the employer; (*liste de rappel*)

“reinstatement” means the transfer of an officer to another position of senior administrator, officer, union member or unionizable non-member; (*remplacement*)

“resignation” means the termination of the contractual employment relationship by an officer; (*démission*)

“retirement plan” means the Government and Public Employees Retirement Plan (R.R.E.G.O.P.) set up under the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Teachers Pension Plan (R.R.E.) set up under the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11) or the Civil Service Superannuation Plan (R.R.F.) set up under the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12); (*régime de retraite*)

“senior administrator” means an executive director, an assistant executive director and a senior managerial advisor; (*hors-cadre*)

“sick-leave fund” means the number of sick leave days accumulated by an officer and frozen for an officer holding a position on 31 December 1973; (*caisse de congés de maladie*)

“termination of engagement” means, to the exclusion of a layoff, the severance by the employer, during the course of employment, of the contractual employment

relationship of a person as an officer, as well as, with no elimination of the officer's original position, without severance of the contractual employment relationship, and during the course of employment, the transfer of a senior officer to a position of intermediate officer and the transfer of an officer decided by the employer and involving a reduction of his weekly work benefit; (*résiliation d'engagement*)

“transfer” means the transfer of an officer to a position in the same evaluation class; (*mutation*).

### **DIVISION 3** MANAGEMENT POLICIES

**4.** An employer shall have management policies pertaining to the terms of employment of his officers. These management policies shall be approved by the board of directors.

**5.** Such management policies shall pertain to the following:

- performance appraisal;
- officer's record;
- annual vacation;
- social holidays;
- leaves without pay, personal leaves and leaves for public office;
- development;
- procedures of appeal on the application of these management policies.

**6.** The employer shall consult with the officers and their local representatives, if any, before adopting these management policies.

### **CHAPTER 2** ACCESSIBILITY TO POSITIONS OF OFFICER AND PROBATION

#### **DIVISION 1** ACCESSIBILITY TO POSITIONS OF OFFICER

**7.** From the date on which this Regulation comes into force and until 31 December 1999, all the positions of officer shall be accessible only to officers and senior administrators of the health and social services sector, of the Department of health and social services, of the Conférence des régies régionales, of the Centre de

référence des directeurs généraux et des cadres, of the Comité patronal de négociation du secteur de la santé et des services sociaux, of the Secrétariat général du secteur de la santé et des services sociaux as well as to officers laid off under subparagraph 8 of section 95.

An employer may elect to make a position of officer accessible only to his officers and senior administrators.

An employer who elects to make a position of officer accessible to candidates outside his institution shall refer the position to the regional board.

However, a regional board may exceptionally authorize an employer to make a position of officer accessible to candidates other than those prescribed in the first paragraph. In the case of a regional board, such authorization shall be given by the Minister. Before granting authorization, the board or the Minister shall consult with the officers' association concerned.

The Minister may, after consulting with the associations of officers and senior administrators and the employers' associations, extend the period prescribed in the first paragraph.

### **DIVISION 2** PROBATION

**8.** Upon the appointment of a person to a position of officer or upon the promotion of a person to a position of senior management officer, the employer shall establish a probation period, not exceeding 1 year, and so notifies the officer in writing.

### **CHAPTER 3** REMUNERATION

#### **DIVISION 1** GENERAL

**9.** An officer may not receive from his employer, and an employer may not give an officer, for the carrying out of his duties as an officer, any form of remuneration other than the remuneration provided for by this Regulation.

**10.** In general, no remuneration or compensation shall be paid to an officer for the overtime occasionally required in carrying out his normal duties.

An officer who is required, at the request of his immediate supervisor, to carry out overtime outside his normal working hours, shall receive, in the form of leave, an indemnity equal to the number of overtime hours worked.

An officer who is required, at the request of his immediate supervisor, to replace an officer or a non-officer employee outside his normal working hours, shall be paid according to the provisions that apply to the position of the person that he replaces.

## DIVISION 2

### SALARY CLASSES AND ANNUAL ADJUSTMENT

**11.** The evaluation class for a position of senior officer shall be determined by the Minister in accordance with the classification and evaluation system established by him. There shall be no appeal under this Regulation regarding the classification of a senior officer position by the Minister.

The change, made by the Minister, of the evaluation class for a position of senior officer shall come into force on the date set by the Minister.

For positions of intermediate officer, the employer shall apply the evaluation classes determined in accordance with the classification and evaluation procedures for positions of senior administrator and officer prescribed by the Minister.

Applicable salary classes correspond to these evaluation classes.

Where the evaluation class of a position of officer is modified due to a change in the number of measuring units associated with that position, the change shall take place and come into force on the following 30 June.

**12.** Salary classes are adjusted by the Minister on the date and in accordance with the parameters set by the government. The salary classes are shown in Appendix I.

## DIVISION 3

### ANNUAL INCREASE OF INDIVIDUAL SALARIES

#### *§1. Increase due to the adjustment of salary classes*

**13.** At the time of the adjustment of salary classes, the salary of an officer shall be increased, if such is the case, by a rate equal to the rate of adjustment of the salary classes as determined under section 12.

#### *§2. Increase for satisfactory performance*

**14.** On 1 July of each year, a salary increase shall be granted to an officer whose work performance is deemed satisfactory and there shall be no appeal under this Regulation regarding the appraisal made by the employer to that effect. The rate of this increase shall represent 4% of the salary of the officer on 30 June, provided that this

increase does not make the salary of the officer higher than the maximum of the salary class for the position which he holds.

An officer whose position has been eliminated and who has chosen the pre-retirement leave shall not be eligible for the increase for satisfactory performance provided for in this section.

Where an officer has held his position for less than 1 year at the effective date of the increase for satisfactory performance or has changed employers during the reference period, the increase shall be established according to the time he has worked during the year prior to 1 July in a position of officer or senior administrator with the same employer or another employer in accordance with the table shown in Appendix II.

An officer who has not worked during the whole year preceding 1 July, either because he is disabled or on leave without pay, shall be eligible for the increase for satisfactory performance according to the time he has worked during the year in accordance with the table shown in Appendix II. However, for the purposes of computing the percentage of increase for satisfactory performance, a disabled officer shall be considered as having been at work during the first 6 months of his disability.

Where an officer holds a part-time position on 1 July and where the percentage of time worked is less than 50 % for the reference period, the rate of increase for satisfactory performance shall be 2% of his salary at 30 June.

## DIVISION 4

### INTEGRATION INTO A SALARY CLASS

#### *§1. Appointment to a position of officer*

**15.** Where a person accedes to a position of officer, from a position of union member or unionizable non-member or from outside the health and social services sector, this person shall receive as salary, subject to section 24, the higher of the two following amounts:

— the minimum of the salary class to which the person is acceding;

— 110% of the annual salary rate which the person was receiving before the appointment; however this amount shall not exceed the maximum of the salary class of the position to which the person is acceding.

For the purposes of determining the new salary of the appointed person, the person's regular annual salary at

the time of the appointment shall be used as basis to which are added, if any, any responsibility bonuses and additional remuneration related to continuing education that the person was receiving. The employer shall also take into account the experience of the person at the time of the appointment by granting the grade progression that the person would have received proportional to the time elapsed between the date of the last grade progression and the time of the appointment.

For the purposes of applying this section to a person who was not employed by a regional board or a health and social services institution, the employer shall grant the appointed person the grade that corresponds to his experience and education on the appropriate salary scale for union members or unionizable non-members of the sector at the date of the appointment.

Where no salary scale is appropriate, the employer shall determine the salary of the person within the salary class of the position.

### §2. *Change in the evaluation class for a position*

**16.** Where the evaluation class for a position of officer is raised, the employer shall increase the salary of the officer holding that position by a percentage equal to 5 %, provided that this increase does not make the salary of the senior administrator higher than the maximum for the new salary class. However, the employer shall ensure to the senior administrator the minimum for the new salary class. This salary shall be adjusted, if applicable, in accordance with division 3 of this chapter.

**17.** Where the evaluation class for a position of officer is lowered, the salary of the officer holding that position shall either be decreased, if needed, to reach the maximum for the corresponding salary class, or maintained, if it is already within the range of this salary class.

When the salary of an officer is thus decreased because the evaluation class of the position he holds has been lowered:

— the officer shall receive as a lump sum the total difference between the salary he received prior to the new evaluation of his position and the new annual salary he is entitled to, for the first 3 years following the new evaluation;

— the officer shall receive in the same manner two thirds of the difference between the salary he received prior to the new evaluation of his position and the new annual salary he is entitled to for the fourth year, during that fourth year;

— the officer shall receive in the same manner one third of the difference between the salary he received prior to the new evaluation of his position and the new annual salary he is entitled to for the fifth year, during that fifth year.

### §3. *Change of position*

#### **Promotion**

**18.** Where an officer is promoted, his salary, subject to section 24, shall be the higher of the two following amounts:

— the minimum of the salary class to which he is acceding;

— 110% of the annual salary rate which he was receiving before the appointment; however this amount shall not exceed the maximum of the salary class of the position to which the officer is acceding.

#### **Transfer**

**19.** The salary of an officer shall not change following a transfer.

#### **Demotion**

**20.** Where an officer is demoted, his salary shall either be decreased, if needed, to reach the maximum for the salary class for his new position, or maintained, if his salary is already within the range of this salary class.

When the salary of an officer is thus decreased following such a demotion:

— the officer shall receive as a lump sum the total difference between the salary he received prior to the demotion and the new annual salary he is entitled to, for the first 3 years following the demotion;

— the officer shall receive in the same manner two thirds of the difference between the salary he received prior to the demotion and the new annual salary he is entitled to for the fourth year, during that fourth year;

— the officer shall receive in the same manner one third of the difference between the salary he received prior to the demotion and the new annual salary he is entitled to for the fifth year, during that fifth year.

**21.** Where an officer is reassigned to a position of union member or unionizable non-member his salary shall be the salary he is entitled to in this new position in accordance with the collective agreement applicable to

the incumbent of that position or, if such is the case, with the repertory of terms of employment for unionizable non-members.

When the salary of an officer is thus decreased following such a reassignment:

— the officer shall receive as a lump sum the total difference between the salary he received prior to the reassignment and the new annual salary he is entitled to, for the first 3 years following the demotion;

— the officer shall receive in the same manner two thirds of the difference between the salary he received prior to the reassignment and the new annual salary he is entitled to for the fourth year, during that fourth year;

— the officer shall receive in the same manner one third of the difference between the salary he received prior to the reassignment and the new annual salary he is entitled to for the fifth year, during that fifth year.

The classification of the officer within the salary scale of the professional position to which he has been reassigned shall be determined by the employer in accordance with the applicable collective agreement.

#### **DIVISION 5** PLURALITY OF POSITIONS

**22.** An officer holding temporarily, at the request of his employer or another employer, in addition to his normal position, a full-time position of senior administrator or officer with his employer or another employer shall be entitled to an additional remuneration which shall be determined by the employer concerned and which shall vary between 5 % and 15 % of his salary. This additional remuneration shall be paid as a lump sum and shall not be part of the officer's salary.

Under this section, the word “temporarily” means for a period that may vary between 2 and 18 months. However, when replacing an officer or senior administration on disability leave or parental leave without pay, this period may be extended to 24 months.

When the situation of plurality of positions becomes permanent or extends beyond the period provided for in the previous paragraph, the new position of officer thus created shall be classified in accordance with section 11.

An officer may not hold simultaneously more than one plurality of positions.

#### **DIVISION 6** INTERIM

**23.** This section applies to any officer requested to temporarily hold a position for an interim period.

Under this section, the word “temporarily” means for a period that may vary between 2 and 18 months. However, when replacing a senior administrator or officer on disability leave or parental leave without pay, this period may be extended to 24 months.

The officer holding a position for an interim period shall receive as a lump sum the difference between his salary and the higher of the two following amounts:

— 110% of his salary without exceeding the maximum of the salary class of the position which he is holding in the interim;

— the minimum of the class of the position which he is holding in the interim.

Any union member or unionizable non-member requested to hold a position in the interim shall be entitled to this rule, except where the replacement of a position of officer is prescribed in the terms of employment that govern him.

Any union member or unionizable non-member requested to hold a position in the interim shall maintain all of his other terms of employment.

#### **DIVISION 7** SALARY GAPS

##### *§1. Salary gaps between an officer and his profession*

**24.** In spite of the determination of a maximum for each salary class, the maximum salary which can be reached by an officer is established at 110 % of the maximum rate of the salary scale in force including any additional remuneration related to continuing education, if any, in the health and social services sector for his profession where the new possible maximum is higher than the maximum of the salary class established for his position, provided that this profession is generally required for the position held. In such a case, the officer's salary is not deemed to be outside the class.

In such a case, this rule shall apply on the date of annual individual salary increases as prescribed in section 3 of this chapter. However, where an increase in the salary scale for his profession has the effect of reducing the gap in percentage established under this rule between the officer's salary and the maximum of the salary

scale in force for his profession including, if any, any remuneration related to continuing education, the officer's salary shall be adjusted on the date of the increase in the salary scale in order to maintain the gap that existed on the day before the increase.

*§2. Salary gaps between an officer and his hierarchy line*

**25.** Where the application of the rule prescribed under section 24 no longer allows to maintain a gap of 7 % between the salaries of officers at different levels in the same hierarchy line and that the officer at the higher level has reached the maximum for his salary class, the employer shall add an amount to this officer's salary in order to maintain a gap of 7 %. In such a case, the officer's salary is not deemed to be outside the class.

This rule does not apply to assistants, except to administrative assistants of local community service centres.

**DIVISION 8**  
COMPENSATIONS, BONUSSES AND ALLOWANCES

**26.** The compensations, bonuses and allowances prescribed in this division are not part of the officer's salary.

*§1. Compensation for availability*

**27.** Where an employer demands that an officer be available outside his work schedule he shall pay to the officer, as a lump sum, a compensation of \$11.25 per shift of availability or, if such is the case, a proportion of this compensation per part of shift of availability. This compensation shall be modified by the Minister on the date determined by him.

An officer who is required to work during this period of availability shall be paid according to the provisions of section 10.

*§2. Evening, night and weekend bonuses*

**28.** Notwithstanding the leaves prescribed in the union members' collective agreements, an officer shall be entitled to the evening bonus, the night bonus or the weekend bonus in accordance with the terms and conditions prescribed in the collective agreements for the payment of those bonuses. Under this section, the word "seniority" shall be replaced by "continuous service" and this continuous service shall also include the duration as a non-officer employee.

*§3. Allowances for regional disparities*

**29.** An officer shall be entitled to the allowances for regional disparities according to the same terms and conditions as those prescribed in the collective agreements in force in the health and social services sector.

**CHAPTER 4**  
GROUP INSURANCE PLANS  
AND SICK-LEAVE FUND

**DIVISION 1**  
INTERPRETATION

**30.** In this chapter, unless the context indicates otherwise:

"benefits" means the benefits that an officer receives as short-term salary insurance or the benefits he would have received had he been eligible to the mandatory basic long-term salary insurance plan; (*prestation*)

"date of taking over duties" means the date on which a person is appointed to a position of officer; (*date de l'entrée en fonction*)

"disability" means the following: For the purposes of the short-term salary insurance plan, disability means a state of incapacity resulting from an illness, an accident, or serious complications of pregnancy or surgery related to birth planning requiring medical treatment and making the officer totally incapable of carrying out the normal tasks of his employment or of any other employment with similar remuneration that is offered to the officer by the employer. For the purposes of the long-term salary insurance plan, disability corresponds to the definition of total disability provided for in the management employees group insurance plans master policy; (*invalidité*)

"disability period" means the following: For the purposes of the short-term salary insurance plan, disability period means a continuous period of disability or successive periods of disability resulting from a single illness or accident, separated by less than 15 working days actually worked full-time or part-time according to the officer's position. Annual vacations, statutory holidays, leaves without pay, parental leaves or any other absence, paid or not, are not included in the calculation of the 15 working days. A subsequent disability period which the officer declares to be due to an illness or accident which is totally unrelated to the previous disability is deemed to be a different disability period. A disability period resulting from an illness or injury caused voluntarily by the officer himself, from alcoholism or drug addiction, from service in the armed forces or from



active participation in a riot, insurrection, violation or criminal action is not deemed to be a disability period. However, in the case of alcoholism or drug addiction, the period during which the officer receives medical care or treatment in view of his rehabilitation is deemed to be a disability period. For the purposes of the long-term salary insurance plan, disability period corresponds to the definition provided for in the management employees group insurance plans master policy; (*période d'invalidité*)

“insurer” means an insurance company having concluded a contract with the Québec Government for the purposes of insuring management employees in the public and parapublic sectors; (*assureur*)

“position” means a position that the officer is deemed reasonably able to hold based on his education, training and experience; this position may be the position he held before his disability, an officer position, or a position equivalent to the one he held before his appointment to a position of officer, unionizable non-member or union member; (*poste*)

“salary” means an officer’s regular salary or the salary to which the officer is entitled during a period of disability covered by the short-term salary insurance plan prescribed by division 5 of this chapter, including:

- (1) remuneration paid for annual vacations and statutory holidays;
- (2) the lump sum resulting from the application of sections 17, 20 and 21, and paragraph 7 of section 104;
- (3) the lump sum paid in the case of plurality of positions in accordance with section 22 and allowances for regional disparities paid in accordance with section 29.

## **DIVISION 2**

### **GENERAL**

**31.** The salary of an officer holding a position of officer at less than 70 % full-time is computed for the purposes of calculating the benefits payable under this chapter on the basis of the officer’s average salary during the 12 weeks preceding the event that entitles him to a benefit and for which no disability period, annual vacation or maternity leave has been authorized.

**32.** An officer reassigned to a position of unionizable non-member shall retain, on the date of his reassignment and provided that he has held a position of officer or senior administrator for at least 12 months, the group insurance plans provided for in this chapter.

An officer reassigned to a position covered by an accreditation unit shall retain, on the date of his reassignment and provided that he has held a position of officer or senior officer for at least 12 months, the group insurance plans provided for in this chapter, insofar as the collective agreement so allows.

**33.** Where a leave without pay or partial leave without pay staggers over a period of less than 30 days, the officer shall maintain his participation in the insurance plans and pay the contribution he would normally pay if he were at work.

When such a leave staggers over a period of 30 days or more or during any other absence without pay, the officer shall maintain his participation in the uniform life insurance plan and he may, provided that he applies to the employer for that purpose before the planned date of the leave or absence, maintain his participation in the insurance plans listed in subsections 1 and 2 of section 51 that he owned before the leave or the absence, in accordance with the provisions of the master policy. An officer maintaining his participation in the insurance plans listed in subsections 1 and 2 of section 51 shall also maintain his participation in the survivor’s pension plan in accordance with the provisions prescribed for this plan.

For the purposes of the short-term salary insurance plan, a disability beginning during the leave without pay or the absence without pay is deemed to begin on the date of the end of the leave or absence.

Notwithstanding the second paragraph of this section, an officer benefiting from a deferred salary leave plan shall continue to participate in the group insurance plans listed in subsections 1 and 2 of section 51. The sharing of the contributions paid to the mandatory basic plans shall be maintained during the deferred salary leave plan, including during the leave period, according to the terms that would be applicable to the officer if he were not benefiting from the deferred salary leave plan. Throughout the deferred salary leave plan, the contributions of the officer and of the employer shall be based on the total salary, as shall the coverage, and not on the salary paid under the chosen option.

**34.** An officer whose disability began after 31 March 1994 shall maintain his employment relationship with his employer for as long as he is disabled and may not be subject to dismissal, non-renewal or termination of engagement for the reason that he is disabled.

An officer whose disability began before 1 April 1994 shall maintain his employment relationship with his employer for a period of at least 5 years from the beginning

of a single disability period and shall not be subject to dismissal, non-renewal or termination of employment except for gross negligence.

**34.1** Subdivisions 2 and 3 of division 7 of this chapter shall not apply to an officer who has chosen reinstatement under section 94 or to a disabled officer whose position is eliminated. However, where the officer disagrees with the decision of the insurer to the effect that he does not satisfy the definition of disability, the officer may submit his disagreement to the Tribunal d'arbitrage médical prescribed in the master policy.

### DIVISION 3 ELIGIBILITY

**35.** An officer holding a position of officer at 70 % or more of full-time is eligible for the benefits of the insurance plans prescribed in this chapter, at the expiry of 1 month from the date he takes over his duties, provided that he is then working. If he is not working on that date, he is eligible for the plans on the date he returns to work.

**36.** An officer holding a position of officer at more than 25 % but less than 70 % of full-time is eligible for the benefits of the insurance plans prescribed in this chapter, at the expiry of 3 months from the date he takes over his duties, provided that he is then working. If he is not working on that date, he is eligible for the plans on the date he returns to work.

**37.** An officer holding a regular position of officer at 25 % and less of full-time shall notify his employer in writing within 3 months from the date he takes over his duties of his choice to participate or not in the insurance plans prescribed in this section.

The choice of the officer to participate in the insurance plans shall be final.

An officer covered by this section and who chooses not to participate in the insurance plans shall maintain his officer status.

**38.** Notwithstanding sections 35 to 37 and subject to the specific provisions to that effect prescribed in the master policy for the insurance plan listed in subsections 1 and 2 of section 51, an officer who, before becoming an officer governed by this Regulation, was employed by an employer in the public and parapublic sectors and was eligible for a group insurance plan applicable to the employees of those sectors, is eligible for the insurance plans provided for in this chapter on the date he takes over his duties as an officer covered by this Regulation, provided that his previous employment ended less than

30 days before the date he takes over his duties and he provides proof of his previous employment.

### DIVISION 4 UNIFORM LIFE INSURANCE PLAN

**39.** An officer is entitled to \$6,400 of life insurance payable to his estate. That amount is reduced by 50 % for an officer holding a position of officer at less than 70 % full-time.

Where an officer holds a position of officer with several employers and that those positions amount to more than 70 % of full-time, he is deemed to be an officer holding a full-time position of officer.

The maximum amount of life insurance that an officer holding more than one position with several employers may receive is \$6,400.

**40.** Subject to section 32 and section 39 of the Regulation respecting the dismissal, non-renewal of employment, termination of employment, suspension without pay, demotion and severance pay of officers of regional boards and health and social services institutions made by Order in Council 1843-94 dated 21 December 1994, an officer's adherence to the uniform insurance plan ends on the earlier of the following dates:

(1) the date on which he ceases to be subject to the provisions of this chapter;

(2) the date of his retirement.

### DIVISION 5 SHORT-TERM SALARY INSURANCE PLAN

**41.** The short-term salary insurance plan covers the first 104 weeks of a disability period.

**42.** During the first week of disability, the officer shall receive the salary to which he would have been entitled had he been at work.

**43.** From the second week of disability and up until the 26<sup>th</sup> week from the beginning of the disability, the officer shall receive a salary insurance benefit equal to 80 % of the salary to which he would have been entitled had he been at work.

From the 27<sup>th</sup> week of disability and up until the 104<sup>th</sup> week from the beginning of the disability, the officer shall receive a salary insurance benefit equal to 70 % of the salary to which he would have been entitled had he been at work.

**44.** The salary prescribed in section 42 and the benefit prescribed in section 43 shall be reduced by the amount of disability benefits or retirement benefits paid under the Automobile Insurance Act (R.S.Q., c. A-25), the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), the Crime victims compensation Act (R.S.Q., c. I-6) of the Act to promote good citizenship (R.S.Q., c. C-20), the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) or any other retirement plan to which the employer contributes, without regard to subsequent increases in benefits consequent upon their indexation.

An officer benefiting from a disability benefit or a retirement benefit covered by the first paragraph shall so advise the employer immediately.

**45.** A disabled officer shall continue to contribute to his retirement plan and to be entitled to the benefits of the group insurance plans. From the second week of disability, an officer receiving a salary insurance benefit is exempted from paying contributions to the insurance plans and to the retirement plan where the plan prescribes such an exemption.

**46.** Payment of short-term salary insurance plan benefits shall be made to the officer throughout the disability period covering the first 104 weeks by the employer upon presentation of vouchers establishing the disability.

An officer shall immediately notify the employer if he cannot be present at work because of a disability and shall accept any medical examination to be performed by the employer's physician. The cost of such examination shall be borne by the employer.

An officer who has been disabled for a period of at least 5 months shall also allow the employer or the employer's representative, in this case the Commission administrative des régimes de retraite et d'assurances, the insurer or any other consulting firm to reveal the vouchers establishing the disability for the purposes of evaluating the possibilities of offering him a position in accordance with the provisions of this chapter.

**47.** Subject to sections 48, 60 and 61, a disabled officer ceases to accumulate vacation days after a continuous disability period of at least 6 months.

**48.** An officer receiving a short-term salary insurance plan benefit may, in agreement with his employer, benefit from a period of progressive return to work provided that, during that period, he carries out all the duties of the position he held before his disability or of any other position offered to him by the employer that

corresponds to his training and experience and involves a similar remuneration.

During such period of progressive return to work, the officer shall be deemed to be disabled and shall continue to be subject to his salary insurance plan. The officer shall receive, for the proportion of time he works, the salary of the position and any bonus, allowance, compensation or lump sum, if any, and he shall accumulate vacation time and continuous service. For the proportion of time he does not work, he shall receive the applicable salary insurance benefit.

A period of progressive return to work shall not normally exceed 6 consecutive months and may not have the effect of extending the disability period beyond 104 weeks.

**49.** An officer's participation in the short-term salary insurance plan and his right to receive benefits shall end on the earliest of the following dates:

(1) subject to section 32, the date on which he ceases to be subject to the provisions of this chapter;

(2) the date on which use of his sick leaves begins in order to fully compensate the work benefit prescribed in the progressive retirement agreement and which immediately precedes the actual retirement;

(3) the date on which his pre-retirement leave begins or the date on which begins the 12-month period preceding the coming into force of his pre-retirement leave as prescribed in section 121;

(4) the date of his retirement.

## **DIVISION 6** **SURVIVOR'S PENSION PLAN**

**50.** An officer shall be entitled to the survivor's pension plan in accordance with the Directive concernant le régime des rentes de survivants adopted by decision of the Conseil du trésor on 5 December 1995, and bearing the number C.T. 188102 subject to the fact that the words "civil servant" be replaced by the word "officer".

## **DIVISION 7** **PLANS ISSUED BY AN INSURANCE COMPANY AND REHABILITATION**

### *§1. Plans issued by an insurance company*

**51.** Besides the plans that are issued by the Québec Government and prescribed in divisions 4, 5 and 6 of this chapter, an officer shall also be protected by plans issued by an insurance company.

The guaranties offered by these plans as well as the provisions governing them are those contained in the master policy of the management employees group insurance plans.

These plans are the following:

(1) mandatory basic plans:

(a) a health-accident insurance plan;

(b) a long-term salary insurance plan;

(c) a life insurance plan;

(2) additional plans:

(a) an optional additional health-accident insurance plan;

(b) a mandatory long-term salary insurance plan;

(c) an optional additional life insurance plan.

**52.** The cost of the mandatory basic plans shall be shared between the Government and all the participants in the plans according to the agreement signed on 22 June 1994 by the Québec Government and the associations representing the participants in the management employees group insurance plans of the public and parapublic sectors, for the length of the agreement.

The cost of the additional plans shall be paid entirely by the participants in the plans.

## §2. Rehabilitation

**53.** An officer shall be eligible to rehabilitation as prescribed in the master policy provided that he meets the following eligibility criteria:

(1) the disability began after 31 March 1994, and the officer has been disabled for 6 months or more;

(2) the officer's disability began more than 24 months prior to the earlier of the following dates:

(a) his sixty-fifth birthday;

(b) the earlier date on which he becomes eligible to:

i. a retirement benefit without actuarial deduction based on 35 years of service credited to his retirement plan or on 32 years of service credited to the Pension plan of peace officers in correctional services (RRAPSC);

ii. a retirement benefit with actuarial deduction the amount of which would correspond to the amount of a retirement benefit without actuarial deduction based on 35 years of service credited to his retirement plan or on 32 years of service credited to the Pension plan of peace officers in correctional services (RRAPSC).

**54.** However, an officer shall not be eligible to rehabilitation in either of the following circumstances:

(1) the treating physician or the insurer confirms that the officer is able to return to work without rehabilitation;

(2) the insurer confirms that the officer will not return to work;

(3) the insurer confirms that the officer is not capable of rehabilitation.

**55.** An officer who is offered in writing by the employer a position which is in relation with his rehabilitation plan shall notify the employer in writing of his acceptance or refusal of this position, whether the rehabilitation begins before or after the end of the first 104 weeks of disability. This position shall not involve a weekly work benefit which is lower than the work benefit of the position he held at the beginning of his disability.

After the first 104 weeks of disability, the officer must accept the position or else the employer may terminate his engagement contract.

**56.** The period during which the officer may hold, on trial, a position which is in relation with his rehabilitation plan shall not have the effect of extending the disability period beyond 104 weeks.

**57.** An officer whose rehabilitation takes place during the first 104 weeks of disability is deemed to be disabled during that period and he shall receive, for the time he works in a position in relation with his rehabilitation plan, a short-term salary insurance plan benefit equal to 90 % of the salary to which he would have been entitled had he been at work in his position and, for the time he does not work or the waiting period for such a position, if such is the case, a benefit equal to 70 % of that salary.

This benefit shall be subject to the provisions which apply to the waiver of insurance and retirement plans premiums and shall also be subject to the provisions governing the coordination of the benefit, in accordance with the terms and dispositions prescribed in division 5.

However, an officer whose rehabilitation takes place in his position shall receive his salary for the time he works and shall be governed by the provisions which apply to that position.

**58.** An officer whose rehabilitation takes place in part after the 104<sup>th</sup> week of disability shall be entitled to the provisions which apply to the first 104 weeks of disability, until the end of that period.

From the 105<sup>th</sup> week and until the end of the rehabilitation, the officer shall receive for the time he works the salary of the position in relation with his rehabilitation plan, which salary shall not be lower than the mandatory basic long-term salary insurance plan benefit. For the time he does not work, the officer shall receive a salary equal to that benefit. Moreover, an officer whose rehabilitation takes place in his position shall receive his salary for the time he works and a salary equal to the mandatory basic long-term salary insurance plan benefit for the time he does not work.

**59.** An officer whose rehabilitation takes place entirely after the 104<sup>th</sup> week of disability shall receive for the time he works the salary of the position in relation with his rehabilitation plan, which salary shall not be lower than the mandatory basic long-term salary insurance plan benefit.

**60.** An officer shall accumulate vacation time and continuous service during the time he works in a position which is in relation with his rehabilitation plan.

**61.** The training or development period scheduled in an officer's rehabilitation plan approved by the insurer is deemed to be time the officer works in a position in relation with his rehabilitation plan.

**62.** The officer shall be reassigned by an employer to a position in relation with his rehabilitation plan at the end of the 104<sup>th</sup> week of disability or, if such is the case, at the end of his rehabilitation if the rehabilitation ends after the 104<sup>th</sup> week, and he shall receive from the date of the reassignment the salary of that position and shall be governed, subject to section 32, by the provisions which apply to that position.

The premiums and contributions to the insurance and retirement plans shall be established based on that salary.

**63.** A Sectorial Committee on Rehabilitation is hereby established. This Committee is composed of:

— 3 representatives designated jointly by the Association des directeurs généraux des services de santé et des services sociaux du Québec and by the Association

des cadres supérieurs de la santé et des services sociaux, the Association des gestionnaires des établissements de santé et de services sociaux inc. and the Association des cadres intermédiaires de la santé et des services sociaux du Québec;

— 1 representative designated by the employers' associations that represent the institutions;

— 1 representative designated by the Conférence des régies régionales de la santé et des services sociaux du Québec;

— 1 representative designated by the minister.

The committee may appoint resource persons, if needed.

**64.** The Sectorial Committee shall carry out the following duties:

(1) at the request of one of the parties:

— analyze any particular problem pertaining to the return to work;

— intervene with the employer, the officer and the insurer by suggesting appropriate solutions, notably in cases where the return to work may involve the temporary use of the officer's services and in the situation prescribed in the second paragraph of section 68;

(2) evaluate the functioning of the rehabilitation programme and carry out the follow-up.

*§3. Disability after one hundred and four weeks*

**65.** When the employer receives notice from the insurer to the effect that the officer does not satisfy the definition of disability and that payment of the benefits shall be interrupted or refused, the employer may submit to the Tribunal d'arbitrage médical the disagreement that opposes the employer to the insurer in order to establish whether or not the officer satisfies the definition, in accordance with the medical arbitration convention agreed upon with the insurer and provided that the officer accepts that the disagreement be submitted to the arbitration court for final decision.

Where the employer and the officer agree with the decision of the insurer to the effect that the officer does not satisfy the definition of disability, the employer must offer an available position to the officer and the applicable provisions are those prescribed in section 68 in the case of the acceptance of a position or in section 69 during the waiting period for such a position.

The disagreement of the officer with the insurer's decision to the effect that he does not satisfy the definition of disability may be submitted to the arbitration court by the officer, under the conditions prescribed in the medical arbitration convention. In such a case, the employer shall pay no expenses.

**66.** The employer shall pay to the officer a salary equal to the benefit, for the period beginning on the date of interruption of payment of the benefit or the date the refusal to pay the benefit comes into effect and ending on the date the decision of the Tribunal d'arbitrage médical is rendered, if the following conditions are met:

(1) the officer has adhered to the medical arbitration convention agreed upon with the insurer;

(2) the disagreement between the employer and the insurer or between the officer and the insurer has been submitted to the arbitration court for final decision, in accordance with the medical arbitration convention agreed upon with the insurer.

**67.** When the Tribunal d'arbitrage médical confirms that the officer does not satisfy the definition of disability, payment of the premiums and contributions to the insurance and retirement plans shall be made retroactively from the date of interruption of payment of the benefit or the date the refusal to pay the benefit came into effect and the employer continues to pay the officer a salary equal to the benefit, until the employer offers him a position. Where the disagreement was submitted to the arbitration court by the officer, the officer shall reimburse the salary that was paid to him to the employer.

When the arbitration court confirms the officer's disability, the employer shall continue to pay a salary equal to the benefit until the date on which the insurer pays the benefit. The insurer shall reimburse to the employer the amounts that are equivalent to the benefits paid to the officer by the employer. The employer shall reimburse to the officer the arbitration fees as well as the medical examination fees paid by him, if any.

**68.** An officer who does not satisfy the definition of disability after the first 104 weeks from the beginning of the disability must accept, or else the employer may terminate his engagement, a position offered to him by an employer from his administrative region or by an employer from another administrative region located less than 50 kilometres by road from his home base and his residence, except during the period where he has submitted to the arbitration court his disagreement with the insurer. The employer shall send a notice to the officer 15 days before terminating his engagement. A

copy of that notice shall be forwarded to the Sectorial Committee established under section 63.

During that period, the employer shall allow the Sectorial Committee established under section 63 to carry out the necessary interventions in accordance with section 64.

The officer shall accept the position if the position does not involve a weekly work benefit that is lower than the work benefit of the position he held at the beginning of his disability.

**69.** During the waiting period for a position, when the employer and the officer agree with the insurer's decision or from the date on which the decision of the Tribunal d'arbitrage médical is rendered to the effect that the officer does not satisfy the definition of disability, the officer shall receive a salary equal to the benefit and the premiums and contributions to the insurance and retirement plans shall be established based on that salary. The employer may temporarily use the services of the officer during that period for duties that take into account the officer's training and experience. The officer shall accumulate vacation time and continuous service during the time he works.

An officer who is reassigned in accordance with the first paragraph shall receive the salary for that position and shall be governed, subject to section 32, to the provisions that apply to that position.

The premiums and contributions to the insurance and retirement plans shall be established based on the new salary.

**70.** Payment to the officer of a salary equal to the benefit, under this subdivision, shall not go beyond the date on which the benefit ends according to the master policy.

**71.** Beside the situation prescribed in section 34, an officer shall maintain his employment relationship with his employer when the insurer refuses or ceases to pay to the officer long-term salary insurance benefits, until the decision of the Tribunal d'arbitrage médical, if such is the case.

## **DIVISION 8** **SICK-LEAVE FUND**

### *§1. General*

**72.** An officer who, at 31 December 1973, had a sick-leave fund acquired with 1 or more employers, may use the fund for the purposes of redeeming years of prior

service for which no contributions were made to the Government and Public Employees Retirement Plan (RREGOP) for the purposes of pre-retirement, in the case of departure or death or for the purposes of making up the difference between the salary insurance benefit and the net salary.

**73.** At the officer's request, the employer shall give him a statement of the sick-leave fund accumulated at 31 December 1973, and authorized by the Department.

**74.** The sick-leave days accumulated by a union member or by a unionizable non-member appointed as officer after 31 December 1973, are governed by the provisions that apply to the officer's original group.

## *§2. Use of the sick-leave fund*

**75.** An officer may use the sick-leave days in his fund in the following manner:

(1) for the purposes of redeeming years of prior service for which no contributions were made to the Government and Public Employees Retirement Plan (RREGOP), in accordance with the rules respecting retirement plans;

An officer may use his full sick-leave fund as follows:

(a) the first 60 days at 100 % of their value;

(b) the portion exceeding 60 days, without limit, at 50 % of their value;

(2) for the purposes of making up the difference between the salary insurance benefit and the net salary of the officer:

In such case, the disabled officer may use his sick-leave fund to make up the difference between the short-term salary insurance benefit provided for in section 43 and the net salary he would be receiving if he were not on disability leave; the net salary corresponds to the gross salary that he would be receiving if he were at work, less federal and provincial income taxes, and contributions to the Q.P.P., the unemployment insurance plan and the retirement plan;

Days or parts of days used in accordance with the second paragraph shall be subtracted from the sick-leave fund;

(3) for the purposes of taking a pre-retirement:

In such case, the sick-leave fund may be used in full, at the rate of 1 day of pre-retirement for each day in the fund;

(4) in the case of departure or death:

An officer may be reimbursed up to a maximum of 120 days from his sick-leave fund, from which must be subtracted the number of days used under subparagraphs 1, 2 and 3; those days may be reimbursed as follows:

(a) the first 60 days at 100 % of their value, from which must be subtracted the number of days already used under subparagraphs 1, 2 and 3 of this section;

(b) the next 60 days at 50 % of their value, from which must be subtracted the number of days already used at 50 % for the purposes of redeeming years of prior service for which no contributions were made to the Government and Public Employees Retirement Plan (RREGOP);

(5) for the purpose of taking a pre-retirement leave to replace the long-term salary insurance benefit:

An officer who receives a benefit from the mandatory basic long-term salary insurance plan may elect to take a pre-retirement leave instead and in place of this benefit, provided that this pre-retirement does not exceed the date of the end of the benefit from this plan which would otherwise have been applicable to him; in such case, the sick leave fund may be used in full, at the rate of 1 day of pre-retirement for each day in the fund.

**76.** The value of the sick-leave days is calculated on the basis of the officer's salary at the time they are used. The daily salary is obtained by dividing the officer's annual salary in force at the time of use by 260.9.

Notwithstanding the first paragraph of this section, where the officer is on long-term disability at the time of their use, his salary shall be equivalent to the salary he was receiving at the end of the first 104 weeks of disability, adjusted on 1 January of each year according to the same procedures that apply to the mandatory basic long-term salary insurance plan benefit.

## **CHAPTER 5** EMPLOYMENT STABILITY MEASURES

### **DIVISION 1** SCOPE

**77.** This chapter applies to an officer who has completed his probation period with an employer and who, following an administrative reorganization, is transferred to a position with another employer or whose position is eliminated.

**DIVISION 2**  
**SERVICES OFFERED BY THE**  
**CENTRE DE RÉFÉRENCE**  
**DES DIRECTEURS GÉNÉRAUX ET DES CADRES**

**78.** The Centre de référence des directeurs généraux et des cadres shall offer the following services:

(1) advise employers on the means of readjusting staff;

(2) provide officers on reserve, in collaboration with the regional boards and institutions, with professional career transition services, including among others reception, help and advice, and evaluation of their potential, as well as support in the setting-up of their reinstatement plan, in their search for employment and in orientating them towards available positions;

(3) coordinate, in collaboration with the regional boards, the setting-up and management of a bank of officers on reserve and a bank of available positions with employers;

(4) advise and train employers, associations of officers and of senior administrators, and employers' associations as to the role they need to play as far as career transition is concerned.

**79.** The Centre de référence shall periodically present evaluation reports on the services prescribed in section 78 to the associations of officers and senior administrators, the employers' associations, the regional boards and the Department.

**80.** The Centre de référence shall consult with the associations of officers and senior administrators regarding the support programmes that it offers.

**DIVISION 3**  
**ADMINISTRATIVE REORGANIZATION**  
**INVOLVING MORE THAN ONE EMPLOYER**

**81.** The original employer shall notify in writing at least 120 days in advance the concerned officers' association and its local representatives, the regional board as well as the affected officers of his intention to carry out an administrative reorganization that results in the transfer of activities and officers from one employer to another employer and in the elimination of one or more positions of officer. During that period, the employer shall reorganize his staff in accordance with section 93.

**82.** Where an officer affected by a partial integration cannot be reinstated with his employer during that period, his position shall be eliminated from the date of the

partial integration, in accordance with section 94. The officer shall then be transferred to the new employer and shall benefit from the employment stability measures.

**83.** The new employer shall, at least 30 days before the effective date of the transfer, inform the original employer, the officer and the officers' association concerned that he intends to appoint an officer affected by the transfer to an equivalent position of officer.

An equivalent position of officer is a position of officer at the same hierarchy level, involving the same level of responsibility and the same salary class as the position held by the transferred officer with his original employer.

**84.** Where a transfer of activities from one employer to another employer involves the creation, from the same activities, of a new position of officer with the new employer, the new employer shall, in order to fill that new position of officer, hold a competition limited to the officers affected by the transfer of activities including the officer covered by section 82 who has elected the reinstatement option. There shall be no appeal against that decision under this Regulation.

**85.** Within 12 months following the date of appointment of an officer in accordance with sections 83 and 84, where the employer observes that the transferred officer is incapable of carrying out the duties of his new position, the employer may, 30 days in advance, notify the officer in writing that he will be placed on reserve. There shall be no appeal against that decision under this Regulation. The officer shall choose one of the options prescribed in the second paragraph of section 94. In such a case, the time spent with the new employer, in the new position of officer, shall be excluded from the officer's reinstatement period.

*§2. Amalgamation and total integration*

**86.** The original employers shall notify in writing at least 120 days in advance the concerned officers' associations and their local representatives, the regional board as well as the affected officers of their intention to carry out an amalgamation or a total integration.

**87.** Beginning on the date of the total integration or of the confirmation of its legal existence in the case of an amalgamation, the new employer may carry out an administrative reorganization resulting in the elimination of one or more positions of officer. In such case, the employer shall proceed in accordance with division 4 of this chapter.



**88.** Within 12 months following the date of appointment of an officer to a new available position of officer, where the employer observes that the transferred officer is incapable of carrying out the duties of his new position, the employer may, 30 days in advance, notify the officer in writing that he will be placed on reserve. There shall be no appeal against that decision under this Regulation. The officer shall choose one of the options prescribed in the second paragraph of section 94. In such a case, the time spent with the new employer, in the new position of officer, shall be excluded from the officer's reinstatement period.

### §3. Closing

**89.** The original employers shall notify in writing at least 120 days in advance the concerned officers' associations and their local representatives, the regional board as well as the affected officers of their intention to close down.

**90.** Following an administrative reorganization involving the closing of an employer, where there is no position available with another employer, the position of officer shall be eliminated by the original employer from the date of the closing in accordance with section 94 and the officer shall be transferred, from that date, to another employer who shall act temporarily as administrative fiduciary in order to allow the officer to benefit from the employment stability measures. In such case, the administrative fiduciary shall not be subject to sections 108 and 109. Afterwards, an officer may, upon agreement with another employer, be transferred to that employer, for the remaining reinstatement period.

### §4. Adaptation

**91.** The new employer shall determine and offer the adaptation activities which he deems necessary for the transferred officer covered by subdivisions 1 and 2 of this section.

## DIVISION 4 ADMINISTRATIVE REORGANIZATION INVOLVING ONLY ONE EMPLOYER

**92.** The employer shall notify in writing, at least 120 days in advance, the concerned officers' association and its local representatives, the regional board as well as the affected officers of his intention to carry out an administrative reorganization that could result in the elimination of one or more positions of officers. On this occasion, the concerned officers' association may suggest to the employer some alternatives involving in particular the organization and sharing of the work.

**93.** During the period preceding the elimination of the position or positions, the employer shall consult with the concerned officers on the measures to be taken to reorganize the employer's staff, such as adaptation, training, promotion, transfer, demotion, substitution of an officer affected by the operation by an officer not affected by the operation and departure from the sector. The employer shall also consult with the officers and their representatives on the adaptation measures to be provided in relation with the planned reorganization.

The employer shall reinstate an officer during that period in a position of officer or senior administrator that corresponds to his training and experience, taking into account the normal requirements of the position to be filled and of the reinstatement plan where it is available. The officer shall accept the offered position unless the position involves a weekly work benefit which is lower than that of the position he previously held; in case of refusal on the part of the officer, the employer may lay him off.

An officer who is reinstated with his employer before the elimination of his position shall be entitled, from the date of his reinstatement, to the same advantages as an officer whose position has been eliminated and who has been reinstated with the same employer.

An officer who is reinstated with another employer before the date on which his position is eliminated shall be entitled, from the date of his reinstatement, to the same advantages as an officer who has been reinstated with another employer after the elimination of his position.

Reinstatement under the second or fourth paragraph of an officer who is disabled, on maternity leave, adoption leave, leave without pay or deferred salary leave shall only come into force on the date on which the disability period or leave ends.

During that period, the employer shall ensure that an officer who is not reinstated or covered by a reinstatement benefits from the services of the Centre de référence. The employer shall reimburse to the officer the travelling and living expenses incurred by his participation in the activities of the Centre de référence and his authorized employment search activities.

**94.** If an officer cannot be reinstated during that period, the employer shall notify him in writing of the elimination of his position. This notice shall be received by the officer at least 30 days before the date on which the position is eliminated. A copy of the notice shall be sent to the regional board and the concerned officers' association, if any.

Upon receiving the notice, the officer shall choose in writing, before the date of elimination of his position, one of the two following options:

(1) reinstatement within the sector as prescribed in division 5 of this chapter;

(2) departure from the sector as prescribed in division 6 of this chapter.

The officer's choice shall come into force on the date of elimination of his position.

An officer who has failed to communicate his choice to his employer by the date of elimination of his position is deemed to have chosen the end-of-engagement indemnity.

The choice of an officer who is disabled, on parental leave or on deferred salary leave shall be made and come into force on the date on which the disability period or leave ends. An officer whose position is eliminated during a disability period shall continue to receive his salary insurance benefits as long as he is disabled.

## **DIVISION 5** **REINSTATEMENT WITHIN THE SECTOR**

### *§1. General*

**95.** An officer who elects the option of reinstatement within the sector shall retain his status of officer for a reinstatement period not exceeding 36 months from the date of elimination of his position or for a period of reinstatement which is staggered in accordance with section 99.

The employer shall maintain, during the reinstatement period, the officer's adjusted salary and, subject to section 34.1, all his terms of employment as an officer, provided that the officer does not refuse, without valid reason, to provide the services required by the employer in duties that take into account the officer's training and experience and his reinstatement plan, if any.

Where an officer's reinstatement period is totally or partly staggered in accordance with section 99, the officer shall receive, for the overall period, a salary equivalent to a maximum of 36 months of his salary.

During the reinstatement period, the officer shall take the vacation he accumulated during the previous reference period. On the date of the severance of the employment relationship, the original employer shall reimburse to the officer an amount equivalent to the accumulated annual vacation not taken.

During the reinstatement period, the officer shall retain all the benefits of the group insurance plans prescribed in chapter 4. Any disability period of more than 3 weeks shall be excluded from the reinstatement period.

Any parental leave and leave without pay of an officer being reinstated shall be excluded from the reinstatement period.

Any period where the services of the officer are loaned to another employer at the expense of this other employer shall be excluded from the reinstatement period for a period not exceeding 36 months, for the equivalent in time of the portion of the service loan that is at the expense of this other employer.

At the end of the reinstatement period, an officer who has not been reinstated shall be laid off by his employer. At the request of the officer, his name shall be entered in the bank of reinstatement officers or on the recall list and he shall remain eligible for selection competitions for the appointment of officers and officers for a period of 24 months.

**96.** The employer shall facilitate the reinstatement of the officer who has elected reinstatement namely in determining the services required in accordance with the second paragraph of section 95 and by reimbursing to the officer the travelling and living expenses incurred by his participation in the activities of the Centre de référence and his authorized activities in search for employment with another employer including an employer outside the sector.

**97.** An officer who elects reinstatement shall:

(1) participate in the career transition programmes offered to him by the Centre de référence;

(2) elaborate within 6 months from the date on which his position is eliminated his reinstatement plan with the help, if needed, of the Centre de référence and submit it for approval to his employer who shall convey his decision to the officer within 15 days following receipt of the reinstatement plan; the officer may modify his reinstatement plan in agreement with the employer;

(3) commit to search for a position where he can be reinstated and accept, to that effect, the assistance of the Centre de référence.

**98.** A reinstatement plan may, namely, be aimed at the principal potential employment fields within the sector and outside the sector and comprise training sessions, study sessions, development activities, assistance

programmes and loans of service, as well as the activities to be undertaken by the officer to find a new position for himself. An officer is not obliged to include in his reinstatement plan reinstatement in a position of union member or unionizable non-member.

A loan of service shall take into account the training and experience of the officer as well as his prospective reinstatement. An officer may refuse a loan of service offered by his employer if the location where he is to perform the service is not located within 50 kilometres by road from his home base and his residence.

Where an officer chooses reinstatement in a position of union member or unionizable non-member, he shall:

(1) enter his name on the recall list or on the reserve list and apply on any position of union member or unionizable non-member for which his training and experience correspond to the normal requirements of the position, provided that the position involves a weekly work benefit which is at least equal to that of the position he previously held;

(2) make himself available to work and accept any assignment or service loan offered by his employer in accordance with the second paragraph. Such assignment shall take into account the training and experience of the officer as well as the requirements of his reinstatement plan.

**99.** To enable the reinstatement plan to be carried out, an officer may stagger all or part of his reinstatement period over a period of up to 60 months. In such case, the officer is deemed to be on leave without pay for the portion not paid.

**100.** An officer who has chosen reinstatement within the sector may, upon authorization from his employer and in accordance with his reinstatement plan, obtain one or more leaves without pay. The employer may not refuse to grant such leave without pay without valid reason. The total duration of the leaves shall not exceed 36 months. Such leave without pay is excluded from the reinstatement period. During his leave without pay, the officer may continue to participate in the group insurance plans in accordance with section 33.

**101.** An officer who is proposed by his original employer to an employer in his administrative region or to an employer of another administrative region located less than 50 kilometres by road from the original employer's head office or from his home base shall attend the selection interview.

**102.** An officer who has chosen reinstatement within the sector may change his initial choice and elect depart-

ure from the sector as prescribed in division 6 of this chapter. In such case, the end-of-engagement indemnity prescribed in subdivision 2 and the pre-retirement leave and the retirement prescribed in subdivision 3 shall not be reduced if the change of choice is made before the end of the 12<sup>th</sup> month following his placement on reserve. They are reduced by 1 month per month spent in the reinstatement option after the 12<sup>th</sup> month.

**103.** The employer may, after having heard the officer and, upon his request, his representative, put an end to the employment stability measures of an officer who has chosen reinstatement within the sector when the officer, without valid reason, refuses:

(1) to participate in the career transition programmes as prescribed in subsection 1 of section 97;

(2) to establish his reinstatement plan as prescribed in subsection 2 of section 97 or fails to adhere to it;

(3) to provide services required by his employer as prescribed in the second paragraph of section 95;

(4) a loan of service offered by his employer as prescribed in the first and second paragraphs of section 98;

(5) to enter his name on the recall list or on the reserve list, to apply for any position of union member or unionizable non-member for which his training and experience correspond to the normal requirements of the position or to make himself available to work in accordance with the third paragraph of section 98;

(6) to commit to the search for a position, to attend the selection interview prescribed in section 101 or to accept, within 15 days of the offer, a position offered in accordance with the provisions of sections 93, 108 and 110.

**104.** A reinstated officer shall be governed by the provisions which apply to his new position.

The salary of an officer who is reinstated in a position of officer, senior administrator, union member or unionizable non-member shall be the salary of the new position.

The salary of an officer who is reinstated in a position of officer or senior administrator in a salary class higher than the class of the position that he previously held shall be determined by the employer in accordance with section 18.

The salary of an officer who is reinstated in a position of officer or senior administrator in a salary class equal

to the class of the position that he previously held shall not change.

The salary of an officer who is reinstated in a position of officer or senior administrator in a salary class lower than the class of the position that he previously held shall be within the salary class of the new position.

The salary of an officer who is reinstated in a position of union member or unionizable non-member shall be governed by the provisions which apply to the position in which the officer is reinstated.

Where the reinstatement involves a decrease of the senior administrator's salary, the entire difference between the salary he received at the date of the reinstatement and the salary he receives in his new position shall be paid to him as lump sums until the end of a period of 3 years following the date on which his position was eliminated. During that period, the sum of his salary and lump sum shall not be lower than the adjusted salary which the officer would have received had he remained in reinstatement. For the first year following that period, the officer shall receive in the same manner two thirds of that difference. For the second year following that period, he shall receive in the same manner one third of that difference.

**105.** An officer who is reinstated in a position of union member or unionizable non-member:

(1) shall continue to be entitled to the group insurance plans in accordance with section 32;

(2) shall maintain his sick-leave fund and may use it according to the provisions prescribed in division 8 of chapter 4;

(3) may apply for a position of officer or senior administrator, notwithstanding section 7;

(4) shall continue to be entitled, for a period of 24 months, to the services of the Centre de référence.

**106.** An officer who is reinstated in a position located more than 50 kilometres by road from his home base and his residence shall be entitled to have his moving expenses and temporary moving-in expenses reimbursed to him by his original employer in accordance with the Règles sur les déménagements des fonctionnaires passed under the Financial administration Act (R.S.Q., c. A-6).

**107.** The employer shall determine and offer the adaptation activities which he deems necessary for the reinstated officer.

## *§2. Reinstatement with the same employer*

**108.** The employer shall reinstate the officer who has chosen reinstatement in another position of officer, senior administrator, union member or unionizable non-member that corresponds to his training and experience, taking into account the normal requirements of the position to be filled and his reinstatement plan if such plan is available. The officer shall accept the offered position if it is a position of officer or if it is a position of union member or unionizable non-member where the reinstatement into such a position is prescribed in his reinstatement plan, if the position involves a weekly work benefit at least equal to that of the position he previously held.

**109.** The employer may return to reinstatement an officer who has been reinstated, in accordance with section 108, to a position of officer or senior administrator in a class higher than the class of the position which he held before his reinstatement if, during the period of 6 months following the reinstatement, the employer realizes that it is not expedient to retain the services of the officer in that position. There shall be no appeal against this judgment of expediency under this Regulation. The period where the officer was replaced shall be excluded from the reinstatement period.

## *§3. Reinstatement with another employer*

**110.** An officer who has chosen the reinstatement option may find himself a job with another employer in a position of officer, senior administrator, union member or unionizable non-member that corresponds to his training and experience, taking into account the normal requirements of the position to be filled and his reinstatement plan if such plan is available. The officer shall accept the offered position if it is a position of officer or if it is a position of union member or unionizable non-member where the reinstatement into such a position is prescribed in his reinstatement plan, if the position involves a weekly work benefit at least equal to that of the position he previously held.

**111.** An officer who is reinstated with another employer shall be submitted to a trial period. During that period, he shall maintain his employment relationship with his original employer.

**112.** Where, during the trial period, the new employer no longer considers it expedient to retain the services of the officer, the original employer shall reinstate him and apply the salary and terms of employment to which the officer was entitled before his reinstatement, until the expiry of the remaining reinstatement period. The time spent with the new employer shall be

excluded from the officer's reinstatement period. There shall be no appeal against the decision made by the new employer under this Regulation.

**113.** The original employer shall dispose of the officer's sick-leave fund in accordance with the provisions of section 8 of chapter 4, after the trial period has been completed with the new employer.

**114.** An officer who is reinstated with another employer located more than 300 kilometres from the head office of his original employer, his home base and his residence, during his reinstatement period, shall receive from his original employer a mobility bonus equivalent to 3 months of the salary he was receiving at the date of reinstatement. The officer shall ask for payment of this bonus at the end of his trial period.

## **DIVISION 6**

### **DEPARTURE FROM THE SECTOR**

#### *§1. General*

**115.** An officer who has chosen the departure from the sector may elect one of the following measures:

- (1) an end-of-engagement indemnity;
- (2) a pre-retirement leave and retirement, if he is at least 50 years of age.

#### *§2. End-of-engagement indemnity*

**116.** An officer who has chosen an end-of-engagement indemnity shall receive an indemnity equivalent to 4 months of salary per year of continuous service, including service as union member or unionizable non-member, with one or several employers in the public or parapublic sector. However, the minimum amount of that indemnity shall be 6 months salary and the maximum shall be 24 months salary. The indemnity shall be calculated based on the salary which the officer was receiving at the date on which his position was eliminated or the date on which he changed his choice.

Where the officer has changed his choice, the end-of-engagement indemnity is reduced in accordance with section 102.

Notwithstanding section 3, for the application of the first paragraph, the notion of parapublic sector includes the Department of Health and Social Services, the Conférence des régies régionales, the Centre de référence des directeurs généraux et des cadres, the Comité patronal de négociation du secteur de la santé et des services sociaux, the Secrétariat général du secteur de la santé et

des services sociaux and the associations of senior administrators, of officers and of institutions of the sector.

**117.** The end-of-engagement indemnity shall not include accumulated annual vacation nor the reimbursement of the officer's sick-leave fund.

**118.** Where an officer has chosen the end-of-engagement indemnity, the employment relationship between the officer and his employer shall be severed on the date on which the position is eliminated or, if such is the case, on the date on which the officer changes his choice. The officer shall then cease to contribute to his retirement plan and to be entitled to the group insurance plans.

**119.** To be entitled to an end-of-employment indemnity, an officer shall commit, in writing, not to hold a position of officer, senior administrator, union member or unionizable non-member in the public and parapublic sectors for a period twice as long as the duration to which corresponds the end-of-engagement received, starting from the date on which his position was eliminated or the date on which he changed his choice.

An officer may not receive remuneration from the Régie de l'assurance-maladie du Québec for a period twice as long to which corresponds the end-of-engagement, starting from the date on which his position was eliminated or the date on which he changed his choice.

**120.** The end-of-engagement indemnity shall be paid, according to the officer's choice, in one or several payments, starting from the date on which the employment relationship is severed.

#### *§3. Retirement leave and retirement*

**121.** An officer who has chosen retirement preceded by a pre-retirement leave may delay the coming into force of the pre-retirement leave for 12 months at the most. In such case, the employer establishes with the officer a plan of use with his employer or with another organization.

**122.** An officer who has chosen pre-retirement leave, with, in some cases an end-of-engagement indemnity at the moment of the retirement, may not hold another position in the public and parapublic sectors. If he does so, his pre-retirement leave shall come to an end. Moreover, the officer shall commit in writing not to hold another position in the public and parapublic sectors during the 24 months following the date on which his retirement comes into force.

**123.** The pre-retirement leave shall begin on the date on which the officer's position is eliminated, on the

date determined by the application of section 121 or on the date of his change of choice in accordance with section 102 and shall end on the date on which he chooses to retire in accordance with his retirement plan. The officer shall choose the date of his retirement and, consequently, the duration of his pre-retirement leave.

**124.** The total amount to be paid, that is the sum of the salary paid in pre-retirement salary during his pre-retirement leave and the amount paid in end-of-engagement indemnity, at the time of the retirement, to the officer who has chosen departure from the sector, shall be equivalent to 24 months of the salary he was receiving on the date on which his position was eliminated, adjusted if applicable. Where the officer chooses the pre-retirement leave and retirement option after having spent some time in reinstatement, the total amount to be paid shall be reduced in accordance with section 102.

The combination of the amount prescribed in the first paragraph of this section and of the amount prescribed in section 121 that is equivalent to a maximum of 12 months of salary shall not be higher than the equivalent of 36 months of the officer's salary at the date of the elimination of his position, adjusted if applicable.

**125.** During the staggered pre-retirement leave, the officer's salary is established as follows:

the salary the officer was receiving on the date on which his position was eliminated, adjusted if such is the case	X	the amount to which the officer is entitled under section 124 expressed in months
		the duration in months of his pre-retirement leave

This salary shall not be higher than the eventually adjusted salary which he was receiving at the time of elimination of his position or on the date of his change of choice.

Where the total amount to which the officer is entitled is higher than the adjusted salary paid to him during his pre-retirement leave, the difference shall be paid to the officer as an end-of-engagement indemnity on the date of his retirement.

**126.** An officer who has chosen to stagger his pre-retirement leave shall be deemed to be on leave without pay for the portion of his pre-retirement leave that is not paid.

**127.** During his pre-retirement leave, an officer shall continue to participate in the retirement plans and in the group insurance plans in accordance with chapter 4 and

section 128.1, proportionally to the monthly adjusted salary paid to him. For the portion of his leave without pay, the applicable provisions of the retirement plans and of the group insurance plans shall apply.

**128.** On the conditions prescribed in subsection 3 of section 75, the sick-leave fund may be used to add to the amount of adjusted salary prescribed in section 125.

The balance of cashable leave days at the end of the pre-retirement leave, if any, shall be paid on the conditions prescribed in subsection 4 of section 75.

**128.1** The officer covered by this subdivision shall not participate in the short-term salary insurance plan as prescribed in subsection 3 of section 49, in the mandatory basic long-term salary insurance plan and in the additional mandatory long-term salary insurance plan.

## CHAPTER 6 PROCEDURES OF APPEAL

**129.** Under this regulation, the procedures of appeal pertaining to the terms of employment prescribed in chapter 9 of the Regulation respecting certain conditions of employment of officers of regional councils and of health and social services establishments, made by Order in Council 988-91 dated 10 July 1991, as it reads on the date when it shall be applied, for the resolution of disagreements on the interpretation and the application of the terms of employment, applies to an officer covered by this Regulation to the exception of section 191.

**130.** To the exception of chapter 1 and unless otherwise specified in this Regulation, the decision of the president to whom the complaint has been submitted shall be final and enforceable and shall bind the officer and the employer where it pertains to provisions of this Regulation.

## CHAPTER 7 TRANSITORY AND FINAL

**131.** This Regulation replaces:

(1) divisions 2 and 3 of chapter 1 and divisions 4, 8 and 10 of the Regulation respecting certain conditions of employment of officers of regional councils and of health and social services establishments, made by Order in Council 988-91 dated 10 July 1991 and amended by Order in Council 1180-92 dated 12 August 1992, except where they apply to the territory of the Cree Board of Health and Social Services of James Bay;

(2) the Regulation respecting pre-retirement leave and the retirement indemnity applicable to officers of re-

gional boards and health and social services institutions made by Order in Council 784-93 dated 2 June 1993;

(3) the Regulation respecting the severance pay applicable to officers of regional boards and health and social services institutions made by Order in Council 1506-93 dated 27 October 1993;

(4) chapter 2 and section 49 of the Regulation respecting group insurance plans and the terms and conditions of application of the deferred salary leave plan applicable to the management personnel of regional boards and of health and social services institutions made by Order in Council 428-94 dated 23 March 1994;

(5) section 8 of chapter 2 of the Regulation respecting the dismissal, non-renewal of employment, termination of employment, suspension without pay, demotion and severance pay of officers of regional boards and health and social services institutions made by Order in Council 1843-94 dated 21 December 1994;

(6) chapter 3 of the Regulation respecting the progressive retirement plan and the management policy applicable to the management personnel of regional boards and of health and social services institutions made by Order in Council 1005-95 dated 19 July 1995;

(7) the Regulation respecting remuneration of directors general and senior and intermediate officers of regional councils, public establishments and private establishments referred to in sections 176 and 177 of the Act respecting health services and social services (R.S.Q., c. S-5, s 154) made by Order in Council 1572-90 dated 7 November 1990 and amended by the regulation made by Order in Council 828-91 dated 12 June 1991, except where they apply to the territory of the Cree Board of Health and Social Services of James Bay;

(8) the Regulation respecting the remuneration of executive directors and senior and middle management personnel of regional boards and health and social services institutions made by Order in Council 572-93 dated 21 April 1993 and amended by Orders in Council 1154-93 dated 18 August 1993 and 1420-94 dated 7 September 1994.

**132.** However, among the provisions of which the replacement is prescribed in section 131, sections 129, 142 to 144 and 167 to 170 of the Regulation referred to in subsection 1 of section 131 and sections 3 to 6 of the Regulation referred to in subsection 2 of section 131 shall continue to apply to the officer covered by the application of these sections.

An officer whose salary is higher than the new salary class for his position at 30 June 1996 following the

application of the second paragraph of section 44 of the Regulation referred to in subparagraph 7 of section 131 and of section 4.3 of the Regulation referred to in subparagraph 8 of section 131, shall continue to retain his salary.

**133.** An officer placed on reserve in accordance with the definition prescribed in section 3 of chapter 1 shall benefit, retroactively to the date on which his position is eliminated, from the provisions of chapter 5 of this Regulation. In such case, the maximum amount that the officer is entitled to receive and that prescribed in the second paragraph, may not be higher than the equivalent of 36 months of his adjusted salary, if applicable.

The date on which sections 122 or 123 of the Regulation referred to in subsection 1 of section 131 are applicable to an officer shall be deemed to be the date on which his position is eliminated under chapter 5 of this Regulation.

Within 60 days following the date of coming into force of this Regulation, an officer covered by sections 122 and 123 of the Regulation referred to in subparagraph 1 of section 131 shall make a choice in accordance with section 94. Where the officer chooses reinstatement, his choice shall come into force according to the first and second paragraphs. Where the officer chooses the departure from the sector option, the amount which corresponds to the period during which he benefits from section 122 or 123 shall be reduced by the amount of the end-of-engagement indemnity and from that of the pre-retirement leave, if such is the case. Notwithstanding section 102, where the officer chooses reinstatement, this amount shall also be reduced by the end-of-engagement indemnity or the pre-retirement leave when the officer changes his decision for departure from the sector according to section 102.

An officer who has not made his choice in accordance with the third paragraph of this section is deemed to have chosen the end-of-engagement indemnity, and according to the procedures prescribed in the said paragraph.

Section 14 of this Regulation shall come into force on the date and in accordance with the parameters set by the government.

Sections 16, 17, 24 and 25 of this Regulation shall come into force on 30 June 1996.

**134.** The provisions applying to the definition of disability, to the definition of a disability period, to the level of benefits and those prescribed in subdivision 3 of division 7 of chapter 4 shall not apply to an officer who is disabled on 31 March 1994. Such officer shall con-

tinue to be subject to the provisions that were applicable to that effect at the beginning of his disability, until the end of this disability.

**135.** This Regulation shall come into force on the day of its publication in the *Gazette officielle du Québec*.

## APPENDIX I

### SALARY CLASSES

**1 april 1993**

Class	Minimum	Maximum
2	\$24,580	\$31,955
3	\$25,065	\$33,753
4	\$27,351	\$35,556
5	\$28,744	\$37,365
6	\$30,132	\$39,173
7	\$31,460	\$40,897
8	\$33,008	\$42,909
9	\$34,604	\$44,984
10	\$36,580	\$47,553
11	\$38,873	\$50,535
12	\$41,284	\$53,668
13	\$43,715	\$56,829
14	\$46,574	\$60,546
15	\$48,996	\$63,696
16	\$52,080	\$67,703
17	\$55,021	\$71,526
18	\$57,969	\$75,359
19	\$61,016	\$79,319
20	\$64,504	\$83,855
21	\$68,063	\$88,481
22	\$71,583	\$93,059

Class	Minimum	Maximum
23	\$75,065	\$97,584
24	\$79,009	\$102,713
25	\$81,260	\$105,639
26	\$85,557	\$111,224
27	\$89,943	\$116,925
28	\$94,389	\$122,707

These salary rates shall determine, for each of these salary classes, the minimum and maximum salary limits for the annual salary of a full-time officer.

The conversion of the annual salary into weekly salary is obtained by dividing the annual salary by 52.18. The conversion of the annual salary into daily salary is obtained by dividing the annual salary by 260.9.



**APPENDIX II**  
**SALARY PROGRESSION CALCULATION TABLE**  
(in %)

<b>Date of entry</b>	<b>Between 06 16 and 07 01</b>	<b>Between 05 16 and 06 15</b>	<b>Between 04 16 and 05 15</b>	<b>Between 03 16 and 04 15</b>	<b>Between 02 16 and 03 15</b>	<b>Between 01 16 and 02 15</b>	<b>Between 12 16 and 01 15</b>	<b>Between 11 16 and 12 15</b>	<b>Between 10 16 and 11 15</b>	<b>Between 09 16 and 10 15</b>	<b>Between 08 16 and 09 15</b>	<b>Between 07 16 and 08 15</b>	<b>Between 07 01 and 07 15</b>
<b>Percentage of salary progression granted on an amount basis</b>	<b>Between 06 16 and 07 01</b>	<b>Between 05 16 and 06 15</b>	<b>Between 04 16 and 05 15</b>	<b>Between 03 16 and 04 15</b>	<b>Between 02 16 and 03 15</b>	<b>Between 01 16 and 02 15</b>	<b>Between 12 16 and 01 15</b>	<b>Between 11 16 and 12 15</b>	<b>Between 10 16 and 11 15</b>	<b>Between 09 16 and 10 15</b>	<b>Between 08 16 and 09 15</b>	<b>Between 07 16 and 08 15</b>	<b>Between 07 01 and 07 15</b>
%	%	%	%	%	%	%	%	%	%	%	%	%	%
0.5	0.00	0.04	0.08	0.13	0.17	0.21	0.25	0.29	0.33	0.38	0.42	0.46	0.5
1.0	0.00	0.08	0.17	0.25	0.33	0.42	0.50	0.58	0.67	0.75	0.83	0.92	1.0
1.5	0.00	0.13	0.25	0.38	0.50	0.63	0.75	0.88	1.00	1.13	1.25	1.38	1.5
2.0	0.00	0.17	0.33	0.50	0.67	0.83	1.00	1.17	1.33	1.50	1.67	1.83	2.0
2.5	0.00	0.21	0.42	0.63	0.83	1.04	1.25	1.46	1.67	1.88	2.08	2.29	2.5
3.0	0.00	0.25	0.50	0.75	1.00	1.25	1.50	1.75	2.00	2.25	2.50	2.75	3.0
3.5	0.00	0.29	0.58	0.88	1.17	1.46	1.75	2.04	2.33	2.63	2.92	3.21	3.5
4.0	0.00	0.33	0.67	1.00	1.33	1.67	2.00	2.33	2.67	3.00	3.33	3.67	4.0
4.5	0.00	0.38	0.75	1.13	1.50	1.88	2.25	2.63	3.00	3.38	3.75	4.13	4.5
5.0	0.00	0.42	0.83	1.25	1.67	2.08	2.50	2.92	3.33	3.75	4.17	4.58	5.0
5.5	0.00	0.46	0.92	1.38	1.83	2.29	2.75	3.21	3.67	4.13	4.58	5.04	5.5
6.0	0.00	0.50	1.00	1.50	2.00	2.50	3.00	3.50	4.00	4.50	5.00	5.50	6.0
6.5	0.00	0.54	1.08	1.63	2.17	2.71	3.25	3.79	4.33	4.88	5.42	5.96	6.5
7.0	0.00	0.58	1.17	1.75	2.33	2.92	3.50	4.08	4.67	5.25	5.83	6.42	7.0
7.5	0.00	0.63	1.25	1.88	2.50	3.13	3.75	4.38	5.00	5.63	6.25	6.88	7.5
8.0	0.00	0.67	1.33	2.00	2.67	3.33	4.00	4.67	5.33	6.00	6.67	7.33	8.0
8.5	0.00	0.71	1.42	2.13	2.83	3.54	4.25	4.96	5.67	6.38	7.08	7.79	8.5
9.0	0.00	0.75	1.50	2.25	3.00	3.75	4.50	5.25	6.00	6.75	7.50	8.25	9.0
9.5	0.00	0.80	1.58	2.38	3.17	3.95	4.75	5.53	6.33	7.13	7.92	8.70	9.5
10.0	0.00	0.84	1.66	2.50	3.34	4.16	5.00	5.84	6.66	7.50	8.33	9.16	10.0

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Gouvernement du Québec

**O.C. 1241-96, 2 October 1996**Financial Administration Act  
(R.S.Q., c. A-6)

**Conditions of contracts of government departments  
and public bodies**  
— Amendments

Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly or any other public body;

WHEREAS it is expedient to amend the General Regulation respecting the conditions of contracts of government departments and public bodies, made by Order in Council 1166-93 dated 18 August 1993, in order to introduce additional requirements respecting the validity of contracts that will contribute to fight undeclared labour in the construction industry in Québec;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 14 February 1996 with a notice that it could be made by the Government, with or without amendments, upon the expiry of 45 days following the date of that publication;

WHEREAS it is expedient to make the Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies with amendments, which has been recommended by the Conseil du trésor;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies**

Financial Administration Act  
(R.S.Q., c. A-6, s. 49)

**1.** The General Regulation respecting the conditions of contracts of government departments and public bodies, made by Order in Council 1166-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 1565-94 dated 9 November 1994, 492-95 dated 12 April 1995 and 233-96 dated 28 February 1996, is further amended by inserting the following after section 7.2:

**“7.3** No construction contract may be awarded to a supplier unless he meets the following conditions:

(1) he holds the licence required under the Building Act (R.S.Q., c. B-1.1); and

(2) if he intends to act as an employer governed by the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20; 1995, c. 8), he is registered with the

Commission de la construction du Québec, in accordance with the Regulation respecting the keeping of a register and the sending of a monthly report, approved by Order in Council 875-93 dated 16 June 1993.

**7.4** No construction contract of \$10 000 or more may be awarded to a supplier who, during the 2 years preceding the awarding of the contract,

(1) has been the subject of an enforceable work suspension order under section 7.4 of the Act respecting labour relations, vocational training and manpower management in the construction industry, as enacted by section 6 of Chapter 8 of the Statutes of 1995;

(2) has been found guilty or, in the case of a partnership or legal person, one of its partners or directors has been found guilty

(a) of an offence against any of sections 83, 83.1, 83.2, 84 or subsection 4 of section 122 of the Act respecting labour relations, vocational training and manpower management in the construction industry;

(b) of 3 offences against paragraph 3 of section 119.1 of the Act respecting labour relations, vocational training and manpower management in the construction industry; however, only one conviction shall be counted where several offences are committed on a single day in respect of different employees;

(3) has been found guilty of 2 offences against any provision of the Regulation respecting the keeping of a register and the sending of a monthly report, except for an offence that consists in the late transmission of a monthly report;

(4) has paid a claim based on subparagraph c.2 of the first paragraph of section 81 of the Act respecting labour relations, vocational training and manpower management in the construction industry, as enacted by section 38 of Chapter 8 of the Statutes of 1995, or has been condemned by a final judgment to pay such a claim.

For the purposes of the first paragraph, only convictions for offences committed from 11 May 1995 and claims paid or judgments rendered from 11 May 1995 will be considered.”.

**2.** The following is inserted after section 13:

**“13.1** Every construction contract shall contain a clause whereby the supplier undertakes

(1) to grant any subcontract only to a subcontractor who holds the licence required under the Building Act

and, if that subcontractor intends to act as an employer governed by the Act respecting labour relations, vocational training and manpower management in the construction industry, who is registered with the Commission de la construction du Québec, in accordance with the Regulation respecting the keeping of a register and the sending of a monthly report; and

(2) to require from his subcontractors that they also grant any subcontract only to subcontractors who meet the conditions provided for in paragraph 1.

**13.2** Every construction contract of \$10 000 or more shall contain a clause whereby the supplier undertakes

(1) to ask the department or the body offering the work, prior to awarding any construction subcontract of \$10 000 or more, for confirmation that the subcontractor identified by the supplier meets the conditions provided for in section 7.4;

(2) to grant any subcontract of \$10 000 or more only to a subcontractor who meets the obligation provided for in paragraph 1; and

(3) to require from his subcontractors that they also grant any subcontract of \$10 000 or more only to subcontractors who declare to them in writing that they meet the conditions provided for in section 7.4.”

**3.** This Regulation comes into force on 1 January 1997.

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Gouvernement du Québec

**O.C. 1242-96**, 2 October 1996

Financial Administration Act  
(R.S.Q., c. A-6)

**Construction contracts of government departments and public bodies  
— Amendments**

Regulation to amend the Regulation respecting construction contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly or any other public body;

WHEREAS it is expedient to amend the Regulation respecting construction contracts of government departments and public bodies, made by Order in Council 1168-93 dated 18 August 1993, in order to introduce complementary requirements to the amendments proposed to the General Regulation respecting the conditions of contracts of government departments and public bodies, which are intended to fight undeclared labour in the construction industry in Québec;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation to amend the Regulation respecting construction contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 14 February 1996 with a notice that it could be made by the Government with or without amendments, upon the expiry of 45 days following the date of that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting construction contracts of government departments and public bodies with amendments, the Regulation having been recommended by the Conseil du trésor;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting construction contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting construction contracts of government departments and public bodies**

Financial Administration Act  
(R.S.Q., c. A-6, s. 49)

**1.** The Regulation respecting construction contracts of government departments and public bodies, made by Order in Council 1168-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 181-94 dated 2 February 1994, 1106-94 dated 20 July 1994, 235-96 dated 28 February 1996 and 332-96 dated 21 March 1996, is further amended, in section 10,

(1) by substituting the following for paragraph 7:

“(7) a statement that the only tenders that will be considered will be those submitted by contractors who meet the following requirements:

(a) have a place of business in Québec or, where an intergovernmental agreement is applicable, a place of business in Québec or in a province or territory covered by that agreement;

(b) hold the licence required under the Building Act (R.S.Q., c. B-1.1); and

(c) if they intend to act as an employer governed by the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20; 1995, c. 8), be registered with the Commission de la construction du Québec in accordance with the Regulation respecting the keeping of a register and the sending of a monthly report, approved by Order in Council 875-93 dated 16 June 1993;”;

(2) by inserting the following after paragraph 7:

“7.01 a statement that the only tenders that will be considered will be those accompanied by an affidavit certifying that the contractor meets the conditions set out in section 7.4 of the General Regulation respecting the conditions of contracts of government departments and public bodies.”.

**2.** This Regulation comes into force on 1 January 1997.

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Gouvernement du Québec

## **O.C. 1243-96, 2 October 1996**

Financial Administration Act  
(R.S.Q., c. A-6)

Exemption of the public bodies described in paragraph 1 of section 5 of the Auditor General Act from the application of government regulations concerning contracts

WHEREAS under section 49.4 of the Financial Administration Act (R.S.Q., c. A-6), the Government, on the conditions it determines, may exempt a public body described in paragraph 1 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) from the application of all regulations made under section 49 of the Financial Administration Act;

WHEREAS under Order in Council 1164-93 dated 18 August 1993, the Government exempted from the application of all regulations made under section 49 of the Financial Administration Act the public bodies described in paragraph 1 of section 5 of the Auditor General Act, with the exception of those instituted after 16 September 1993, provided that they have filed a policy on the conditions of their contracts and that they report on the application of that policy in their annual report;

WHEREAS it is expedient to extend the same exemption, under the same conditions, to the public bodies described in paragraph 1 of section 5 of the Auditor General Act, instituted after 16 September 1993;

WHEREAS it is expedient that those bodies, in their policy, provide for certain measures to fight undeclared labour in the construction industry in Québec;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the bodies described in paragraph 1 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) be exempted from the application of all the regulations made under section 49 of the Financial Administration Act (R.S.Q., c. A-6) under the following conditions:

(1) that they file, with the Chairman of the Conseil du trésor, the policy prescribed in section 49.4 of the Financial Administration Act as well as all amendments that will have been made thereto within 30 days following the making of the latter;

(2) that in that policy they provide for measures to fight undeclared labour in the construction industry in Québec, inspired by the provisions of sections 7.3, 7.4, 13.1 and 13.2 of the General Regulation respecting the conditions of contracts of government departments and public bodies and the provisions of subparagraphs *b* and *c* of paragraph 7 of section 10 and of paragraph 7.01 of section 10 of the Regulation respecting construction contracts of government departments and public bodies;

(3) in the case of the bodies that already have such a policy, that they amend it in order to provide for the measures indicated in paragraph 2, that those amendments take effect on 1 January 1997 and that they be filed not later than on that date;

(4) that they report on the application of that policy in their annual report;

THAT a policy filed with the Minister of Supply and Services, in accordance with Order in Council 1164-93 dated 18 August 1993, be equivalent to a policy filed with the Chairman of the Conseil du trésor, in accordance with paragraph 1 of the first paragraph of the operative part of this Order in Council;

THAT this Order in Council replace Order in Council 1164-93, made on 18 August 1993.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 1244-96, 2 October 1996**

Financial Administration Act  
(R.S.Q., c. A-6)

Exemption of the public bodies described in paragraph 2 of section 5 of the Auditor General Act from the application of government regulations concerning contracts

WHEREAS under section 49.3.1 of the Financial Administration Act (R.S.Q., c. A-6), the Government, upon the recommendation of the Conseil du trésor and with or without conditions, may exempt a public body described in paragraph 2 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) from the application of all regulations made under section 49 of the Financial Administration Act;

WHEREAS under Order in Council 1165-93 dated 18 August 1993, the Government exempted, without conditions, from the application of all regulations made under section 49 of the Financial Administration Act, “the public bodies described in paragraph 2 of section 5 of the Auditor General Act, with the exception of those instituted after 16 September 1993 by a body described in section 3 or 4 or in paragraph 1 of section 5 of the Auditor General Act”;

WHEREAS it is expedient to extend the same exemption, without conditions, to any public body described in paragraph 2 of section 5 of the Auditor General Act, instituted after 16 September 1993 by a body described in section 3 or 4 or in paragraph 1 of section 5 of that Act;

WHEREAS it is expedient, for the bodies thus exempted that are responsible for carrying out construc-

tion work for a body described in section 3 or 4 or in paragraph 1 of section 5 of the Auditor General Act, to adopt measures to fight undeclared labour in the construction industry in Québec;

WHEREAS the Conseil du trésor recommended that this Order in Council be made;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the bodies described in paragraph 2 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) be exempted, without conditions, from the application of all the regulations made under section 49 of the Financial Administration Act (R.S.Q., c. A-6);

THAT, however, the bodies exempted hereinabove that are responsible for carrying out construction work for a body described in section 3 or 4 or in paragraph 1 of section 5 of the Auditor General Act be exempted under the following conditions:

(1) that they adopt measures to fight undeclared labour in the construction industry in Québec inspired by the provisions of sections 7.3, 7.4, 13.1 and 13.2 of the General Regulation respecting the conditions of contracts of government departments and public bodies and the provisions of subparagraphs *b* and *c* of paragraph 7 of section 10 and of paragraph 7.01 of section 10 of the Regulation respecting construction contracts of government departments and public bodies and that they file the text of those measures and the text of any amendments that will have been made thereto with the Chairman of the Conseil du trésor, within 30 days following the making of the latter;

(2) in the case of the bodies existing at the time of the making of this Order in Council, that those measures take effect on 1 January 1997 and that they file the text of those measures with the Chairman of the Conseil du trésor, not later than on that date;

THAT this Order in Council replace Order in Council 1165-93, made on 18 August 1993.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

## O.C. 1256-96, 2 October 1996

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

### Notaries

#### — Trust accounting — Amendments

Regulation to amend the Regulation respecting trust accounting by notaries

WHEREAS under section 89 of the Professional Code (R.S.Q., c. C-26) and subparagraph 2 of the second paragraph of section 93 of the Notarial Act (R.S.Q., c. N-2), as they read before 15 October 1994, the Bureau of the Chambre des notaires du Québec was required to set up, by regulation, an indemnity fund to be used to repay the amounts of money or other securities used by a notary for purposes other than those for which they had been delivered to him in the practice of his profession;

WHEREAS under those sections, the Bureau made the Regulation respecting the indemnity fund of the Chambre des notaires du Québec (R.R.Q., 1981, c. N-2, r. 8);

WHEREAS it is expedient to replace that Regulation;

WHEREAS under section 89 of the Professional Code, amended by section 77 of Chapter 40 of the Statutes of 1994, the Bureau of the Chambre des notaires du Québec shall determine, by regulation, the terms, conditions and standards for receipt, custody and disposition of the sums of money and securities that the notaries are called upon to hold for their clients, and the terms, conditions and standards relating to the keeping and auditing of trust accounts, books and registers of notaries;

WHEREAS under that section, the Bureau shall also establish an indemnity fund to be used to repay the amounts of money or other securities used by a notary for purposes other than those for which they had been delivered to him in the practice of his profession and it shall fix the rules of administration and of investment of the sums of money making up the fund;

WHEREAS under that section, the Bureau made the Regulation respecting trust accounting by notaries, approved by Order in Council 823-95 dated 14 June 1995;

WHEREAS it is expedient to amend that Regulation;

WHEREAS under the same section, the Bureau made the Regulation to amend the Regulation respecting trust accounting by notaries;

WHEREAS under section 95.3 of the Professional Code, amended by section 84 of Chapter 40 of the Statutes of 1994, the secretary of the Chamber sent a draft of the Regulation to every member of the Order at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 31 January 1996 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following the date of that publication;

WHEREAS under section 95 of the Professional Code, amended by section 83 of Chapter 40 of the Statutes of 1994, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting trust accounting by notaries, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting trust accounting by notaries

Professional Code  
(R.S.Q., c. C-26, s. 89; 1994, c. 40, s. 77)

1. The Regulation respecting trust accounting by notaries, approved by Order in Council 823-95 dated 14 June 1995, is amended by adding the following after paragraph 4 of section 9:

“(5) an irrevocable authorization entitling the Administrative Committee or the president of the Order, upon recommendation by the syndic, an assistant syndic or the professional inspection committee of the Chamber, to require that the notary obtain, at his expense, the cosignature of another notary designated by the Committee to draw cheques and other payment authorizations on the account.”

**2.** The Regulation is amended by adding the following after paragraph 5 of section 14:

“(6) an irrevocable authorization entitling the Administrative Committee or the president of the Order, upon recommendation by the syndic, an assistant syndic or the professional inspection committee of the Chamber, to require that the notary obtain, at his expense, the cosignature of another notary designated by the Committee to draw cheques and other payment authorizations on the account.”.

**3.** The Regulation is amended by inserting the following divisions after section 37:

#### “DIVISION VIII.1 ESTABLISHMENT OF THE FUND

**37.1** The Bureau shall establish an indemnity fund for the purpose of reimbursing sums of money or other securities used by a notary for purposes other than those for which they were entrusted to him in the practice of his profession.

**37.2** The fund shall consist of

(1) the sums of money already allocated for that purpose as of 31 October 1996;

(2) the sums of money which the Bureau allocates to the fund as needed;

(3) the assessments levied for that purpose;

(4) the sums of money recovered from offending notaries by subrogation or under section 159 of the Professional Code (R.S.Q., c. C-26);

(5) the interest accrued on the sums of money constituting the fund; and

(6) the sums of money which may be paid by an insurance company under a group insurance policy subscribed to by the Administrative Committee for all the members of the Order.

#### DIVISION VIII.2 ADMINISTRATION OF THE FUND

##### §1. *Administrative Committee*

**37.3** The Administrative Committee shall administer the fund. In particular, it is authorized to enter into any insurance or reinsurance contract for the purposes of the fund and to pay the premiums using money from the fund.

**37.4** The accounting of the Administrative Committee for the fund shall be kept separate from the accounting of the Chamber.

**37.5** The sums of money constituting the fund shall be invested by the Administrative Committee as follows:

(1) the portion of those sums which the Administrative Committee intends to use on a short-term basis shall be deposited in an institution governed by the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01), the Trust and Loan Companies Act (S.C., 1991, c. 45), the Bank Act (S.C., 1991, c. 46) or the Savings and Credit Unions Act (R.S.Q., c. C-4.1); and

(2) the balance shall be invested in accordance with article 1339 of the Civil Code of Québec.

##### §2. *Indemnity fund committee*

**37.6** An indemnity fund committee, hereinafter called “the committee”, shall be formed comprising at least 5 members appointed by the Bureau from among the notaries entered on the roll of the Order for at least 10 years and the directors appointed to the Bureau by the Office des professions du Québec under section 78 of the Code; at least one of those directors shall be appointed to the committee.

The chairman of the committee shall be designated by its members.

The quorum of the committee shall be an absolute majority of its members.

**37.7** Where the number of committee members so permits, it may sit in divisions composed of 5 members, one of whom shall be the chairman or another committee member designated by the division members as chairman of the division, and another member chosen from among the directors appointed by the Office. The quorum of a division shall be 3 members.

**37.8** The Bureau shall appoint the secretary of the committee and, as needed, one or more assistant secretaries, who shall perform the same duties as the secretary.

**37.9** The secretary of the committee, the assistant secretaries, if any, and each committee member shall be required to take an oath of discretion. The same applies to all persons who participate in the work of the committee.

**37.10** Committee members shall remain in office at the end of their mandate until they have been reappointed or replaced by the Bureau.

**37.11** It shall be the responsibility of the committee to study each claim filed against the fund.

For the purposes of this section, the committee is deemed to be a committee of inquiry established by the Bureau in accordance with subparagraph 6 of the first paragraph of section 192 of the Code.

The Administrative Committee may appoint a person to assist the committee or any of its members in its inquiry.

### **DIVISION VIII.3** **CLAIMS AGAINST THE FUND**

**37.12** A claim against the fund shall

- (1) be in writing;
- (2) state all supporting facts and be accompanied by all relevant documents;
- (3) indicate the amount claimed; and
- (4) be filed with the secretary of the committee.

**37.13** The secretary of the committee shall inform the members of such claim at the first meeting following the filing of the claim.

If the committee has not finished examining the case within 90 days following the filing of the claim, the secretary shall, upon the expiry of that period, so inform the claimant in writing and report to him on the committee's progress in examining the claim. As long as the committee has not finished examining the claim, the secretary shall, every 60 days following the expiry of the 90-day period, so inform the claimant in writing and report to him on the committee's progress.

The obligation to notify the claimant prescribed in the second paragraph does not apply to a situation governed by section 37.23.

**37.14** A claim against the fund may be filed regardless of any decision by the committee on discipline, the Professions Tribunal or any other competent tribunal in respect of the notary in question.

**37.15** To be receivable, a claim against the fund shall be filed within one year of the time at which the claimant becomes aware that sums of money or other securities have been used for purposes other than those for which they were entrusted to the notary in the practice of his profession.

Subject to section 37.16, a claim which is not filed within the time period prescribed is not receivable.

**37.16** Where a claim against the fund does not exceed the sum of \$10 000, the committee may extend the time period prescribed in section 37.15 if the claimant shows that he was unable to file the claim within the required time due to reasons beyond his control.

Where the claim against the fund exceeds the sum of \$10 000, the Administrative Committee may, upon the recommendation of the committee, extend the time period prescribed in section 37.15 if the claimant shows that he was unable to file the claim within the required time due to reasons beyond his control.

**37.17** A request by any person to the syndic for an investigation with regard to facts likely to give rise to a claim against the fund is deemed to be a claim within the meaning of section 37.12, so long as the request for an investigation is filed within the time period prescribed in section 37.15.

**37.18** Upon request by the committee, the notary in question shall provide all information and all evidence judged relevant by the committee.

### **DIVISION VIII.4** **INDEMNITY**

**37.19** The committee shall decide, in respect of any claim against the fund which does not exceed the sum of \$10 000, whether it is expedient to allow the claim, in whole or in part, and if so, shall determine the indemnity. The decision of the committee shall be final.

**37.20** The Administrative Committee, upon recommendation of the committee, shall decide, in respect of any claim against the fund which exceeds the sum of \$10 000, whether it is expedient to allow the claim, in whole or in part, and if so, shall determine the indemnity. The decision of the Administrative Committee shall be final.

**37.21** The committee may exercise the powers granted to it under sections 37.19 and 37.20, regardless of any suit filed by the claimant in a civil court, any judgment rendered by such court or any decision rendered by the committee on discipline or the Professions Tribunal in respect of the notary in question.

**37.22** The maximum indemnity payable from the fund shall be fixed at \$100 000 per claim against the fund arising from a notary's having used, in connection with a contract for professional services, sums of money or



other securities for purposes other than those for which they were entrusted to him in the practice of his profession.

The maximum indemnity payable from the fund shall be fixed at \$100 000 for all claims against the fund arising from a notary's having used, in connection with one or more contracts for professional services entered into with two or more persons for the same service, sums of money or other securities for purposes other than those for which they were entrusted to him in the practice of his profession. Where the total of the claims allowed in a case referred to in this paragraph exceeds the maximum indemnity, the indemnity shall be allocated on a prorata basis according to the amounts of the claims.

For the purposes of this section, "service" means the performance of professional services by a notary with a view to carrying out the mandate given to him on behalf of two or more persons, in particular but without limiting the scope of the foregoing, the acquisition or sale of a family residence or of an immovable held in undivided co-ownership, the settlement of a succession, the creation of a patrimony by appropriation or of a legal person, and any investment of a movable or immovable nature.

**37.23** The balance of a notary's general trust account the funds of which have been blocked or otherwise disposed of in accordance with section 36 shall be distributed, at the expiry of 60 days following the publication of a notice to that effect in a newspaper circulating in the place where the notary has or had his professional domicile, among the claimants against the fund in respect of that notary on a prorata basis according to the amounts of their claims allowed, up to the amount of the claim for each claimant, less the sum paid under section 37.22. The secretary of the committee shall cause the notice to be published after one year has elapsed with no new claim having been filed against the fund in respect of that notary.

**37.24** Before receiving the indemnity fixed by the committee or the Administrative Committee, as the case may be, the claimant shall sign an acquittance in favour of the Chamber with subrogation in all his rights in respect of his claim up to the amount of the indemnity against the offending notary, his successors, and any individual, partnership or legal person that is or might be held liable for such payment."

**4.** The Regulation is amended by inserting the words "TRANSITIONAL AND" before the word "FINAL" in the title of Division IX.

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

"**38.1** The Regulation respecting the indemnity fund of the Chambre des notaires du Québec (R.R.Q., 1981, c. N-2, r. 8) is replaced by this Regulation, but it continues to govern claims filed against the fund before 31 October 1996, as well as claims filed against the fund after that date but which relate to facts prior to that date and concerning a notary in respect of whom one or more other claims have already been filed against the fund."

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

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Gouvernement du Québec

**O.C. 1257-96, 2 October 1996**

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

**Physiotherapists**  
— **Equivalence of diplomas and training**

Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist's permit

WHEREAS under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26; 1994, c. 40), the Bureau of the Ordre des physiothérapeutes du Québec must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS under that provision, the Bureau made the Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist's permit;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of that Regulation was published in Part 2 of the *Gazette officielle du Québec* of 28 February 1996, in French and English;

WHEREAS that Regulation was attached to a notice mentioning that it could be submitted to the Government which could approve it with or without amendment upon

the expiry of 45 days following that publication and asking any person having comments to make to send them before the expiry of that period to the Chairman of the Office des professions du Québec;

WHEREAS following the publication of that Regulation, the Chairman of the Office received no comments;

WHEREAS under section 95 of the Professional Code, the Regulation was sent to the Office for examination and at its meeting held on 31 May 1996, the Office examined that Regulation and recommended that the Government approve it with amendments;

WHEREAS it is expedient to approve that Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist's permit, the text of which is attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist's permit

Professional Code  
(R.S.Q., c. C-26, s. 93, par. c; 1994, c. 40, s. 80)

### DIVISION I EQUIVALENCE RECOGNITION PROCEDURE

**1.** The secretary of the Ordre professionnel des physiothérapeutes du Québec shall forward a copy of this Regulation to a candidate wishing to have training or a diploma recognized as equivalent.

In this Regulation,

“diploma equivalence” means the recognition by the Bureau of the Order that a diploma issued by a teaching establishment outside Québec certifies that a person's level of knowledge is equivalent, in terms of the standards provided for in section 6, to the level attained by the holder of a diploma recognized as meeting permit requirements;

“training equivalence” means the recognition by the Bureau of the Order that a person's training demon-

strates that he has attained a level of knowledge equivalent, in terms of the standards provided for in section 8, to the level attained by the holder of a diploma recognized as meeting permit requirements.

**2.** A person wishing to have a diploma or training equivalence recognized shall

(1) send an application in writing to the secretary of the Order, together with the fees prescribed by the Bureau of the Order for the examination of his application pursuant to paragraph 8 of section 86.0.1 of the Professional Code, enacted by section 73 of Chapter 40 of the Statutes of 1994;

(2) provide the secretary of the Order with

(a) a copy of the diploma that he holds and wishes to have recognized as equivalent;

(b) a true copy of his act of birth or, failing that, of his passport or of a Canadian citizenship certificate or proof that he was legally admitted to Canada to reside there permanently;

(c) where applicable, a document attesting to relevant work experience; and

(3) where applicable, provide the secretary of the Order with an attestation of schooling, completed by the teaching establishment that issued the diploma in respect of which a diploma equivalence is applied for, or by a competent authority, and describing the program of study taken, particularly the courses, practical work and clinical training sessions.

Documents provided in support of an application for equivalence and written in a language other than French or English shall be accompanied by a French or English translation, attested to by an affidavit by the person who did the translation.

**3.** The secretary shall forward to the Bureau the documents referred to in section 2. At the first meeting following the date of receipt of those documents, the Bureau shall decide whether to grant a diploma or training equivalence in accordance with this Regulation.

**4.** Within 30 days following the date of its decision, the Bureau shall inform the person thereof in writing and, where the decision is not to grant an equivalence, shall indicate to the person the programs of study, training sessions or examinations that must be successfully completed, within the time specified by the Bureau, for the equivalence to be granted.

**5.** A candidate who is informed of the Bureau's decision not to grant an equivalence may apply to the Bureau for a hearing, provided that he applies therefor in writing to the secretary within 30 days of the mailing of the decision.

The Bureau shall grant a hearing and, where expedient, shall revise its decision within 60 days following the date of receipt of such application. To that end, the secretary shall convene the person by means of a notice in writing sent by registered mail not less than 10 days before the date of the hearing.

The Bureau's decision is final and shall be sent to the candidate in writing within 30 days following the date of the hearing.

## **DIVISION II** **STANDARDS OF EQUIVALENCE**

**6.** A person holding a diploma issued by a teaching establishment outside Québec shall be granted a diploma equivalence if the diploma was issued upon completion of university studies comprising the equivalent of at least 100 credits. Each credit shall represent 15 hours of attendance in a theoretical course and 30 hours of practical work or 45 hours of clinical training, broken down as follows:

- (1) between 15 and 21 credits in basic sciences;
- (2) between 4 and 8 credits in behavioural sciences;
- (3) between 45 and 50 credits in physiotherapy sciences;
- (4) between 6 and 10 credits in administration and research;
- (5) between 18 and 24 credits in clinical professional training.

**7.** Notwithstanding section 6, where the diploma in respect of which an equivalence application has been filed was issued 5 or more years prior to the application, a diploma equivalence shall be denied if the knowledge acquired by the person no longer corresponds, taking into account developments in the profession, to the knowledge being taught, at the time of the application, in a program of studies leading to the issue of a diploma recognized by regulation of the Government as meeting permit requirements.

In such case, a training equivalence may be granted in accordance with section 8 if the training acquired by the person since being awarded the diploma has enabled him to acquire the required level of knowledge.

**8.** A training equivalence shall be granted if the person demonstrates that his knowledge is equivalent to that acquired by the holder of a diploma recognized by the Government under the first paragraph of section 184 of the Code.

**9.** Notwithstanding section 8, where the training in respect of which an equivalence application has been filed was completed 5 or more years prior to the application, a training equivalence shall be denied if the knowledge acquired by the person no longer corresponds, taking into account developments in the profession, to the knowledge being taught, at the time of the application, in a program of studies leading to the issue of a diploma recognized by regulation of the Government as meeting permit requirements.

**10.** To determine whether a person may be granted a training equivalence, the Bureau shall take all the following factors into account:

- (1) the fact that the candidate holds one or more diplomas awarded in Québec or elsewhere;
- (2) courses taken, the number of credits for each course and the results obtained, with each credit representing 15 hours of theoretical courses and 30 hours of practical work or 45 hours of clinical training;
- (3) professional training periods and other refresher training or upgrading activities;
- (4) total years of schooling; and
- (5) relevant work experience.

**11.** Where assessing a person's training presents such difficulties such that a judgment cannot be made on his level of knowledge, the Bureau may ask that person to take an examination or complete a training period, or both.

**12.** Notwithstanding section 6, and until 1 January 2000, a diploma equivalence may be granted to a person whose diploma issued by a teaching establishment outside Québec comprises only 96 credits, including only 12 credits in clinical professional training.

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

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Gouvernement du Québec

## O.C. 1262-96, 2 October 1996

Highway Safety Code  
(R.S.Q., c. C-24.2)

### Licences

#### — Amendments

Regulation to amend the Regulation respecting licences

WHEREAS under paragraph 5.2 of section 619 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may by regulation prescribe the cases and conditions allowing claims for repayment, upon expiration of the periods prescribed by regulation, of the duties, fees and insurance contribution exigible under section 93.1 of the Code and establish the calculation method or fix the exact amount of the sums claimed, as well as the maximum period which may be covered by such a claim;

WHEREAS under section 619.2 of the Code, the Government may fix, by regulation, the duties exigible for obtaining a learner's licence, probationary licence or driver's licence and the duties exigible under section 93.1 of the Code, on the basis of one or more of the following factors:

- (1) the nature of the licence applied for;
- (2) its class;
- (3) its category;

WHEREAS under section 619.3 of the Code, the Government may prescribe, by regulation, calculation methods for the duties exigible for obtaining a learner's licence, probationary licence or driver's licence and fix the monthly duties on the licence, on the basis of one or more of the factors provided for in section 619.2 of the Code;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft of the Regulation to amend the Regulation respecting licences was published in Part 2 of the *Gazette officielle du Québec* of 10 July 1996, with a notice that it could be made by the Government upon the expiry of 45 days following the date of its publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation respecting licences, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting licences

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 619, par. 5.2, s. 619.2 and s. 619.3)

**1.** The Regulation respecting licences, made by Order in Council 1421-91 dated 16 October 1991 and amended by the Regulations made by Orders in Council 1122-92 dated 29 July 1992, 1511-93 dated 27 October 1993, 531-95 dated 12 April 1995 and 719-96 dated 12 June 1996, is further amended by substituting the following for section 57:

“**57.** The duties payable to obtain a probationary licence are \$32.

Notwithstanding the foregoing, the duties payable to obtain a probationary licence are calculated by multiplying the monthly duties of \$1.33 by the number of full months, plus one, between the date of issue of the licence and the date of its expiry where the person applying therefor is in one of the following situations:

- (1) he is referred to in section 92.0.1 of the Highway Safety Code; or
- (2) his previous probationary licence was cancelled by the Société or at his own request.”

**2.** Section 61 is amended:

(1) by substituting the following for the second paragraph:

“The biennial duties payable by a holder of a driver's licence not belonging exclusively to classes 6D and 8 are \$32.”;

(2) by substituting the following for the third paragraph:

“The biennial duties payable by a holder of a driver’s licence belonging exclusively to classes 6D and 8 are \$42.”.

**3.** The following is substituted for section 73.1:

“**73.1** The monthly duties for a driver’s licence not belonging exclusively to classes 6D and 8 are \$1.33.”.

**4.** The following is substituted for section 73.2:

“**73.2** The monthly duties for a driver’s licence belonging exclusively to classes 6D and 8 are \$1.75.”.

**5.** The duties fixed in this Regulation apply to learner’s licences, probationary licences or driver’s licences issued on a date later than 31 October 1996 and to the payments of biennial duties for driver’s licences where payment is received at the Société de l’assurance automobile du Québec on a date later than 31 October 1996 and the due date for payment is later than 30 November 1996 under section 59 of the Regulation respecting licences.

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

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Gouvernement du Québec

## O.C. 1263-96, 2 October 1996

Highway Safety Code  
(R.S.Q., c. C-24.2)

### Road vehicle registration — Amendments

Regulation to amend the Regulation respecting road vehicle registration

WHEREAS under paragraph 8.4 of section 618 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may by regulation fix the annual duties exigible under section 31.1 of the Code with regard to any person obtaining registration under section 10.2 of the Code, on the basis of one or more of the following factors:

- (a) the class of road vehicles registered;
- (b) their net mass;
- (c) their number of axles;
- (d) their use;
- (e) the professional activity, the legal personality or the identity of the applicant;

- (f) the territory where the vehicles are to be used;

WHEREAS under paragraph 11.2 of section 618 of the Code, the Government may by regulation prescribe the cases and conditions allowing claims for repayment, upon expiration of the periods prescribed by regulation or at any later date it fixes, of the duties, fees and insurance contribution exigible under section 31.1 of the Code and establish the calculation method or fix the exact amount of the sums claimed, as well as the maximum period which may be covered by such a claim;

WHEREAS under section 619.1 of the Code, the Government may fix, by regulation, the duties exigible for obtaining the registration of a road vehicle and the duties exigible under section 31.1 of the Code, on the basis of one or more of the following factors:

- (1) the class or sub-class of road vehicles to which the vehicle belongs;
- (2) its net mass;
- (3) its number of axles;
- (4) its use;
- (5) the professional activity, the legal personality or the identity of its owner;
- (6) the territory where it is used;

WHEREAS under section 619.3 of the Code, the Government may prescribe, by regulation, calculation methods for registration duties and fix the monthly duties, on the basis of one or more of the factors provided for in section 619.1 of the Code;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft of the Regulation to amend the Regulation respecting road vehicle registration was published in Part 2 of the *Gazette officielle du Québec* of 10 July 1996, with a notice that it could be made by the Government upon the expiry of 45 days following the date of its publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation respecting road vehicle registration, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting road vehicle registration

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 618, pars. 8.4 and 11.2, s. 619.1 and s. 619.3)

**1.** The Regulation respecting road vehicle registration, made by Order in Council 1420-91 dated 16 October 1991 and amended by the Regulations made by Orders in Council 1408-92 dated 23 September 1992, 1876-92 dated 16 December 1992, 1510-93 dated 27 October 1993, 1382-95 dated 18 October 1995 and 1437-95 dated 1 November 1995 and 720-96 dated 12 June 1996, is further amended in section 26 by substituting the following for the first paragraph:

“**26.** The fees payable upon issue of temporary registration for a road vehicle which is not registered in accordance with the provisions of a reciprocal agreement between Québec and another government, and for the right to temporarily operate the vehicle are \$26.”

**2.** The following is substituted for section 65:

“**65.** The fees payable for the registration of a trailer and the right to operate that vehicle are \$44.”

**3.** The following is substituted for section 78:

“**78.** The monthly fees for a snowmobile with a net weight of 450 kg or less are \$12.80.”

**4.** The following is substituted for section 79:

“**79.** The monthly fees for a snowblower are \$30.80.”

**5.** The following is substituted for section 82:

“**82.** The monthly fees for a bus with a net weight of 3 000 kg or less engaged in the transportation of schoolchildren are \$15.40.”

**6.** The following is substituted for section 83:

“**83.** The monthly fees for a bus with a net weight of over 3 000 kg but not more than 8 000 kg, engaged in the transportation of schoolchildren, are \$29.70.”

**7.** The following is substituted for section 84:

“**84.** The monthly fees for a bus with a net weight of over 8 000 kg but not more than 10 000 kg, engaged in the transportation of schoolchildren, are \$36.60.”

**8.** The following is substituted for section 85:

“**85.** The monthly fees for a bus with a net weight of over 10 000 kg, engaged in the transportation of schoolchildren, are \$43.50.”

**9.** The following is substituted for section 86:

“**86.** Subject to sections 90, 125 and 126, the monthly fees for a passenger vehicle or a motor home with a net weight of 3 000 kg or less are \$6.33.

The monthly fees prescribed in the first paragraph are reduced by \$4.33 where the owner’s principal residence is located in a peripheral region described in section 2R1 of the Regulation respecting the application of the Fuel Tax Act (R.R.Q., 1981, c. T-1, r. 1, Suppl.).

The monthly fees referred to in the first paragraph are reduced by \$2.16 where the owner’s principal residence is located in a specified region described in section 2R1 of the Regulation respecting the application of the Fuel Tax Act.”

**10.** The following is substituted for section 86.1:

“**86.1** The monthly fees for a snowmobile with a net weight of over 450 kg are \$8.80.”

**11.** The following is substituted for section 87:

“**87.** The monthly fees for a truck other than one used in an area not linked to the Québec highway system are the fees obtained by dividing by 12 the fees prescribed in section 111 according to the net weight and the number of axles of the truck.”

**12.** The following is substituted for section 88:

“**88.** The monthly fees for a farm motor vehicle with a net weight of more than 3 000 kg are the fees obtained by dividing by 12 the fees prescribed in section 112 according to the net weight and the number of axles of the farm motor vehicle.”

**13.** The following is substituted for section 89:

“**89.** The monthly fees for a truck used in an area not linked to the Québec highway system are the fees obtained by dividing by 12 the fees prescribed in sec-

tions 130 to 135 according to the net weight and the number of axles of the truck.”.

**14.** The following is substituted for section 90:

“**90.** The monthly fees for any road vehicle other than those covered by sections 78 to 89, are the fees obtained by dividing by 12 the fees payable to retain the right to operate the registered road vehicle and prescribed in Chapter IV.”.

**15.** Section 97 is amended:

(1) by substituting the following for the third paragraph:

“Subject to sections 125 and 126, the fees payable to retain the right to operate a road vehicle covered by the first or second paragraph are \$76 for each payment period.”;

(2) by substituting the following for the fourth paragraph:

“The fees fixed in the third paragraph are reduced by \$52 for each payment period, where the owner’s principal residence is located in a peripheral region described in section 2R1 of the Regulation respecting the application of the Fuel Tax Act.”;

(3) by substituting the following for the fifth paragraph:

“The fees fixed in the third paragraph are reduced by \$26 for each payment period, where the owner’s principal residence is located in a specified region described in section 2R1 of the Regulation respecting the application of the Fuel Tax Act.”.

**16.** The following is substituted for the first paragraph of section 103:

“**103.** The fees payable to retain the right to operate a farm motor vehicle with a net weight of 3 000 kg or less are \$43 for each payment period.”.

**17.** The following is substituted for the first paragraph of section 104:

“**104.** The fees payable to retain the right to operate a road vehicle where the owner is a driving school or an educational institution holding a permit to dispense instruction in the driving of heavy trucks issued under section 11 of the Act respecting private education (R.S.Q., c. E-9.1) and the fees payable to retain the right to operate a commercial vehicle, a vehicle engaged in the

transportation of schoolchildren or a snowblower are \$154 for each payment period.”.

**18.** The following is substituted for the first paragraph of section 105:

“**105.** The fees payable to retain the right to operate a motor home with a net weight of 3 000 kg or less where the owner is a legal person and the fees payable to operate an ambulance, a hearse, special mobile equipment, special mobile snow equipment or a tow truck with a net weight of 3 000 kg or less are \$154 for each payment period.”.

**19.** The following is substituted for the first paragraph of section 106:

“**106.** The fees payable to retain the right to operate an ambulance, a hearse, a motor home, special mobile equipment, special mobile snow equipment or a tow truck with a net weight of over 3 000 kg but not exceeding 8 000 kg are \$299 for each payment period.”.

**20.** The following is substituted for the first paragraph of section 107:

“**107.** The fees payable to retain the right to operate an ambulance, a hearse, a motor home, special mobile equipment, special mobile snow equipment or a tow truck with a net weight of over 8 000 kg but not exceeding 10 000 kg are \$407 for each payment period.”.

**21.** The following is substituted for the first paragraph of section 108:

“**108.** The fees payable to retain the right to operate an ambulance, a hearse, a motor home, special mobile equipment, special mobile snow equipment or a tow truck with a net weight of over 10 000 kg are \$542 for each payment period.”.

**22.** The following is substituted for the third paragraph of section 109:

“The fees payable to retain the right to operate a road vehicle covered by the first or second paragraph are \$76 for each payment period.”.

**23.** Section 111 is amended by substituting the following for the first six paragraphs:

“**111.** The fees payable to retain the right to operate a two-axled truck with a net weight of over 3 000 kg but not exceeding 4 000 kg are \$372 for each payment period.”.

For a truck with two axles with a net weight of over 4 000 kg the fees are \$668 for each payment period.

For a truck with three axles the fees are \$1 179 for each payment period.

For a truck with four axles the fees are \$1 743 for each payment period.

For a truck with five axles the fees are \$2 134 for each payment period.

For a truck with six or more axles the fees are \$2 933 for each payment period.”.

**24.** Section 112 is amended by substituting the following for the first six paragraphs:

“**112.** The fees payable to retain the right to operate a farm motor vehicle with two axles and a net weight of over 3 000 kg but not exceeding 4 000 kg are \$149 for each payment period.

For a farm motor vehicle with two axles and a net weight of over 4 000 kg the fees are \$267 for each payment period.

For a farm motor vehicle with three axles the fees are \$478 for each payment period.

For a farm motor vehicle with four axles the fees are \$704 for each payment period.

For a farm motor vehicle with five axles the fees are \$899 for each payment period.

For a farm motor vehicle with six or more axles the fees are \$1 219 for each payment period.”.

**25.** The following is substituted for the first paragraph of section 115:

“**115.** The fees payable to retain the right to operate a bus or minibus with a net weight of 3 000 kg or less are \$154 for each payment period.”.

**26.** The following is substituted for the first paragraph of section 116:

“**116.** The fees payable to retain the right to operate a bus or minibus with a net weight of over 3 000 kg but not exceeding 8 000 kg, with the exception of a private bus and a bus engaged in the transportation of schoolchildren, are \$426 for each payment period.”.

**27.** The following is substituted for the first paragraph of section 117:

“**117.** The fees payable to retain the right to operate a bus or minibus with a net weight of over 8 000 kg but not exceeding 10 000 kg, with the exception of a private bus and a bus engaged in the transportation of schoolchildren, are \$582 for each payment period.”.

**28.** The following is substituted for the first paragraph of section 18:

“**118.** The fees payable to retain the right to operate a bus or minibus with a net weight of over 10 000 kg, with the exception of a private bus and a bus engaged in the transportation of schoolchildren, are \$730 for each payment period.”.

**29.** The following is substituted for the first paragraph of section 119:

“**119.** The fees payable to retain the right to operate a bus engaged in the transportation of schoolchildren or of a private bus with a net weight of over 3 000 kg but not exceeding 8 000 kg are \$297 for each payment period.”.

**30.** The following is substituted for the first paragraph of section 120:

“**120.** The fees payable to retain the right to operate a bus engaged in the transportation of schoolchildren or of a private bus with a net weight of over 8 000 kg but not exceeding 10 000 kg are \$366 for each payment period.”.

**31.** The following is substituted for the first paragraph of section 121:

“**121.** The fees payable to retain the right to operate a bus engaged in the transportation of schoolchildren or a private bus with a net weight of over 10 000 kg are \$435 for each payment period.”.

**32.** The following is substituted for the first paragraph of section 126:

“**126.** The fees payable to retain the right to operate a tow truck, a motor home or special mobile equipment with a net weight of 3 000 kg or less, or a commercial vehicle or a vehicle engaged in the transportation of schoolchildren covered by section 124 are \$46 for each payment period.”.

**33.** The following is substituted for the first paragraph of section 127:

“**127.** The fees payable to retain the right to operate a tow truck, a motor home or special mobile equipment with a net weight of over 3 000 kg but not exceeding



8 000 kg and covered by section 124 are \$89 for each payment period.”

**34.** The following is substituted for the first paragraph of section 128:

“**128.** The fees payable to retain the right to operate a tow truck, a motor home or special mobile equipment with a net weight of over 8 000 kg but not exceeding 10 000 kg and covered by section 124 are \$123 for each payment period.”

**35.** The following is substituted for the first paragraph of section 129:

“**129.** The fees payable to retain the right to operate a tow truck, a motor home or special mobile equipment with a net weight of over 10 000 kg and covered by section 124 are \$163 for each payment period.”

**36.** The following is substituted for the first paragraph of section 130:

“**130.** The fees payable to retain the right to operate a truck with two axles with a net weight of over 3 000 kg but not exceeding 4 000 kg and covered by section 124 are \$111 for each payment period.”

**37.** The following is substituted for the first paragraph of section 131:

“**131.** The fees payable to retain the right to operate a truck with two axles with a net weight of over 4 000 kg covered by section 124 are \$201 for each payment period.”

**38.** The following is substituted for the first paragraph of section 132:

“**132.** The fees payable to retain the right to operate a truck with three axles covered by section 124 are \$358 for each payment period.”

**39.** The following is substituted for the first paragraph of section 133:

“**133.** The fees payable to retain the right to operate a truck with four axles covered by section 124 are \$528 for each payment period.”

**40.** The following is substituted for the first paragraph of section 134:

“**134.** The fees payable to retain the right to operate a truck with five axles covered by section 124 are \$680 for each payment period.”

**41.** The following is substituted for the first paragraph of section 135:

“**135.** The fees payable to retain the right to operate a truck with six or more axles covered by section 124 are \$920 for each payment period.”

**42.** The following is substituted for the second paragraph of section 137:

“The fees payable to retain the right to operate a road vehicle covered by the first paragraph are \$44 for each payment period.”

**43.** The following is substituted for the second paragraph of section 139:

“The fees payable to retain the right to operate a road vehicle covered by the first paragraph are \$44 for each payment period.”

**44.** The following is substituted for the second paragraph of section 141:

“The fees payable to retain the right to operate a road vehicle covered by the first paragraph are \$64 for each payment period.”

**45.** The following is substituted for the first paragraph of section 147:

“**147.** The fees payable to obtain the registration of a road vehicle in a category covered by section 143 and the right to operate a vehicle belonging to one of those categories are calculated by multiplying the monthly fees of \$48.08 by the number of full months, plus one, between the date on which registration is applied for and the last day of the month preceding the last month during which the amounts provided for in the first paragraph of section 31.1 of the Highway Safety Code next become due.”

**46.** The following is substituted for the first paragraph of section 148:

“**148.** The fees payable by a person having obtained the registration of a road vehicle in a category covered by section 143 and wishing to retain the right to operate a vehicle belonging to one of those categories are \$577 for each payment period.”

**47.** Section 154 is amended:

(1) by substituting the following for the second paragraph:

“The monthly fees payable to obtain the registration of a road vehicle in one of the categories covered by section 149 and the right to operate a vehicle with a net

weight of over 500 kg but not exceeding 3 000 kg in one of those categories are \$22.25.”;

(2) by substituting the following for the third paragraph:

“The monthly fees payable to obtain the registration of a road vehicle in one of the categories covered by section 149 and the right to operate a vehicle in one of those categories without regard to its net weight are \$48.08.”.

**48.** The following is substituted for section 156:

“**156.** The fees payable by a person having obtained the registration of a road vehicle in a category covered by section 149 and wishing to retain the right to operate a vehicle with a net weight of 3 000 kg or less in one of those categories are \$267 for each payment period.”.

**49.** The following is substituted for section 157:

“**157.** The fees payable by a person having obtained the registration of a road vehicle in a category covered by section 149 and wishing to retain the right to operate a vehicle in one of those categories without regard to its net weight are \$577 for each payment period.”.

**50.** The fees fixed in this Regulation apply to the registration of road vehicles on a date later than 31 October 1996 and to the payment of fees to retain the right to operate a road vehicle where payment is received by the Société de l'assurance automobile du Québec on a date later than 31 October 1996 and payment becomes due on a date later than 29 November 1996 under sections 19 to 24 of the Regulation respecting road vehicle registration.

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

1003

Gouvernement du Québec

**O.C. 1290-96**, 9 October 1996

An Act respecting income security  
(R.S.Q., c. S-3.1.1)

**Regulation**  
— **Amendments**

Regulation to amend the Regulation respecting income security

WHEREAS under subparagraph 5 of the first paragraph and the second paragraph of section 91 of the Act respecting income security (R.S.Q., c. S-3.1.1), the Government may make regulations to prescribe, for each last resort assistance program, the amounts of the special benefits intended to provide for certain specific needs and to determine subject to what conditions and in which cases they are granted and in which circumstances they may vary;

WHEREAS in accordance with section 91 of the Act respecting income security, the Government made the Regulation respecting income security by Order in Council 922-89 dated 14 June 1989;

WHEREAS it is expedient to further amend the Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 24 July 1996 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS the 45-day period prescribed by that Act has expired;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Employment and Solidarity and Minister of Income Security:

THAT the Regulation to amend the Regulation respecting income security, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting income security**

An Act respecting income security  
(R.S.Q., c. S-3.1.1, s. 91, 1<sup>st</sup> par., subpar. 5, and 2<sup>nd</sup> par.)

**1.** The Regulation respecting income security, made by Order in Council 922-89 dated 14 June 1989 and amended by the Regulations made by Orders in Council 1917-89 dated 13 December 1989, 1051-90 dated 18 July 1990, 1733-90 and 1734-90 dated 12 December 1990, 1793-90 dated 19 December 1990, 567-91 dated

24 April 1991, 1721-91 dated 11 December 1991, 285-92 dated 26 February 1992, 379-92 and 380-92 dated 18 March 1992, 868-92 dated 10 June 1992, 1155-92 dated 5 August 1992, 1798-92 and 1799-92 dated 9 December 1992, 123-93 dated 3 February 1993, 825-93 dated 9 June 1993, 1287-93 dated 8 September 1993, 1780-93 dated 8 December 1993, 159-94 dated 19 January 1994, 249-94 dated 9 February 1994, 827-94 dated 8 June 1994, 1160-94 dated 20 July 1994, 260-95 dated 1 March 1995, 1354-95 dated 11 October 1995, 202-96 dated 14 February 1996, 266-96 dated 28 February 1996, 761-96 dated 19 June 1996 and 926-96 dated 17 July 1996, is further amended, in section 28, by substituting “24 consecutive months in the case of a dental prosthesis or 6 consecutive months in the other cases” for “6 consecutive months”.

**2.** Division 1.0 of the Appendix to Schedule I to the Regulation is amended by substituting “eight” for “five” in Subdivisions 1.1.2 and 1.2.2.

**3.** This Regulation comes into force on 1 November 1996.

1016

Gouvernement du Québec

## O.C. 1287-96, 9 October 1996

Health Insurance Act  
(R.S.Q., c. A-29)

### Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Health Insurance Act

WHEREAS under subparagraphs *b*, *b.1*, *d*, *e* and *g* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Board or upon its recommendation, make regulations on the matters prescribed therein;

WHEREAS the Government made the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1) and it is expedient to amend it;

WHEREAS the Régie de l'assurance-maladie du Québec was consulted on those amendments;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the ap-

plication of the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* of 24 July 1996 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the application of the Health Insurance Act, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the application of the Health Insurance Act

Health Insurance Act  
(R.S.Q., c. A-29, s. 69, 1<sup>st</sup> par., subpars. *b*, *b.1*, *d*, *e*  
and *g*)

**1.** The Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1), amended by the Regulations made by Orders in Council 3397-81 dated 9 December 1981 (Suppl., p. 84), 1125-82 dated 12 May 1982 (Suppl., p. 105), 1181-82 dated 19 May 1982 (Suppl., p. 106), 1712-82 dated 13 July 1982 (Suppl., p. 107), 1789-82 dated 12 August 1982, 2448-82 dated 27 October 1982, 2546-82 dated 10 November 1982, 2630-82 dated 17 November 1982, 2678-82 dated 24 November 1982, 3018-82 and 3019-82 dated 21 December 1982, 13-83 and 14-83 dated 12 January 1983, 165-83 dated 2 February 1983, 539-83 dated 23 March 1983, 692-83 and 693-83 dated 13 April 1983, 763-83 dated 20 April 1983, 1771-83 dated 1 September 1983, 1828-83 dated 7 September 1983, 937-84 dated 11 April 1984, 1374-84 and 1375-84 dated 13 June 1984, 1513-84 dated 27 June 1984, 1769-84 and 1770-84 dated 8 August 1984, 1813-84 dated 16 August 1984, 1893-84 dated 22 August 1984, 2051-84 dated 19 September 1984, 2298-84 dated 17 October 1984, 2751-84 dated 12 December 1984, 321-85 dated 21 February 1985, 661-85 dated 3 April 1985, 944-85 dated 22 May 1985, 1119-85 dated 12 June 1985, 1516-85 dated 17 July 1985, 2276-85 and 2277-85 dated 31 October 1985, 2494-85 dated 27 November 1985, 445-86 dated 9 April 1986, 654-86 dated 14 May 1986,

1179-86 dated 30 July 1986, 1538-86 dated 8 October 1986, 1730-86 dated 19 November 1986, 1936-86 dated 16 December 1986, 1026-87 dated 23 June 1987, 1258-87 and 1259-87 dated 12 August 1987, 1556-87 dated 7 October 1987, 1656-87 dated 28 October 1987, 1834-87 dated 2 December 1987, 1937-87 dated 16 December 1987, 424-88 dated 23 March 1988, 618-88 and 619-88 dated 27 April 1988, 841-88 dated 1 June 1988, 950-88 dated 15 June 1988, 1550-88 dated 12 October 1988, 1634-88 dated 26 October 1988, 1823-88 dated 7 December 1988, 1887-88 and 1888-88 dated 14 December 1988, 1980-88 dated 21 December 1988, 922-89 and 924-89 dated 14 June 1989, 967-89 dated 21 June 1989, 1214-89 dated 26 July 1989, 1600-89 dated 10 October 1989, 224-90 dated 21 February 1990, 512-90 dated 11 April 1990, 858-90, 860-90, 861-90 and 862-90 dated 20 June 1990, 1027-90 dated 11 July 1990, 1473-90 dated 10 October 1990, 1735-90 dated 12 December 1990, 384-91 dated 20 March 1991, 862-91, 863-91 and 864-91 dated 19 June 1991, 940-91 dated 3 July 1991, 1064-91 dated 24 July 1991, 1134-91 dated 14 August 1991, 1500-91, 1501-91 and 1502-91 dated 30 October 1991, 1834-91 dated 18 December 1991, 499-92 and 500-92 dated 1 April 1992, 903-92 and 904-92 dated 17 June 1992, 948-92 dated 23 June 1992, 1002-92 dated 30 June 1992, 1192-92 dated 19 August 1992, 1244-92 dated 26 August 1992, 1402-92 dated 23 September 1992, 1469-92 and 1470-92 dated 30 September 1992, 1509-92 dated 7 October 1992, 1755-92 dated 2 December 1992, 1890-92 dated 16 December 1992, 124-93 dated 3 February 1993, 209-93 dated 17 February 1993, 423-93 dated 24 March 1993, 729-93 dated 20 May 1993, 744-93 and 745-93 dated 26 May 1993, 869-93 dated 16 June 1993, 950-93 and 951-93 dated 30 June 1993, 1472-93 dated 20 October 1993, 1899-93 dated 15 December 1993, 69-94 dated 10 January 1994, 612-94 dated 27 April 1994, 896-94 dated 15 June 1994, 1779-94 dated 14 December 1994, 386-95 dated 22 March 1995, 1179-95 dated 30 August 1995, 1638-95 dated 13 December 1995, 323-96 dated 13 March 1996 and 759-96 dated 19 June 1996, is further amended in section 22

(1) by substituting the words “a 24-month period by an optometrist to a beneficiary who holds a valid claim booklet issued in accordance with section 71 or 71.1 of the Act and who is 18 years of age or over and less than 65 years of age or if they are rendered more than once during a 12-month period by an optometrist to any other beneficiary contemplated in section 34” for the words “each 12-month period by a professional in the field of health” in paragraph *j*; and

(2) by inserting the following after paragraph *k*:

“(k.1) among the services referred to in the second paragraph of section 3 of the Act, the following services shall not be considered insured services if they are rendered more than once during a 12-month period by a dentist, except in the case of a service referred to in subparagraph *i* rendered to a beneficiary under 10 years of age:

- i. examination, except in an emergency;
- ii. teaching and demonstration of oral hygiene procedures;
- iii. cleaning of teeth;
- iv. scaling;
- v. topical fluoride application;”.

**2.** Section 34 is amended by substituting the words “18 years of age or over and less than 65 years of age who have held, for at least 12 consecutive months,” for the words “who hold” in the first paragraph.

**3.** Section 35 is amended by striking out the words “where the beneficiary does not hold a valid claim booklet issued in accordance with section 71.1 of the Act” in the part preceding paragraph *A*.

**4.** Section 36 is amended

(1) by adding the words “10 years of age or over” after the word “beneficiary” in the part preceding paragraph *A*; and

(2) by substituting the following for the first two subparagraphs of paragraph *H*:

“— one complete prosthesis per 8-year period and, for a first prosthesis, 3 months or more after extraction of teeth;

— one partial prosthesis with or without hooks or supports per 8-year period and, for a first prosthesis, 3 months or more after extraction of teeth;”.

**5.** The following is substituted for section 36.1:

“**36.1** Notwithstanding section 36, the dental services listed therein are considered insured services only for a beneficiary 10 years of age or over who has held, for at least 12 consecutive months, a valid claim booklet issued in accordance with section 71.1 of the Act; notwithstanding the foregoing, for the acrylic prosthesis services contemplated in paragraph *H* of section 36, the period shall be 24 consecutive months.

The period of 12 consecutive months provided for in the first paragraph does not apply where the following

services, including the preliminary examination, have been rendered as emergencies:

- extraction of a tooth or root;
- opening of the pulp cavity;
- incision or drainage of an abscess;
- alveolitis;
- haemorrhage control;
- repair of laceration of soft tissue;
- reduction of an alveolar fracture;
- immobilization of a tooth loosened by traumatism;
- re-implantation of an entirely exfoliated tooth.”.

**6.** This Regulation comes into force on 1 November 1996.

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Gouvernement du Québec

## O.C. 1286-96, 9 October 1996

Civil Code of Québec  
(1991, c. 64)

### Tariff of duties

#### — Acts of civil status and change of name or of designation of sex — Amendments

Regulation to amend the Tariff of duties respecting the acts of civil status and change of name or of designation of sex

WHEREAS under article 64 of the Civil Code of Québec (1991, c. 64), the Government may, by regulation, determine the duties payable by the person making an application for a change of name;

WHEREAS under article 73 of the Code, the application for a change of designation of sex is subject to the same duties as an application for a change of name;

WHEREAS under the second paragraph of article 151 of the Code, the Government may, by regulation, fix the duties payable for the issuing of copies of acts, certificates or attestations and the charge for preparing an act or consulting the register of civil status;

WHEREAS in accordance with those provisions, the Government made, by Order in Council 1593-93 dated 17 November 1993, the Tariff of duties respecting the acts of civil status and change of name or of designation of sex;

WHEREAS it is expedient to amend the Tariff;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation to amend the Tariff of duties respecting the acts of civil status and change of name or of designation of sex, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 24 July 1996, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were received during the 45-day period;

WHEREAS it is expedient to make, without amendment, the Regulation to amend the Tariff of duties respecting the acts of civil status and change of name or of designation of sex, as it appears attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Relations with the Citizens and Immigration and the Minister for Relations with the Citizens and Immigration:

THAT the Regulation to amend the Tariff of duties respecting the acts of civil status and change of name or of designation of sex, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Tariff of duties respecting the acts of civil status and change of name or of designation of sex

Civil Code of Québec  
(1991, c. 64, s. 64, 73 and 151)

**1.** The Tariff of duties respecting the acts of civil status and change of name or of designation of sex, made by Order in Council 1593-93 dated 17 November 1993, is amended in section 1, by substituting

- (1) “\$15” for “\$12” in paragraph 1;
- (2) “\$20” for “\$16” in paragraph 2; and
- (3) “\$25” for “\$24” in paragraph 3.

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

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## Draft Regulations

### Draft Regulation

Code of Civil Procedure  
(R.S.Q., c. C-25)

#### Applications to an obligation of support

— Statement by parties  
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the statement by parties in respect of applications relating to an obligation of support, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to replace the sworn statement under article 827.5 of the Code of Civil Procedure (R.S.Q., c. C-25) that each of the parties must complete, where an application relating to an obligation of support is made, so as to facilitate the collection of support.

In addition to the information already contained in the former Schedule, the new one replaces in item 7 the particular "Address at work" by the particular "Name and address of employer". Also, it will provide additional information in items 15 to 17 on the other party, such as the residential address, telephone number at home and at work, the date of birth and the social insurance number.

To date, study of the matter has revealed no significant impact on the public and on businesses, except that it should help to better protect the interests of support creditors by accelerating the collection of support.

Further information may be obtained by contacting Mr. Pierre Tanguay, 1200, route de l'Église, 5<sup>e</sup> étage, Sainte-Foy (Québec), G1V 4M1; tel: (418) 644-7706, fax: (418) 644-9968.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Sainte-Foy (Québec), G1V 4M1.

PAUL BÉGIN,  
*Minister of Justice*

### Regulation to amend the Regulation respecting the statement by parties in respect of applications relating to an obligation of support

Code of Civil Procedure  
(R.S.Q., c. C-25, art. 827.5; 1995, c. 18, s. 89)

**1.** The Regulation respecting the statement by parties in respect of applications relating to an obligation of support, made by Order in Council 1524-95 dated 22 November 1995, is amended by substituting the Schedule attached hereto for Schedule I.

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

#### SCHEDULE I

(s. 1)

CANADA  
Province de Québec  
District of

#### SWORN STATEMENT UNDER ARTICLE 827.5 OF THE CODE OF CIVIL PROCEDURE

File No.:

(Please complete in block letters)

**IDENTITY:** Applicant ( ) Defendant ( )

1. Surname(s):  
Given name(s):

2. Surname at birth:

3. Sex: M ( ) F ( )

4. Language: French ( ) English ( )

5. Residential address:

Postal code:            Province:            Country:  
Telephone at home: ( )            At work: ( )

Postal address (if different):

Postal code:            Province:            Country:

6. Date of birth (YYYY/MM/DD):  
Social insurance number:

Sworn before me at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_  
Person authorized to administer oath

### INFORMATION ON EMPLOYMENT AND INCOME

7. Employee: \_\_\_\_\_ Self-employed worker: \_\_\_\_\_

SJ-766 (06-96)

1015

Name and address of employer:

### Draft Regulation

Postal code: \_\_\_\_\_ Province: \_\_\_\_\_ Country: \_\_\_\_\_  
Remuneration: \_\_\_\_\_ Language of communication: \_\_\_\_\_  
French ( ) English ( )

Cooperatives Act  
(R.S.Q., c. C-67.2)

### Regulation — Amendments

8. The deponent is unemployed: ( )

9. The deponent receives income security benefits: ( )  
File No.(CP 12): \_\_\_\_\_

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation under the Cooperatives Act, the text of which appears below, may be made by the Government upon the expiry of 45 days from this publication.

10. Other income:  
**(Indicate the source and amount of each)**

### OTHER INFORMATION

11. Name at birth of deponent's mother:

The purpose of the Draft Regulation is to amend the Regulation under the Cooperatives Act in order to harmonize its provisions with the provisions of the Cooperatives Act, as amended by Chapter 67 of the Statutes of 1995, and to give effect to the recommendations of the committee on cooperatives of the Ordre des comptables agréés du Québec.

12. Other name(s) used by the deponent:

13. Indicate the nature and date of the application to which this statement is attached:

The updating of the provisions of the Regulation will facilitate compliance with the requirements of the Cooperatives Act and with generally accepted accounting principles applicable to cooperatives.

14. If this statement is attached to an application for revision of support, indicate the date of the judgment awarding support (YYYY/MM/DD) \_\_\_\_\_ and the file No., if different: \_\_\_\_\_

### INFORMATION ON OTHER PARTY (if it is known)

Additional information may be obtained by contacting Mr. Jacques Carrier, Direction des coopératives, Ministère de l'Industrie, du Commerce, de la Science et de la Technologie, 710, place d'Youville, 7<sup>e</sup> étage, Québec (Québec), G1R 4Y4; telephone: (418) 691-5978, extension 4962; fax: (418) 646-6145.

15. Residential address:

16. Telephone at home: \_\_\_\_\_ At work: \_\_\_\_\_

17. Date of birth: \_\_\_\_\_ Social insurance number: \_\_\_\_\_

Any interested person having comments to make concerning this matter is asked to send them in writing, before the expiry of the 45-day period, to the Ministère de l'Industrie, du Commerce, de la Science et de la Technologie, 710, place d'Youville, 6<sup>e</sup> étage, Québec (Québec), G1R 4Y4.

### SWORN STATEMENT

I declare that the information given is true and complete, and I have signed:

At: \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_

BERNARD LANDRY,  
*Minister of State for the Economy  
and Finance*

\_\_\_\_\_  
Deponent



## Regulation to amend the Regulation under the Cooperatives Act

Cooperatives Act  
(R.S.Q., c. C-67.2, ss. 244, 270 and 282)

**1.** The Regulation under the Cooperatives Act, made by Orders in Council 2560-83 dated 6 December 1983 and amended by the Regulations made by Orders in Council 318-86 dated 19 March 1986, 1590-93 dated 17 November 1993 and 1878-93 dated 15 December 1993, is further amended by substituting the following for section 5:

“**5.** Where a legal person is a founder, the articles of incorporation shall be accompanied by a copy of the resolution authorizing it to be a founder and designating a person to sign the articles on its behalf. The copy shall be a certified true copy.”.

**2.** The following is substituted for the heading of Chapter II:

“NAME”.

**3.** The following is substituted for section 7:

“**7.** The name of a cooperative shall contain a word or expression indicating its cooperative purpose and a distinctive feature, in addition to one of the appropriate terms mentioned in sections 16 and 221.7 of the Act.”.

**4.** Section 8 is amended by deleting the word “corporate”.

**5.** Section 9 is amended by deleting the word “corporate” in the part preceding paragraph 1.

**6.** Section 10.1 is amended by deleting the word “corporate” in the part preceding paragraph 1.

**7.** Section 10.2 is amended

(1) by deleting the word “corporate” in the part preceding paragraph 1; and

(2) by substituting the following for paragraphs 1 and 2:

“(1) the distinctiveness of the name and of the other name used and of each of their elements, their visual or phonetic similarity and the similarity between the ideas suggested by those names; and

(2) the way in which the names are used.”.

**8.** Section 10.3 is amended by substituting the following for the part preceding paragraph 1:

“**10.3** If the name is likely to suggest a relationship or lead to confusion under the criteria mentioned in section 10.2, the notoriety of the name and of the other name used shall also be taken into account, along with the existence of competition or the likelihood of competition between the persons, partnerships or groups that those names designate, with respect to:”.

**9.** Section 11 is amended by deleting the word “corporate” in the part preceding paragraph 1.

**10.** Section 12 is revoked.

**11.** Section 17 is amended by deleting the words “sales or gross”.

**12.** The following is substituted for section 19:

“**19.** The financial statements shall be adapted to the special features of a cooperative undertaking as follows:

(1) any rebates allotted in the form of loans shall be the last item under the heading “Liabilities”; that heading shall be followed by the heading “Equity”, subdivided into a “Participating Preferred Shares” section, a “Members’ Equity” section and an “Equity of the Cooperative, Federation or Confederation” section, as the case may be;

(2) the “Participating Preferred Shares” section shall state only the amount of the paid-up participating preferred shares;

(3) the “Members’ Equity” section shall state only:

(a) the amount of the paid-up common shares;

(b) the amount of the paid-up preferred shares;

(4) the “Equity of the Cooperative, Federation or Confederation” section, as the case may be, shall state:

(a) the operating surplus or surplus earnings that must be allocated according to section 143 of the Act;

(b) the amount of the reserve referred to in section 145 of the Act;

(c) the amount of the contributed surplus and the appraisal increase credits, if any;

(5) the expression “operating surplus” or “surplus earnings” shall replace the expression “profits”; the ex-

pression “surplus earnings” may be used for all categories of cooperatives, whereas the expression “operating surplus” may be used only in the case of cooperatives whose purpose is to supply goods or services;

(6) the expression “deficit” shall replace the expression “loss” in the statement of earnings;

(7) the statement of the reserve replacing the statement of undistributed profits shall state:

(a) the balance at the end of the preceding year;

(b) the operating surplus or surplus earnings for the preceding fiscal year that must be allocated according to section 143 of the Act;

(c) the details of the rebates allotted by the last annual general meeting;

(d) the interest paid as participation in the operating surplus or surplus earnings on the participating preferred shares, if any;

(e) taxes paid or recovered;

(f) any adjustment required;

(g) the deficit for the fiscal year added together with the interest paid on the preferred shares and participating preferred shares, if any.”

**13.** The following is substituted for section 21:

“**21.** Interest paid on preferred shares and participating preferred shares, other than interest paid as participation in the operating surplus or surplus earnings, shall be deducted from the net operating surplus or surplus earnings for the fiscal year in order to calculate the operating surplus or surplus earnings that must be allocated according to section 143 of the Act. In the case of a deficit, the interest shall be added together.”

**14.** Section 22 is amended by substituting the words “extraordinary items” for the words “extraordinary earnings”.

**15.** The following is substituted for section 23:

“**23.** The following information shall be provided in separate notes in the financial statements:

(1) the number of qualifying shares referred to in section 38.3 of the Act, the terms of payment for those shares and the total value of the shares held by members who are deceased, have resigned or have been expelled,

if that value exceeds 5 % of the value of the paid-up shares;

(2) the proportion of the transactions that the cooperative has carried out with its members within the meaning of section 45 of this Regulation.”.

**16.** The following is substituted for section 26:

“**26.** The review engagement referred to in section 139 of the Act is the review engagement defined in Chapters 8100 and 8200 of the handbook of the C.I.C.A.”.

**17.** Section 30 is amended by substituting the word “extraordinaires” for the word “spéciales” in the French text.

**18.** Section 45 is amended

(1) by substituting the following for subparagraph 3 of the first paragraph:

(2) by adding the words “or by a trust into which the cooperative, the federation or the confederation transfers property from its assets” at the end of the fifth paragraph.

**19.** Chapter XI, comprising sections 50 to 54, is revoked.

**20.** The following is inserted after section 59:

**“CHAPTER XIII  
CONTINUANCE OF A STUDENT’S ASSOCIATION  
AS A COOPERATIVE**

**59.1** The articles of continuance of a student’s association as a cooperative shall be in the form appearing in Schedule 32.1.

**59.2** The application and notices prescribed by paragraphs 1 to 5 of the section 252 of the Act shall be in the form prescribed in Schedule 32.2.

**59.3** An attestation in the form appearing in Schedule 32.3, signed by the secretary of the association, shall accompany the articles of continuance.

**59.4** The fee payable on application for continuance of a student’s association as a cooperative is \$145. That fee shall be indexed in the manner prescribed in section 69.1.”.

**21.** Section 61 is amended by striking out the word “social” in the French text.

**22.** Section 62 is amended by striking out the word “social” in the French text.

**23.** Section 65 is amended by substituting the word “triplicate” for the word “duplicate”.

**24.** The following is added at the end of the Regulation:

“**71.** The fee payable on application for retroactive revocation of the dissolution of a cooperative, a federation or a confederation is \$175. That fee shall be indexed in the manner prescribed in section 69.1.

**72.** For the purposes of section 211.5 of the Act, the word “business” has the same meaning as the word “transactions” defined in section 45 of this Regulation in accordance with the cooperative purpose being pursued.

**73.** The certificate of assignment of a name provided for in section 19 of the Act shall be in the form appearing in Schedule 38.

**74.** The certificate of amendment of articles provided for in section 211.6 of the Act shall be in the form appearing in Schedule 39.”.

**25.** Schedules 1 to 24 and 29 to 39 attached to this Regulation are substituted for Schedules 1 to 24 and 29 to 37.

**26.** Schedules 25 to 28 are revoked.

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



Gouvernement du Québec  
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**Direction des coopératives**

**SCHEDULE 1 (s. 1)**

**ARTICLES OF INCORPORATION OF A COOPERATIVE**

1. Name
2. Judicial district of Québec in which the cooperative is domiciled
3. Purpose
4. Indicate whether the cooperative elects to be governed by Chapter I of Title II of the Act.
5. Other provisions

**DEPARTMENTAL USE ONLY**

Constitution

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(signature)

Enregistrement

Numéro de dossier: \_\_\_\_\_

**SCHEDULE 1 (s. 1)****ARTICLES OF INCORPORATION OF A COOPERATIVE (cont.)**

6. Founders: Read the instructions carefully before completing this section.		
6.1 Natural persons: If space is insufficient, attach a sheet.		
NAME	DOMICILE, INCLUDING POSTAL CODE	SIGNATURE

6.2 Partnerships: If space is insufficient, attach a sheet.	
Name:	
Domicile:	
Signature of the authorized person:	
NAME OF ITS MEMBERS	DOMICILE, INCLUDING POSTAL CODE

6.3 Legal persons: If space is insufficient, attach a sheet.			
NAME	DOMICILE, INCLUDING POSTAL CODE	ACT BY WHICH INCORPORATED	SIGNATURE OF THE AUTHORIZED PERSON

Numéro du dossier: \_\_\_\_\_



Gouvernement du Québec  
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**Direction des coopératives**

## SCHEDULE 2 (s. 2)

### APPLICATION AND NOTICES TO ACCOMPANY THE ARTICLES OF INCORPORATION OF A COOPERATIVE

We, the undersigned, founders of the \_\_\_\_\_  
(name of the cooperative being formed)

hereby apply to the Minister for incorporation of the cooperative, and we give notice:

(1) that the person designated to act as provisional secretary is:

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(domicile, including postal code)

\_\_\_\_\_  
(area code, office and residential telephone numbers, fax number)

(2) that the method and time limit for calling an organization meeting are as follows:

method: \_\_\_\_\_  
(one method only)

time limit: \_\_\_\_\_(number of days between the notice of a meeting and the date of the meeting)

(3) that the domicile of the cooperative whose incorporation is applied for is:

\_\_\_\_\_  
(complete address, including postal code)

Signature of two founders

Signature: \_\_\_\_\_  
(founder and signatory of the articles)

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
(founder and signatory of the articles)

Name and domicile of the person or organization that filled out these documents, if different from the provisional secretary

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(address, telephone number and fax number)





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**SCHEDULE 4 (s. 4)****ATTESTATION BY A MEMBER OF A PARTNERSHIP THAT IS A FOUNDER OF A COOPERATIVE**

I, the undersigned, a member of \_\_\_\_\_  
(name of the partnership)

\_\_\_\_\_, hereby attest that the members of this partnership have validly decided  
that the partnership is to be a founder of \_\_\_\_\_  
(name of the cooperative being formed)

and that \_\_\_\_\_ is authorized to sign the articles of  
(name)  
incorporation on behalf of the partnership.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
(signatory other than the authorized person)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.





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**SCHEDULE 5 (s. 13)**

**ARTICLES OF AMENDMENT OF A COOPERATIVE,  
A FEDERATION OR A CONFEDERATION**

1. Name
2. The articles are amended as follows:
3. Date of the amendment:  <input type="checkbox"/> date of signature by the Minister  <input type="checkbox"/> later date: _____
4. Signature of the authorized director:  <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">_____</div> <div style="text-align: center;">_____</div> </div> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="text-align: center;">(date)</div> <div style="text-align: center;">(signature)</div> </div>

<b>DEPARTMENTAL USE ONLY</b>	
Acceptation	
_____	_____
(date)	(signature)

Enregistrement

Numéro de dossier: \_\_\_\_\_



Gouvernement du Québec  
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**Direction des coopératives**

**SCHEDULE 6 (s. 14)**

**APPLICATION AND ATTESTATION TO ACCOMPANY  
THE ARTICLES OF AMENDMENT**

Application

Whereas \_\_\_\_\_  
(name of the cooperative)

is governed by the Cooperatives Act and has adopted a by-law amending its articles as shown in the articles of amendment attached hereto;

I, the undersigned, a director duly authorized by that by-law, hereby apply to the Minister for acceptance of the amendment.

Date: \_\_\_\_\_  
(signature)

Attestation

I, the undersigned, the secretary of \_\_\_\_\_  
(name of the cooperative)

hereby attest that at a general meeting regularly called and held on \_\_\_\_\_, a by-law amending the articles,

as shown in the articles of amendment attached hereto, and authorizing \_\_\_\_\_,  
\_\_\_\_\_  
(name of the authorized person)

a director, to sign those articles, was validly adopted in accordance with the provisions of section 119 of the Act.

Date: \_\_\_\_\_  
(signature)

**SCHEDULE 7 (s. 17)****MINIMUM CONTENT OF THE FINANCIAL STATEMENTS OF COOPERATIVES GOVERNED BY SECTION 17 OF THE REGULATION****1. The financial statements must include:**

- (1) the balance sheet;
- (2) the statement of earnings;
- (3) the statement of the reserve.

**2. The balance sheet must be drawn up so as to represent faithfully the financial position at the end of the fiscal year and must present the following items separately:**

- (1) cash on hand;
- (2) accounts receivable and provision for bad debts;
- (3) the amount overdue or not resulting from the ordinary course of business, due from directors;
- (4) the value of inventory with an indication of the basis of evaluation;
- (5) total short-term assets;
- (6) investments, indicating the name of the business, the nature of the investment and the basis of evaluation;
- (7) capital assets, indicating the following classes separately: land, buildings, furnishings and rolling stock, and indicating for each class and the total of all classes: the cost of purchase, the amount of the accumulated depreciation, the depreciated value;
- (8) deferred charges;
- (9) total assets;
- (10) short-term borrowings;
- (11) accounts payable;
- (12) accrued expenses;
- (13) deferred income;
- (14) the part of the long-term debt maturing during the year;
- (15) total short-term liabilities;

(16) long term-debts, indicating for each one:

- (a) the type of debt,
  - (b) the security,
  - (c) the interest rate,
  - (d) the manner of repayment;
- (17) rebates allotted in the form of loans;
- (18) total liabilities.

The heading "Equity" follows the presentation of the above items and is divided into three sections: Participating Preferred Shares, Members' Equity and Equity of the Cooperative.

The "Participating Preferred Shares" section states only the amount of the paid-up participating preferred shares.

The "Members' Equity" section states only:

- (19) the amount of the qualifying shares subscribed;
- (20) the amount of the paid-up common shares;
- (21) the amount of the paid-up preferred shares;
- (22) the total for that section.

The "Equity of the Cooperative" section states:

- (23) the operating surplus or surplus earnings that must be allocated according to section 143 of the Act;
- (24) the amount of the reserve referred to in section 145 of the Act;
- (25) the amount of the contributed surplus and the appraisal increase credits, if any;
- (26) the total for that section;
- (27) the total under the heading "Equity";
- (28) the total resulting from adding the liabilities and the heading "Equity".

**3. The statement of earnings must be drawn up so as to represent faithfully the earnings from the transactions of the fiscal year and must present the following items separately:**

- (1) gross sales and revenue;
- (2) the cost of merchandise sold;
- (3) the gross operating surplus or surplus earnings;
- (4) expenditures, listing separately:
  - (a) salaries,
  - (b) depreciation on capital assets,
  - (c) interest charges;
- (5) the operating surplus or surplus earnings or the operating deficit;
- (6) under the heading "Other Earnings":
  - (a) rebates from a federation or another cooperative,
  - (b) extraordinary items;
- (7) the operating surplus or surplus earnings or the deficit for the fiscal year;
- (8) the interest paid on the preferred shares and participating preferred shares, other than interest paid as participation in the operating surplus or surplus earnings;
- (9) the operating surplus or surplus earnings that must be allocated according to section 143 of the Act or the deficit, as the case may be, added together with the interest paid on the preferred shares and participating preferred shares, if any.

The expression "surplus earnings" may be used for all categories of cooperatives, whereas the expression "operating surplus" may be used only in the case of cooperatives that supply goods or services.

**4.** The statement of the reserve indicates:

- (1) the balance at the end of the preceding fiscal year;
- (2) the operating surplus or surplus earnings for the preceding fiscal year that must be allocated according to section 143 of the Act;
- (3) the details of the rebates allotted by the last annual general meeting;
- (4) the interest paid as participation in the operating surplus or surplus earnings on the participating preferred shares, if any;

- (5) taxes paid or recovered;
- (6) any adjustment required;
- (7) the deficit for the fiscal year added together with the interest paid on the preferred shares and participating preferred shares, if any.

**5.** The recommendations of the board of directors in regard to the allocation of the operating surplus or surplus earnings, the taxes resulting therefrom and their effects on the financial statements must be indicated in a note in the financial statements.

**6.** The notes in the financial statements must provide the following information in separate notes:

- (1) the rate of interest on rebates allotted in the form of loans and the terms of repayment;
- (2) the number of qualifying shares referred to in section 38.3 of the Act, the terms of payment for those shares and the total value of the shares held by members who are deceased, have resigned or have been expelled, if that value exceeds 5 % of the value of the paid-up shares;
- (3) the conditions for redemption or repayment, the privileges, rights or restrictions attached to preferred shares and participating preferred shares and the amount of interest in arrears on those shares;
- (4) the proportion of the transactions that the cooperative has carried out with its members within the meaning of section 45 of the Regulation.



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**SCHEDULE 8 (s. 27)**

**ARTICLES OF ORDINARY AMALGAMATION OF  
A COOPERATIVE OR A FEDERATION**

1. Name of the cooperative or federation resulting from the amalgamation	2. Judicial district of Québec in which it is domiciled	
3. Purpose		
4. Indicate whether the cooperative elects to be governed by Chapter I of Title II of the Act.		
5. Territory in which members are recruited (in the case of a federation)		
6. Other provisions		
7. Date of the amalgamation:  <input type="checkbox"/> date of signature by the Minister  <input type="checkbox"/> later date: _____		
8. NAME OF THE COOPERATIVES OR FEDERATIONS AMALGAMATING	SIGNATURE OF THE AUTHORIZED DIRECTOR	DATE

## DEPARTMENTAL USE ONLY

Autorisation

\_\_\_\_\_

(date)

\_\_\_\_\_

(signature)

Enregistrement

Numéro de dossier: \_\_\_\_\_



Gouvernement du Québec  
Ministère de l'Industrie, du Commerce,  
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**Direction des coopératives**

**SCHEDULE 9 (s. 28)**

**APPLICATION AND NOTICES TO ACCOMPANY  
THE ARTICLES OF ORDINARY AMALGAMATION**

Whereas

\_\_\_\_\_

(name)

\_\_\_\_\_

(name)

\_\_\_\_\_

(name)

are governed by the Cooperatives Act;

Whereas those cooperatives or federations have made an agreement to amalgamate in accordance with section 155 of the Act, a copy of that agreement being attached hereto;

Whereas at a special meeting regularly called and held, each of the cooperatives or federations has validly adopted a by-law to approve that agreement and to authorize each of us respectively to sign the articles;

We, the undersigned, duly authorized directors, hereby apply to the Minister to authorize the amalgamation, and we give notice:

(1) that the address of the domicile of the cooperative or federation that will result from the amalgamation is \_\_\_\_\_;

(2) that the date on which its fiscal year will end is \_\_\_\_\_;

(3) that the auditor appointed is \_\_\_\_\_;

(4) that the by-laws were validly adopted at a special meeting regularly called and held by each amalgamating cooperative or federation;

(5) that the cooperative or federation is affiliated with \_\_\_\_\_  
(name of the federation in the case of a cooperative)

\_\_\_\_\_

(name of the confederation in the case of a federation)

\_\_\_\_\_

(name)

Date: \_\_\_\_\_ (signature)

\_\_\_\_\_

(name)

Date: \_\_\_\_\_ (signature)

\_\_\_\_\_

(name)

Date: \_\_\_\_\_ (signature)



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**Direction des coopératives**

**SCHEDULE 10** (s. 29)**ATTESTATION BY THE SECRETARY OF AN AMALGAMATING COOPERATIVE  
OR FEDERATION TO ACCOMPANY THE ARTICLES OF ORDINARY AMALGAMATION**

I, the undersigned, the secretary of \_\_\_\_\_,  
(name of the cooperative or federation),

hereby attest that the by-laws prescribed by section 156 of the Act were validly adopted at a special meeting  
regularly called and held on \_\_\_\_\_ and that \_\_\_\_\_,  
(date) (name of the authorized person),

a director, was authorized to sign the articles.

Date: \_\_\_\_\_  
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.



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**Direction des coopératives**

**SCHEDULE 11 (s. 30)**

**AUDITOR'S CERTIFICATE TO ACCOMPANY  
THE ARTICLES OF ORDINARY AMALGAMATION**

I, the undersigned, have been appointed in accordance with the Act as auditor of

\_\_\_\_\_  
(name of the cooperative or federation resulting from the amalgamation)

the cooperative or federation resulting from the amalgamation of the following cooperatives or federations:

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(name)

I have examined the *pro forma* balance sheet resulting from the consolidation of the balance sheets of the amalgamating cooperatives or federations, and according to that balance sheet:

(1) there is no reason to believe that the cooperative or federation resulting from the amalgamation will be unable to discharge its liabilities as they fall due;

(2) the book value of the assets of the cooperative or federation resulting from the amalgamation:

is not less than the total of its liabilities and the sums representing the value of its paid-up common shares;

is less than the total of its liabilities and the sums representing the value of its paid-up common shares, and all the creditors have consented to the amalgamation.

Date: \_\_\_\_\_

\_\_\_\_\_  
(signature)





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**SCHEDULE 12 (s. 32)**

**ARTICLES OF AMALGAMATION BY ABSORPTION  
OF A COOPERATIVE OR A FEDERATION**

1. Name of the absorbing cooperative or federation		
2. Judicial district of Québec in which it is domiciled		
3. Purpose		
4. Indicate whether the cooperative is governed by Chapter I of Title II of the Act.		
5. Territory in which members are recruited (in the case of a federation)		
6. Other provisions		
7. Date of the amalgamation: <input type="checkbox"/> date of signature by the Minister <input type="checkbox"/> later date: _____		
8. Absorbing cooperative or federation		
NAME	SIGNATURE OF THE AUTHORIZED DIRECTOR	DATE
9. Cooperative or federation absorbed		
NAME	SIGNATURE OF THE AUTHORIZED DIRECTOR	DATE

**DEPARTMENTAL USE ONLY**

Autorisation

\_\_\_\_\_  
(date)\_\_\_\_\_  
(signature)

Enregistrement

Numéro de dossier: \_\_\_\_\_



Gouvernement du Québec  
Ministère de l'Industrie, du Commerce,  
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**Direction des coopératives**

**SCHEDULE 13 (s. 33)**

**APPLICATION AND NOTICES TO ACCOMPANY THE ARTICLES  
OF AMALGAMATION BY ABSORPTION**

Whereas

\_\_\_\_\_ (name of the absorbing cooperative or federation)

\_\_\_\_\_ (name of the absorbed cooperative or federation)

\_\_\_\_\_ (name of the absorbed cooperative or federation)

are governed by the Cooperatives Act;

Whereas those cooperatives or federations have made an agreement to amalgamate by absorption, in accordance with section 165 of the Act, a copy of that agreement being attached hereto;

Whereas at a special meeting regularly called and held, each cooperative or federation absorbed has validly adopted a by-law to approve the agreement and to authorize a director to sign the articles;

Whereas at a special meeting regularly called and held, the board of directors of the absorbing cooperative or federation has validly adopted a resolution to approve the agreement and to authorize a director to sign the articles;

We, the undersigned, duly authorized directors, hereby apply to the Minister to authorize the amalgamation, and we give notice:

(1) that the address of the domicile of the absorbing cooperative or federation is

\_\_\_\_\_;

(2) that the date on which the fiscal year of the absorbing cooperative or federation ends is

\_\_\_\_\_;

(3) that the auditor of the absorbing cooperative or federation is

\_\_\_\_\_;

(4) that the absorbing cooperative or federation is affiliated with

\_\_\_\_\_;

(name of the federation in the case of a cooperative)

\_\_\_\_\_;

(name of the confederation in the case of a federation)

\_\_\_\_\_

(name of the absorbing cooperative or federation)

Date: \_\_\_\_\_

(signature)

\_\_\_\_\_

(name of the absorbed cooperative or federation)

Date: \_\_\_\_\_

(signature)

\_\_\_\_\_

(name of the absorbed cooperative or federation)

Date: \_\_\_\_\_

(signature)

\_\_\_\_\_



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**SCHEDULE 14** (s. 34)

**ATTESTATION BY THE SECRETARY OF A COOPERATIVE OR  
A FEDERATION ABSORBED BY AMALGAMATION  
TO ACCOMPANY THE ARTICLES OF AMALGAMATION BY ABSORPTION**

I, the undersigned, the secretary of \_\_\_\_\_ ,  
(name of the cooperative or federation absorbed)

hereby attest that the by-law prescribed by section 166 of the Act was validly adopted at a special meeting  
regularly called and held on \_\_\_\_\_ and that \_\_\_\_\_ ,  
(date) (name of the authorized person)

a director, was authorized to sign the articles.

Date: \_\_\_\_\_  
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.



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**SCHEDULE 15 (s. 35)**

**ATTESTATION BY THE SECRETARY OF AN ABSORBING  
COOPERATIVE OR FEDERATION TO ACCOMPANY  
THE ARTICLES OF AMALGAMATION BY ABSORPTION**

I, the undersigned, the secretary of \_\_\_\_\_,  
(name of the absorbing cooperative or federation)

hereby attest that the by-law prescribed by section 168 of the Act was validly adopted at a meeting of the board  
of directors regularly called and held on \_\_\_\_\_ and that \_\_\_\_\_,  
(date) (name of the authorized person)

a director, was authorized to sign the articles.

Date: \_\_\_\_\_  
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.



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**SCHEDULE 16** (s. 36)

**AUDITOR'S CERTIFICATE TO ACCOMPANY  
THE ARTICLES OF AMALGAMATION BY ABSORPTION**

I, the undersigned, the auditor of \_\_\_\_\_,  
(name of the absorbing cooperative or federation)

have examined the *pro forma* balance sheet resulting from the consolidation of the balance sheets of

\_\_\_\_\_  
(name of the absorbing cooperative or federation)

and of

\_\_\_\_\_  
(name of one of the absorbed cooperatives or federations)

\_\_\_\_\_  
(name of one of the absorbed cooperatives or federations)

and according to that balance sheet:

- (1) there is no reason to believe that the absorbing cooperative or federation will be unable, as a result of the amalgamation by absorption, to discharge its liabilities as they fall due;
- (2) the book value of the assets of the absorbing cooperative or federation will not be less, as a result of the amalgamation, than the total of its liabilities and the sums representing the value of its paid-up common shares.

Date: \_\_\_\_\_  
(signature)



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**Direction des coopératives**

**SCHEDULE 17 (s. 38)**

**ARTICLES OF AMALGAMATION BETWEEN A COOPERATIVE, A FEDERATION  
OR A CONFEDERATION AND A COMPANY**

1. Name of the amalgamating cooperative, federation or confederation		
2. Judicial district of Québec in which it is domiciled		
3. Purpose		
4. Indicate whether the cooperative is governed by Chapter I of Title II of the Act.		
5. Territory in which members are recruited (in the case of a federation or confederation)		
6. Other provisions		
7. Date of the amalgamation: <input type="checkbox"/> date of signature by the Minister <input type="checkbox"/> later date: _____		
8. Amalgamating cooperative, federation or confederation		
NAME	SIGNATURE OF THE AUTHORIZED DIRECTOR	DATE
9. Amalgamating company		
NAME	SIGNATURE OF THE AUTHORIZED DIRECTOR	DATE

**DEPARTMENTAL USE ONLY**

Autorisation

\_\_\_\_\_  
(date)\_\_\_\_\_  
(signature)

Enregistrement

Numéro de dossier: \_\_\_\_\_



Gouvernement du Québec  
Ministère de l'Industrie, du Commerce,  
de la Science et de la Technologie  
**Direction des coopératives**

**SCHEDULE 18 (s. 39)**

**APPLICATION AND NOTICES TO ACCOMPANY THE ARTICLES  
OF AMALGAMATION BETWEEN A COOPERATIVE, A FEDERATION  
OR A CONFEDERATION AND A COMPANY**

Whereas \_\_\_\_\_  
(name of the cooperative, federation or confederation)

is governed by the Cooperatives Act;

Whereas \_\_\_\_\_  
(name of the company)

is governed by the Companies Act of Québec, Part \_\_\_\_\_;  
(I or I-A)

Whereas at a meeting regularly called and held, the board of directors of each of those legal persons has validly adopted the resolution provided for by section 173 of the Act and another resolution to authorize each of us respectively to sign the articles;

We, the undersigned, duly authorized directors, hereby apply to the Minister to authorize the amalgamation, and we give notice:

(1) that the address of the domicile of the cooperative, federation or confederation resulting from the amalgamation is \_\_\_\_\_;

(2) that the date on which its fiscal year ends is \_\_\_\_\_;

(3) that its auditor is \_\_\_\_\_;

(4) that it is affiliated with \_\_\_\_\_;  
(name of the federation in the case of a cooperative)

\_\_\_\_\_  
(name of the confederation in the case of a federation)

\_\_\_\_\_  
(name of the cooperative, federation or confederation)

Date: \_\_\_\_\_ (signature)

\_\_\_\_\_  
(name of the company)

Date: \_\_\_\_\_ (signature)



Gouvernement du Québec  
Ministère de l'Industrie, du Commerce,  
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**Direction des coopératives**

**SCHEDULE 19** (s. 40)

**ATTESTATION BY THE SECRETARY OF A COOPERATIVE, A FEDERATION  
OR A CONFEDERATION AMALGAMATING WITH A COMPANY**

I, the undersigned, the secretary of \_\_\_\_\_,  
(name of the cooperative, federation or confederation)

hereby attest that the by-law prescribed by section 173 of the Act was validly adopted at a meeting of the board  
of directors regularly called and held on \_\_\_\_\_ and that \_\_\_\_\_,  
(date) (name of the authorized person)

a director, was authorized to sign the articles.

Date: \_\_\_\_\_  
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.





Gouvernement du Québec  
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**Direction des coopératives**

**SCHEDULE 20 (s. 41)****ATTESTATION BY THE SECRETARY OF A COMPANY AMALGAMATING WITH  
A COOPERATIVE, A FEDERATION OR A CONFEDERATION**

I, the undersigned, the secretary of \_\_\_\_\_,  
(name of the company)

hereby attest:

(1) that all the shares of the capital stock of the said company are held by

\_\_\_\_\_  
(name of the cooperative, federation or confederation)

(2) that the resolution prescribed by section 173 of the Act was validly adopted at a meeting of the board of directors regularly called and held on \_\_\_\_\_ and that \_\_\_\_\_,  
(date) (name of the authorized person)

a director, was authorized to sign the articles.

Date: \_\_\_\_\_  
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.



Gouvernement du Québec  
Ministère de l'Industrie, du Commerce,  
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**Direction des coopératives**

**SCHEDULE 21 (s. 42)**

**AUDITOR'S CERTIFICATE TO ACCOMPANY THE  
ARTICLES OF AMALGAMATION OF A COOPERATIVE, A FEDERATION  
OR A CONFEDERATION WITH A COMPANY**

I, the undersigned, the auditor of \_\_\_\_\_,  
(name of the cooperative, federation or confederation)

have examined the *pro forma* balance sheet resulting from the consolidation of the balance sheets of

\_\_\_\_\_  
(name of the cooperative, federation or confederation)

and of

\_\_\_\_\_  
(name of the company)

and according to that balance sheet:

- (1) there is no reason to believe that the cooperative, federation or confederation resulting from the amalgamation will be unable to discharge its liabilities as they fall due;
- (2) the book value of the assets of the cooperative, federation or confederation resulting from the amalgamation will not be less than the total of its liabilities and the sums representing the value of its paid-up common shares.

I further attest that all the shares of the capital stock of the company are held by

\_\_\_\_\_  
(name of the cooperative, federation or confederation)

Date: \_\_\_\_\_  
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.



Gouvernement du Québec  
Ministère de l'Industrie, du Commerce,  
de la Science et de la Technologie  
**Direction des coopératives**

**SCHEDULE 22** (s. 46)**ARTICLES OF INCORPORATION OF A FEDERATION OR A CONFEDERATION**

1. Name
2. Judicial district of Québec in which it is domiciled
3. Purpose
4. Territory in which members are recruited
5. Other provisions

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Autorisation
_____
(date) (signature)

Enregistrement

Numéro de dossier: \_\_\_\_\_





Gouvernement du Québec  
Ministère de l'Industrie, du Commerce,  
de la Science et de la Technologie  
**Direction des coopératives**

**SCHEDULE 23 (s. 47)**

**APPLICATION AND NOTICES TO ACCOMPANY THE ARTICLES  
OF INCORPORATION OF A FEDERATION OR A CONFEDERATION**

In our capacity as founders of \_\_\_\_\_,  
(name)

we hereby apply to the Minister to incorporate it, and we give notice:

(1) that the person designated to act as provisional secretary is:

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(domicile, including postal code)

(area code, office and residential telephone numbers, fax number)

(2) that the method and time limit for calling an organization meeting are as follows:

method: \_\_\_\_\_  
(one method only)

time limit: \_\_\_\_\_  
(number of days between the notice of a meeting and the date of the meeting)

(3) that the address of the domicile of the federation or confederation whose incorporation is applied for is

\_\_\_\_\_  
(complete address, including postal code)

**Signature of two founders**

Founder: \_\_\_\_\_  
(name)

Date: \_\_\_\_\_

Per: \_\_\_\_\_  
(signature)

Founder: \_\_\_\_\_  
(name)

Date: \_\_\_\_\_

Per: \_\_\_\_\_  
(signature)



Gouvernement du Québec  
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**Direction des coopératives**

**SCHEDULE 24** (s. 48)

**ATTESTATION TO ACCOMPANY THE ARTICLES OF  
INCORPORATION OF A FEDERATION OR A CONFEDERATION**

We, the undersigned, respectively the president and the secretary of

\_\_\_\_\_ ,  
(name)

hereby attest that the joining of that cooperative or federation to \_\_\_\_\_

\_\_\_\_\_ ,  
(name)

was validly authorized by a resolution of the board of directors duly ratified by the general meeting in accordance with the provisions of section 229 of the Act and that \_\_\_\_\_  
(name of the authorized person)

was authorized to sign the articles on its behalf.

President: \_\_\_\_\_

Date: \_\_\_\_\_

Secretary: \_\_\_\_\_



Gouvernement du Québec  
Ministère de l'Industrie, du Commerce,  
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**Direction des coopératives**

**SCHEDULE 29** (s. 55)

**ARTICLES OF CONTINUANCE OF A COMPANY AS A COOPERATIVE**

1. Name
2. Judicial district of Québec in which it is domiciled
3. Purpose
4. Indicate whether the cooperative elects to be governed by Chapter I of Title II of the Act.
5. Other provisions
6. Company applying for continuance:  <hr style="width: 80%; margin-left: 0;"/> <div style="text-align: center; margin-left: 100px;">(name)</div> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center; width: 30%;"> <hr style="width: 80%; margin-left: 0;"/>             (date)         </div> <div style="text-align: center; width: 30%;"> <hr style="width: 80%; margin-left: 0;"/>             (signature of the authorized director)         </div> </div>

<b>DEPARTMENTAL USE ONLY</b>	
Autorisation	
<hr style="width: 80%; margin-left: 0;"/> (date)	<hr style="width: 80%; margin-left: 0;"/> (signature)

Enregistrement

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Gouvernement du Québec  
Ministère de l'Industrie, du Commerce,  
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**Direction des coopératives**

**SCHEDULE 30** (s. 56)

**APPLICATION AND NOTICES TO ACCOMPANY THE ARTICLES  
OF CONTINUANCE OF A COMPANY AS A COOPERATIVE**

I, the undersigned, a duly authorized director of \_\_\_\_\_,

\_\_\_\_\_  
(name of the company)

hereby apply to the Minister for continuance of the company as a cooperative, and I give notice:

(1) that the address of the domicile of the cooperative resulting from the continuance is \_\_\_\_\_

\_\_\_\_\_;

(2) that the by-laws were validly adopted at a meeting of the board of directors regularly called and held;

(3) that the cooperative has applied for affiliation with \_\_\_\_\_

\_\_\_\_\_  
(name of the federation)

The names and domiciles of the first directors are:

NAME	DOMICILE, INCLUDING POSTAL CODE

Date: \_\_\_\_\_ (signature)





Gouvernement du Québec  
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**SCHEDULE 31 (s. 57)****ATTESTATION BY THE SECRETARY OF A COMPANY  
TO ACCOMPANY THE ARTICLES OF CONTINUANCE AS A COOPERATIVE**

I, the undersigned, the secretary of \_\_\_\_\_ ,  
(name of the company)

hereby attest that the by-laws prescribed by section 263 of the Act were validly adopted at a meeting of the board of directors regularly called and held on \_\_\_\_\_ and that \_\_\_\_\_,  
(date) (name of the authorized person)

a director, was authorized to sign the articles of continuance and that the by-law approving the proposed continuance was ratified by all the shareholders present or represented at a special meeting called for that purpose.

Date: \_\_\_\_\_  
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.



Gouvernement du Québec  
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**Direction des coopératives**

**SCHEDULE 32 (s. 58)****ATTESTATION BY THE SECRETARY OF A COMPANY TO ACCOMPANY  
THE ARTICLES OF CONTINUANCE AS AN AGRICULTURAL COOPERATIVE**

I, the undersigned, the secretary of \_\_\_\_\_,  
(name of the company)

hereby attest that, in accordance with the proposed continuance of the company as an agricultural cooperative,  
all the members of the cooperative resulting from the continuance will be agricultural producers.

Date: \_\_\_\_\_  
(signature)



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Ministère de l'Industrie, du Commerce,  
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**Direction des coopératives**

**SCHEDULE 32.1 (s. 59.1)**

**ARTICLES OF CONTINUANCE OF A STUDENT'S ASSOCIATION AS A COOPERATIVE**

1. Name
2. Judicial district of Québec in which it is domiciled
3. Purpose
4. Other provisions
5. Association applying for continuance:  <hr style="width: 80%; margin-left: 10%;"/> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <span>(name)</span> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 40%; text-align: center;"> <hr style="width: 80%; margin: 0 auto;"/> <span>(date)</span> </div> <div style="width: 40%; text-align: center;"> <hr style="width: 80%; margin: 0 auto;"/> <span>(signature of the authorized director)</span> </div> </div>

<b>DEPARTMENTAL USE ONLY</b>
Continuation
<div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 40%; text-align: center;"> <hr style="width: 80%; margin: 0 auto;"/> <span>(date)</span> </div> <div style="width: 40%; text-align: center;"> <hr style="width: 80%; margin: 0 auto;"/> <span>(signature)</span> </div> </div>

Enregistrement

Numéro de dossier: \_\_\_\_\_



Gouvernement du Québec  
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**SCHEDULE 32.2 (s. 59.2)**

**APPLICATION AND NOTICES TO ACCOMPANY THE ARTICLES  
OF CONTINUANCE OF A STUDENT'S ASSOCIATION AS A COOPERATIVE**

I, the undersigned, a duly authorized director of \_\_\_\_\_,

\_\_\_\_\_  
(name of the association)

hereby apply to the Minister for continuance of the association as a cooperative, and I give notice:

(1) that the address of the domicile of the cooperative resulting from the continuance is

\_\_\_\_\_;

(2) that the by-laws were validly adopted at a meeting of the board of directors regularly called and held;

(3) that the cooperative has applied for affiliation with \_\_\_\_\_

\_\_\_\_\_

(name of the federation)

The names and domiciles of the first directors are:

NAME	DOMICILE, INCLUDING POSTAL CODE

Date: \_\_\_\_\_ (signature)



Gouvernement du Québec  
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**SCHEDULE 32.3 (s. 59.3)****ATTESTATION BY THE SECRETARY OF A STUDENT'S ASSOCIATION  
TO ACCOMPANY THE ARTICLES OF CONTINUANCE AS A COOPERATIVE**

I, the undersigned, the secretary of \_\_\_\_\_,  
(name of the association)

hereby attest that the by-laws prescribed by section 263 of the Act were validly adopted at a meeting of the  
board of directors regularly called and held on \_\_\_\_\_ and that \_\_\_\_\_,  
(date) (name of the authorized person)

a director, was authorized to sign the articles of continuance and that the by-law approving the proposed  
continuance was ratified by all the members present or represented at a special meeting called for that purpose.

Date: \_\_\_\_\_  
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.



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**SCHEDULE 33 (s. 60)****REPORT OF THE ORGANIZATION MEETING OF A COOPERATIVE, A FEDERATION OR A CONFEDERATION**

Return this report within 10 days following the meeting.

Name			
Mailing address			
No.	Street		
Municipality	Postal code	Telephone No. Area code	

**Cooperatives wishing to avail themselves of the provisions of section 61 of the Act by electing not to appoint directors must fill out the back of form 36.**

**Elected directors and executive officers. If necessary, attach a schedule.**

Position	Name	Domicile, including postal code	Telephone No.
President			
Vice-president			
<input type="checkbox"/> Secretary			
<input type="checkbox"/> Treasurer			
<input type="checkbox"/> Director general or manager			
Director			
Director			
Director			
Director			
Director			
Director			
Director			

**Date on which the fiscal year ends**

--

**At least five directors must be elected, except in a work cooperative, where the minimum is three.**

Name and address of the auditor appointed			
Name			
Address (No., street, municipality)	Postal code		Telephone No. Area code
Name of the federation to which the cooperative is applying for affiliation (if applicable)			
Name of the confederation to which the federation is applying for affiliation (if applicable)			

**Date of the meeting**

--

**File No.**

--

**Signature**

**Date**

Secretary or authorized person

--	--



Gouvernement du Québec  
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**Direction des coopératives**

**SCHEDULE 34 (s. 61)**

**NOTICE OF CHANGE OF ADDRESS OF THE HEAD OFFICE  
OF A COOPERATIVE, A FEDERATION OR A CONFEDERATION**

Notice is hereby given that the address of the head office of

\_\_\_\_\_ (name)

is, within the boundaries of the judicial district indicated in its articles, now as follows:

\_\_\_\_\_ (No.)

\_\_\_\_\_ (street)

\_\_\_\_\_ (municipality)

\_\_\_\_\_ (postal code)

Date: \_\_\_\_\_

\_\_\_\_\_ (signature of the authorized person)

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**SCHEDULE 35 (s. 62)**

**NOTICE OF CHANGE OF ADDRESS OF THE HEAD OFFICE  
OF A COOPERATIVE, A FEDERATION OR A CONFEDERATION  
WHEN THE HEAD OFFICE IS TRANSFERRED TO ANOTHER JUDICIAL DISTRICT**

Notice is hereby given that the address of the head office of

\_\_\_\_\_ (name)

is:

\_\_\_\_\_ (No.)

\_\_\_\_\_ (street)

\_\_\_\_\_ (municipality)

\_\_\_\_\_ (postal code)

within the boundaries of the judicial district mentioned in the articles of amendment attached hereto.

Date: \_\_\_\_\_

\_\_\_\_\_ (signature of the authorized person)

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Gouvernement du Québec  
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**Direction des coopératives**

**SCHEDULE 36 (s. 63)**

**AGREEMENT OF THE MEMBERS OF A COOPERATIVE, A FEDERATION  
 OR A CONFEDERATION NOT TO ELECT DIRECTORS**

We, the undersigned, the members of \_\_\_\_\_,  
 (name)  
 agree not to elect directors for a period of one year beginning on \_\_\_\_\_  
 and to administer the business of the cooperative ourselves during that period.

Member	Address	Date

**ATTESTATION**

I, the undersigned, the secretary or authorized person of \_\_\_\_\_,  
 (name)  
 hereby attest that all the signatories of the above agreement are members or duly authorized representatives of  
 legal persons or partnerships that are members of the cooperative, federation or confederation and that it had  
 \_\_\_\_\_ members at the time the agreement was signed.  
 (maximum 24)  
 The percentage of signatories in proportion to the number of members is \_\_\_\_\_ %.  
 (minimum 90 %)

Signature \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_ Date: \_\_\_\_\_  
 Secretary or authorized person    Area code    Telephone No.

**EXECUTIVE OFFICERS**

POSITION	NAME	DOMICILE, INCLUDING POSTAL CODE	TELEPHONE NO.
President			
Vice-president			
Secretary			
Director general, if any			



Gouvernement du Québec  
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**Direction des coopératives**

### SCHEDULE 37 (s. 64)

#### NOTICE OF CHANGE IN THE COMPOSITION OF THE BOARD OF DIRECTORS

Notice is hereby given that a change has been made in the composition of the board of directors of

\_\_\_\_\_ (name)  
dated \_\_\_\_\_.

As a result of this change, the composition of the board of directors is as follows:

POSITION	NAME	DOMICILE, INCLUDING POSTAL CODE	TELEPHONE NO.
President			
Vice-president			
Director			
Director			
Director			
Director			
Director			
Director			
Director			
Director			
Director			
Director			
Date: _____ (signature of the authorized person)			

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**SCHEDULE 38 (s. 73)**

**CERTIFICATE OF ASSIGNMENT  
OF A NAME BY THE MINISTER**

Whereas \_\_\_\_\_ has failed to comply with an order of the Minister issued under section  
(name)

18 of the Cooperatives Act (R.S.Q., c. C-67.2),

the Minister hereby assigns to it the following name: \_\_\_\_\_.

Its articles are amended accordingly.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

Dossier:



Gouvernement du Québec  
Ministère de l'Industrie, du Commerce,  
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**Direction des coopératives**

**SCHEDULE 39** (s. 74)**CERTIFICATE OF AMENDMENT  
OF ARTICLES BY THE MINISTER**

Whereas \_\_\_\_\_ has failed to comply with an order of the Minister issued under  
(name)  
section 211.5 of the Cooperatives Act (R.S.Q., c. C-67.2), the Minister hereby amends its articles as follows:

**THIS COOPERATIVE IS NO LONGER SUBJECT TO THE PROVISIONS OF CHAPTER I  
OF TITLE II OF THE COOPERATIVES ACT.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

Dossier:

1014

## Draft Regulation

An Act respecting the Québec Pension Plan  
(R.S.Q., c. R-9; 1996, c. 15)

### Benefits

#### — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting benefits, the text of which appears below, may be approved by the Government upon the expiry of 45 days following this publication.

Section 102.4.1, introduced by the Act to amend the Act respecting the Québec Pension Plan (1996, c. 15), provides that the Régie des rentes may annul a partition of earnings already effected where the partition reduces the benefits of both former spouses or, if only one former spouse is a beneficiary of benefits, where the partition reduces his benefits without causing the other former spouse to receive immediate benefits therefrom. The section provides that an application for annulment should be made within the time fixed by regulation. The draft regulation submitted proposes to fix such time at 90 days.

The proposed provision will favour former spouses who are beneficiaries of benefits at the time of the partition of pensionable earnings. The draft regulation does not have any effect on the public or on businesses.

Further information may be obtained by contacting Luce Gobeil, lawyer, Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, Sainte-Foy (Québec), G1V 4T3 (tel.: (418) 644-7453, fax: (418) 643-9590).

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period following this publication, to Mr. Claude Legault, President and General Manager of the Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, 5<sup>e</sup> étage, Sainte-Foy (Québec), G1V 4T3. Comments will be forwarded to the Minister of Income Security, who is responsible for the administration of the Act respecting the Québec Pension Plan under which the Regulation is made.

LOUISE HAREL,  
*Minister of Income Security*

---

## Regulation to amend the Regulation respecting benefits

An Act respecting the Québec Pension Plan  
(R.S.Q., c. R-9, ss. 102.4.1 and 219, par. c.1; 1996, c. 15, ss. 3 and 5)

**1.** The Regulation respecting benefits, made by Order in Council 967-94 dated 22 June 1994, is amended by inserting the following after section 22:

“**22.1** The time within which an application may be presented, in accordance with section 102.4.1 of the Act, for the annulment of a partition already effected shall be 90 days from the notice of partition mentioned in section 102.7.1 of the Act.”.

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

1013

## Draft Regulation

Highway Safety Code  
(R.S.Q., c. C-24.2)

### Traffic control devices

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation entitled “Regulation to amend the Regulation respecting traffic control devices”, the text of which appears below, may be made by the Minister upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to allow the use of new products in the making of road signs and signal arrows. It is also intended to better define the colours used on signs.

To that end, it proposes to add tables which describe accurately the chromatic features, standardized throughout North America, of the colours used on signs, as well as the retroreflection coefficient of the various films that may be applied on signs in order to ensure visibility in all circumstances and to reduce manufacturing costs. Furthermore, it eliminates the constraints on the features of the lights used in signal arrows in order to allow the use of new technology already available on the market.

To date, study of the matter has revealed no negative impact on the public, on businesses and particularly on small and medium-sized businesses.

Further information may be obtained by contacting Mr. Marcel Ayoub, 700, boulevard René-Lévesque Est, 25<sup>e</sup> étage, Québec (Québec), G1R 5H1, telephone number: 644-2908, fax number: 644-6963.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Transport, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec), G1R 5H1.

JACQUES BRASSARD,  
*Minister of Transport*

## Regulation to amend the Regulation respecting traffic control devices

Highway Safety Code  
(R.S.Q., c. S-24.2, s. 289)

**1.** The Regulation respecting traffic control devices, made by Order of the Minister of Transport dated 24 November 1989 and amended by the Regulations made by Minister's Orders dated 31 October 1991, 15 December 1992 and 21 December 1995, is further amended by substituting the following for section 5:

“5. Sign colours shall conform to the specifications in Table 1 below:

**TABLE 1**

**Colours - Chromatical characteristics; Types I, II, III A, III B, IV and V**

	Trichromatic coordinates							
	1		2		3		4	
Colour	x	y	x	y	x	y	x	y
White	0.303	0.287	0.368	0.353	0.340	0.380	0.274	0.316
Red	0.613	0.297	0.708	0.292	0.636	0.364	0.558	0.352
Orange	0.550	0.360	0.630	0.370	0.581	0.418	0.516	0.394
Yellow	0.498	0.412	0.557	0.442	0.479	0.520	0.438	0.472
Green	0.030	0.380	0.166	0.346	0.286	0.428	0.201	0.776
Blue	0.144	0.030	0.244	0.202	0.190	0.247	0.066	0.208
Brown	0.430	0.340	0.430	0.390	0.550	0.450	0.610	0.390

**2.** The following is substituted for section 14:

“14. The retroreflection coefficient of the film on markers (T-130), barricades, chevrons (T-RV-1) and orange background signs referred to in Chapter 4 shall conform to type III A or III B described in Tables 2A and 2B below:

**TABLE 2A**

Divergence angle	Incidence angle	Type III A - Retroreflection coefficient					
		Min. retroreflection coefficient (cd/1x•m <sup>2</sup> )					
		White	Red	Orange	Yellow	Green	Blue
0.2°	-4°	250	45	100	170	45	20
0.2°	+30°	150	25	60	100	25	11
0.5°	-4°	95	15	30	62	15	7.5
0.5°	+30°	65	10	25	45	10	5

TABLE 2B

Type III B - Retroreflection coefficient								
Divergence angle	Incidence angle	Min. retroreflection coefficient (cd/1x•m <sup>2</sup> )						
		White	Red	Orange	Yellow	Green	Blue	Brown
0.2°	-4°	250	35	100	170	35	20	7
0.2°	+30°	80	9	34	54	9	5	2
0.5°	-4°	135	17	64	100	17	10	4
0.5°	+30°	55	6.5	22	37	6.5	3.5	1.4

When white and orange are used on a sign, marker or barricade, the retroreflection coefficient of the white film shall also conform to type III A or III B.

The retroreflection coefficient of the film on other signs shall be equivalent to at least Type I described in

Table 3 below, except for Arrêt signs (P-10), Stop signs (P-10), Yield signs (P-20), Chevron Alignment signs (D-301) and Delineator signs, in which case the retroreflection coefficient of the film shall conform to type III A or III B described in Tables 2A or 2B.

TABLE 3

Type I - Retroreflection coefficient								
Divergence angle	Incidence angle	Min. retroreflection coefficient (cd/1x•m <sup>2</sup> )						
		White	Red	Orange	Yellow	Green	Blue	Brown
0.2°	-4°	70	14.5	25	50	9	4	1
0.2°	+30°	30	6	7	22	3.5	1.7	0.3
0.5°	-4°	30	7.5	13	25	4.5	2	0.3
0.5°	+30°	15	3	4	13	2.2	0.8	0.2

The retroreflection coefficient of the film on Lane Direction Control signs (P-100-13) and (P-100-14) shall conform to Type V described in Table 4 below:

TABLE 4

Type V - Retroreflection coefficient							
Divergence angle	Incidence angle	Min. retroreflection coefficient (cd/1x•m <sup>2</sup> )					
		White	Red	Orange	Yellow	Green	Blue
0.2°	-4°	700	120	280	470	120	56
0.2°	+30°	400	72	160	270	72	32
0.5°	-4°	160	28	64	110	28	13
0.5°	+30°	75	13	30	51	13	6

**3.** The following is substituted for section 32:

“**32.** Damaged signs and tab signs shall be repaired or replaced, as shall those whose retroreflection coefficient is not at least equal to 50 % of the standard to which they must correspond.”

**4.** Paragraphs 5 and 6 of section 180 are deleted.

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

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## Draft Regulation

Highway Safety Code  
(R.S.Q., c. C-24.2)

### Transportation of Dangerous Substances — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation entitled “Regulation to amend the Transportation of Dangerous Substances Regulation”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to ensure the application of regulations respecting the transportation of dangerous substances with the greatest possible flexibility taking into account the multitude of goods transported and the transportation conditions that prevail in Canada. The harmonization of the provincial Regulation with the federal Regulation will make it possible for Québec carriers and shippers to remain competitive with those of the other provinces. Thus, the amendments contained in Schedules 16 and 18 to 22 of the federal Regulation entitled “Transportation of Dangerous Goods Regulations” made under the Transportation of Dangerous Goods Act, 1992, deal mainly with the safety requirements for infectious substances, identification and classification of dangerous goods, rules concerning the definition of “recyclable material”, indications of danger and safety requirements that apply to highway tanks. In addition, those amendments have been the subject of studies of impact at the time of their publication by the Government of Canada and already several interprovincial road carriers comply with those new standards.

Other amendments are also made to the Transportation of Dangerous Substances Regulation to harmonize that Regulation with the regulations of the Ministère de

l’Environnement et de la Faune of Québec. The transfer of certain responsibilities from the Ministère de l’Environnement to the Ministère des Transports will simplify the rules for carriers while maintaining the safety standards already applicable to the transportation of dangerous waste at a level comparable to the level that exists for the transportation of other dangerous substances. Henceforth, the manifest or the shipping document may accompany dangerous waste provided that it contains the basic information required by the Transportation of Dangerous Substances Regulation.

The transit of substances such as flammables, explosives, oxidizers and accessories with a naked flame will be prohibited in tunnels governed by the provisions of the Transportation of Dangerous Substances Regulation.

The approaches to the Melocheville tunnel will be laid out so as to create a waiting lane intended for vehicles carrying dangerous substances. Traffic will be controlled so that vehicles carrying those substances travel alone and at reduced speed in the tunnel.

The distribution of fines among carriers and shippers of dangerous substances is reviewed to take their respective responsibilities into account.

Those amendments to the regulations will have no economic impact on the public and negligible impact on small and medium-sized businesses affected by those new standards. The Melocheville tunnel will not be closed to the transportation of dangerous substances since traffic will be only controlled, which may however increase the waiting period and delivery time of the substances transported.

Further information may be obtained by contacting

Mrs. Claude Émond  
700, boulevard René-Lévesque Est, 23<sup>e</sup> étage  
Québec (Québec), G1R 5H1  
Tel.: (418) 646-9697 - Fax: (418) 646-6196

Any interested person having comments to make on the matter is asked to send them in writing before the expiry of the 45-day period at the address mentioned above.

JACQUES BRASSARD,  
*Minister of Transport*

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## Regulation to amend the Transportation of Dangerous Substances Regulation

Highway Safety Code

(R.S.Q., c. C-24.2, s. 622, 1<sup>st</sup> par., subpars. 1, 2, 5, 6 and 8)

**1.** The Transportation of Dangerous Substances Regulation, made by Order in Council 674-88 dated 4 May 1988 and amended by the Regulations made by Orders in Council 565-90 dated 25 April 1990 and 82-94 dated 10 January 1994, is further amended by substituting the following for section 1:

“**1.** In this Regulation, “Transportation of Dangerous Goods Regulations” means the Regulations respecting the handling, offering for transport and transporting of dangerous goods, made under the Transportation of Dangerous Goods Act (R.S.C., 1985, c. T-19) by Order in Council SOR/85-77 of 18 January 1985 published in the *Canada Gazette*, Part II, on 6 February 1985, as amended by the Regulations made under that Act by Orders in Council SOR/85-585 of 21 June 1985 and SOR/85-609 of 27 June 1985 published in the *Canada Gazette*, Part II, on 10 July 1985, SOR/86-526 of 8 May 1986 published in the *Canada Gazette*, Part II, on 28 May 1986, SOR/87-335 of 11 June 1987 published in the *Canada Gazette*, Part II, on 24 June 1987, SOR/88-635 of 7 December 1988 published in the *Canada Gazette*, Part II, on 21 December 1988, SOR/89-39 of 27 December 1988 published in the *Canada Gazette*, Part II, on 18 January 1989, SOR/89-294 of 1 June 1989 published in the *Canada Gazette*, Part II, on 21 June 1989, SOR/90-847 of 6 December 1990 published in the *Canada Gazette*, Part II, on 19 December 1990, SOR/91-711 and SOR/91-712 of 5 December 1991 published in the *Canada Gazette*, Part II, on 18 December 1991 and by the Regulations made under the Transportation of Dangerous Goods Act, 1992 (1992, 40-41 Elizabeth II, c. 34) by Orders in Council SOR/92-447 of 20 July 1992 published in the *Canada Gazette*, Part II, on 12 August 1992, SOR/92-600 of 9 October 1992 published in the *Canada Gazette*, Part II, on 21 October 1992, SOR/93-203 of 20 April 1993 published in the *Canada Gazette*, Part II, on 5 May 1993, SOR/93-525 of 2 December 1993 published in the *Canada Gazette*, Part II, on 15 December 1993, SOR/94-146 of 3 February 1994 published in the *Canada Gazette*, Part II, on 23 February 1994, SOR/94-264 of 24 March 1994 published in the *Canada Gazette*, Part II, on 6 April 1994, SOR/95-241 of 16 May 1995 published in the *Canada Gazette*, Part II, on 31 May 1995 and SOR/95-547 of 23 November 1995 published in the *Canada Gazette*, Part II, on 13 December 1995.”.

**2.** Section 2 is amended

(1) by inserting the words “or in the Transportation of Dangerous Goods Act, 1992,” in the first paragraph, in the part preceding the definition of “handling” and after the words “in those Regulations”;

(2) by substituting the following for the third paragraph:

“The words “Director General” occurring in paragraph *b* of section 5.41 of the Transportation of Dangerous Goods Regulations and in sections 7.16, 7.19 and 9.14 of those Regulations shall be taken to mean the Director of intermodal transportation of the Ministère des Transports du Québec.”;

(3) by substituting the following for the fourth paragraph:

“For the purposes of section 4.10 of the Transportation of Dangerous Goods Regulations, “CANUTEC (613) 996-6666” is preceded by the words “local police and”.

**3.** Section 4 is amended by substituting “2.1.2 and 2.3 to 2.4.2” for “2.3, 2.4, 2.4.1 and 2.4.2”.

**4.** Section 6 is amended by inserting the word “radioactive” before the word “substances” in Class 7.

**5.** The following is substituted for section 7:

“**7.** Dangerous substances shall be documented in accordance with PART IV of the Transportation of Dangerous Goods Regulations, in accordance with the provisions of those Regulations.

Notwithstanding the foregoing, the shipping documents may validly be kept in the weatherproof container fixed to the transport unit. In addition, the shipping document referred to in section 4.4 of those Regulations may replace the prescribed manifest and, in that case, paragraph *b* of section 4.18 of those Regulations shall not apply.”.

**6.** Section 9 is amended by substituting “7.1 to 7.8” for “7.1 to 7.11”.

**7.** The following is substituted for section 10.3:

“**10.3** The first paragraph of section 6 and sections 7 and 8 of this Regulation apply to a person who requests the transportation of a dangerous substance.”.

**8.** The following is substituted for section 11:

**11.** It is prohibited to travel in the Louis-Hippolyte-Lafontaine tunnel, in the tunnel sections of the Ville-Marie autoroute, in the bridge-tunnel Joseph-Samson or in the part of the approach to Melocheville tunnel that is parallel to the lane reserved for vehicles carrying dangerous substances:

(1) with a road vehicle on which placards must be displayed in accordance with PART V of the Transportation of Dangerous Goods Regulations, unless it transports only dangerous substances of Class 9;

(2) with a road vehicle referred to in paragraph *a* of section 2.28 of the Transportation of Dangerous Goods Regulations or used pursuant to an equivalent safety permit issued under section 31 of the Transportation of Dangerous Goods Act and exempting the application of the placards referred to in subparagraph 1, unless it transports only dangerous substances of Class 9;

(3) with a road vehicle transporting a dangerous substance of Class 3 unless the quantity of dangerous substances transported does not exceed 25 litres and is transported in containers that meet the safety standards prescribed by section 9 of this Regulation and whose overall capacity does not exceed 25 litres;

(4) with a road vehicle transporting a substance of class 2 with a primary classification 2.1 or a subsidiary classification 5.1 unless the dangerous substance is kept in a cylinder with a water capacity of not more than 53 litres and no more than 3 cylinders are transported by the vehicle;

(5) with a road vehicle equipped with a functioning accessory that produces a naked flame.

This section does not apply where dangerous substances intended for the operation of the vehicle transporting them or for its air-conditioning are contained in the tank provided exclusively for that purpose by the manufacturer of the vehicle or accessory. It does not apply either to emergency vehicles in the situations referred to in section 378 of the Highway Safety Code.”.

**9.** The following is substituted for sections 12.1 to 12.4:

**12.1** Any violation of any of the provisions of sections 7 to 10, 10.3 and 10.4 of this Regulation, concerning the application of sections 4.6 and 4.7, of paragraphs *a*, *b*, *c* and *m* of subsection 1 of section 4.8, of sections 4.12, 4.19 and 4.24, of subsection 1 of section 5.5, of sections 5.6, 5.8, 5.25, 5.29, 7.1, 8.1 and 9.2 of the Transportation of Dangerous Goods Regulations, constitutes an offence punishable by a fine of \$200 to \$300.

**12.2** Any violation of any of the provisions of section 7 of this Regulation, concerning the application of paragraph *o* of subsection 1 of section 4.8 of the Transportation of Dangerous Goods Regulations, constitutes an offence punishable by a fine of \$300 to \$600.

**12.3** Any violation of any of the provisions of sections 2, 4, 7 to 10 and 10.2 to 10.5 of this Regulation, concerning the application of sections 2.33 to 2.35, 3.1.1, 4.1, 4.4, of paragraphs *e* and *h* to *l* of subsection 1 of section 4.8, of sections 4.15, 4.20 and 4.23, of paragraph 1 of section 5.5, of sections 5.7, 5.16, 5.23, 5.24, 5.32, 5.37, 7.16, 7.21, 7.34 to 7.39, 8.7, 9.11, 9.13 or the prohibitions referred to in Schedules II and III of the Transportation of Dangerous Goods Regulations, constitutes an offence punishable by a fine of \$600 to \$6 000.

**12.4** Any violation of any of the provisions of section 11 of this Regulation constitutes an offence punishable by a fine of \$600 to \$6 000.”.

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

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

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