

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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## Coming into force of Acts

Gouvernement du Québec

### **O.C. 1131-99, 29 September 1999**

#### **An Act respecting owners and operators of heavy vehicles (1998, c. 40)**

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

COMING INTO FORCE of certain provisions of the Act respecting owners and operators of heavy vehicles

WHEREAS the Act respecting owners and operators of heavy vehicles (1998, c. 40) was assented to on 20 June 1998;

WHEREAS under section 183 of the Act, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS, by Order in Council 985-98 dated 21 July 1998, 21 July 1998 was fixed as the date of coming into force of the provisions of sections 1 to 4, 6 to 14, 19, 20, 22 to 46, 48, 49, 51, 54, paragraph 1 of section 55, paragraph 2 of section 55 as regards the definition of the term “tool vehicle”, sections 58, 59, 62, 65, 66, 69, 71 to 76, 78, 79, 94, 117, 120 to 123, 125, 126, paragraph 1 of section 128, paragraphs 7, 8 and 12 of section 144, sections 146 to 148, paragraphs 1 and 2 of section 150 and sections 154 to 162, 171, 172, 174 to 182 of the Act;

WHEREAS, by Order in Council 1481-98 dated 27 November 1998, 27 November 1998 was fixed as the date of coming into force of the provisions of paragraphs 9 and 10 of section 144 of the Act and 24 December 1998 was fixed as the date of coming into force of the provisions of sections 130, 131 and 132 of the Act;

WHEREAS, by Order in Council 159-99 dated 24 February 1999, 24 February 1999 was fixed as the date of coming into force of the provisions of the first and third paragraphs of section 15, the first paragraph of section 16 and sections 17 and 18 of the Act;

WHEREAS, by Order in Council 282-99 dated 24 March 1999, 1 April 1999 was fixed as the date of coming into force of the provisions of sections 5, 21, 50, paragraph 2 of section 55 as regards the definition of the term “heavy vehicle”, sections 56, 57, 60, 61, 63, 67, 70, 77, 80, 82, 84 to 86, 88 to 93, 95, 96, 98, 103, 107, 108, paragraph 1, except as regards the deletion of sections 413 and 471, and paragraph 3 of section 109, sections 111, 114,

paragraphs 2 and 3 of section 124, section 127, paragraph 2 of section 128, sections 129, 133 to 140, 149, 151, 163 to 170 and 173 of the Act, 29 April 1999 was fixed as the date of coming into force of the provisions of section 112 of the Act and 1 July 1999 was fixed as the date of coming into force of the provisions of the second paragraph of section 15, the second paragraph of section 16 and section 47 of the Act;

WHEREAS, by Order in Council 620-99 dated 2 June 1999, 2 June 1999 was fixed as the date of coming into force of the provisions of section 83 and paragraphs 1 to 6, 11, 13 to 18, 20, 21 and 23 of section 144 of the Act and 1 July 1999 was fixed as the date of coming into force of the provisions of sections 52, 53, 64, 68, 81, 99 to 102, 104 to 106, paragraph 2 of section 109, sections 118, 119, paragraph 1 of section 124, sections 141 to 143, paragraphs 19, 22 and 24 of section 144, section 145, paragraph 3 of section 150 and sections 152 and 153 of the Act;

WHEREAS it is expedient to fix 1 November 1999 as the date of coming into force of the provisions of sections 115 and 116 of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the provisions of sections 115 and 116 of the Act respecting owners and operators of heavy vehicles (1998, c. 40) come into force on 1 November 1999.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

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## Regulations and other acts

Gouvernement du Québec

### O.C. 1121-99, 29 September 1999

An Act respecting the distribution of financial products and services  
(1998, c. 37)

#### Credit unions — Insurance products

Insurance products distributed by credit unions

WHEREAS the first paragraph of section 573 of the Act respecting the distribution of financial products and services (1998, c. 37) provides that in addition to the insurance products referred to in sections 424 and 426 of the Act, a credit union governed by the Savings and Credit Unions Act (R.S.Q., c. C-4.1) may, in accordance with the provisions of Title VIII of the Act respecting the distribution of financial products and services, continue to distribute the insurance products it distributed on 20 June 1998;

WHEREAS under the second paragraph of section 573 of the Act, which came into force on 24 February 1999 by Order in Council 152-99 dated 24 February 1999, the Government shall, by order, identify the products;

WHEREAS credit unions distributed the following insurance products on 20 June 1998:

1. Assurance du crédit variable Desjardins, a life insurance plan distributed since June 1954;
2. Assurance Sécurivie Desjardins, a life insurance plan distributed since September 1995;
3. Assurance budget Desjardins, a disability insurance plan distributed since May 1998;
4. Rentes viagères Desjardins, a pension plan distributed since 1983;
5. Assurances collectives des entreprises et des travailleurs autonomes, a life insurance and health insurance plan distributed since September 1986;
6. Accirance, a life insurance and health insurance plan distributed since May 1958;

WHEREAS it is expedient to authorize credit unions to continue to distribute those insurance products without

acting through a representative in accordance with Title VIII of the Act respecting the distribution of financial products and services;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT, in accordance with the second paragraph of section 573 of the Act respecting the distribution of financial products and services (1998, c. 37), credit unions governed by the Savings and Credit Union Act (R.S.Q., c. C-4.1) be authorized, in addition to the insurance products referred to in sections 424 and 426 of the Act respecting the distribution of financial products and services, to continue to distribute without acting through a representative, from 1 October 1999, the following insurance products:

1. Assurance du crédit variable Desjardins;
2. Assurance Sécurivie Desjardins;
3. Assurance budget Desjardins;
4. Rentes viagères Desjardins;
5. Assurances collectives des entreprises et des travailleurs autonomes;
6. Accirance.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### O.C. 1122-99, 29 September 1999

An Act respecting the distribution of financial products and services  
(1998, c. 37)

#### Practice in the securities field

Regulation respecting practice in the securities field

WHEREAS, under sections 202 and 214 of the Act respecting the distribution of financial products and services (1998, c. 37), the Commission des valeurs

mobilières du Québec may make regulations on the matters referred to therein;

WHEREAS, under the second paragraph of section 202 and section 217 of that Act, regulations made under the first paragraph of section 202 and section 214 must be submitted to the Government for approval with or without amendment;

WHEREAS, under sections 202 and 214 of that Act, the Commission des valeurs mobilières du Québec made the Regulation respecting practice in the securities field;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation may be approved without having been published in accordance with section 8 of that Act, where the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec*, where the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the absence of prior publication and such coming into force of the Regulation respecting practice in the securities field are justified by the urgency due to the following circumstances:

— the main provisions concerning the application of the Act respecting the distribution of financial products and services, including those respecting securities representatives, come into force on 1 October 1999; it is therefore expedient that the provisions of this Regulation be approved and come into force as soon as possible in order to ensure the continuity of certain financial products investments;

WHEREAS it is expedient to approve the Regulation, with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT the Regulation respecting practice in the securities field, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## Regulation respecting practice in the securities field

An Act respecting the distribution of financial products and services  
(1998, c. 37, ss. 202 and 214)

### DIVISION I SCOPE

**1.** This regulation applies to the securities representatives referred to under the first paragraph of section 9 of the Act respecting the distribution of financial products and services (1998, c. 37).

### DIVISION II CONDITIONS AND RESTRICTIONS ON PRACTICE

#### §1. *Securities sectors*

**2.** The representative carries out his duties associated with the securities field, the administration of the firm and the distribution of other financial products and services in accordance with the Act on a full-time basis.

**3.** The representative may offer permanent shares and preferred shares in accordance with section 54 of the Act by providing the Financial Services Bureau with a written declaration demonstrating that he has the training recognized by a confederation governed by the Savings and Credit Union Act (R.S.Q., c. C-4.1).

#### §2. *Group savings plan brokerage sector*

**4.** The representative must require the payment in full for a purchase of shares or units of a mutual fund, except in the case of a contractual plan.

#### §3. *Scholarship plan brokerage sector*

**5.** Despite section 2, the scholarship plan representative may carry out his activities on a part-time basis.

### DIVISION III REPRESENTATIONS AND SOLICITATION OF CUSTOMERS

#### §1. *Information to customers*

**6.** The group savings plan representative shall provide the prospective purchase of mutual fund securities with a disclosure document when, to the dealer's knowledge, he considers borrowing funds to pay for the purchase. This document, provided for in appendix I, gives some information including on the risks of excessive use of leveraging.



The delivery of this document shall not alter the dealer's obligation to ensure that the transaction is in agreement with the customer's financial position and investment objectives.

## §2. *Groups savings plan brokerage sector*

**7.** The group savings plan representative may not participate, even indirectly, in the distribution of a mutual fund whose advertising standards or commercial practices are not in compliance with the Securities Act (R.S.Q., c. V-1.1).

**8.** This regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.

## APPENDIX I

(s. 6)

### DISCLOSURE DOCUMENT

#### **Borrowing money to buy investment funds (leveraging)**

The Regulation respecting practice in the securities field, enacted by the Commission des valeurs mobilières du Québec pursuant to An Act respecting the distribution of financial products and services (1998, c. 37), and approved by the government by Order in Council No. 1122-99 of 22 September 1999, requires the delivery of this document to investors who consider borrowing money to buy mutual funds (investment funds) to make investors aware of the risks involved in borrowing to invest.

Mutual funds may be purchased using available cash, or a combination of cash and borrowed money. If you use cash to pay for your fund purchase in full, your percentage gain or loss will equal the percentage increase or decrease in the value of your fund securities. The purchase of mutual funds using borrowed money magnifies the gain or loss on your cash invested. This effect is called leveraging. For example, if \$100,000 of funds are purchased and paid for with \$25,000 from available cash and \$75,000 from borrowing, and the value of the fund securities declines by 10 % to \$90,000, your equity interest (the difference between the value of your fund securities and the amount borrowed) has declined by 40 %, i.e. from \$25,000 to \$15,000.

It is apparent that leveraging magnifies gains or losses. It is important you know that a leveraged purchase of mutual funds involves greater risk than a purchase using your cash resources only. To what extent a leveraged purchase involves undue risk is a determination to be made on an individual case by case basis by each pur-

chaser, and will vary depending on the circumstances of the purchase and the mutual fund purchased.

It is also important that you be aware of the terms of arrangements made where a loan is secured by mutual funds. The lender may require that the amount outstanding on the loan not fall below an agreed percentage of the market value of the mutual fund securities. Should this occur, the borrower must pay down the loan or sell the securities so as to return the loan to the agreed percentage relationship. In our example above, the lender may require that the loan not exceed 75 % of the market value of the securities. On a decline in value of the securities to \$90,000, the borrower must reduce the loan to \$67,500 (75 % of \$90,000). If the borrower does not have cash available, he must sell securities at a loss to provide money to reduce the loan.

Money is, of course, also required to pay interest on the loan. Under these circumstances, investors who leverage their investment are advised to have adequate financial resources available both to pay interest, and also to reduce the loan if the borrowing arrangements require such a payment.

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Gouvernement du Québec

### **O.C. 1123-99, 29 September 1999**

An Act respecting the distribution of financial products and services (1998, c. 37)

#### **Securities firms**

##### **— Trust accounts and financial resources**

Regulation respecting the trust accounts and financial resources of securities firms

WHEREAS under subparagraphs 1 and 2 of the first paragraph of section 227 of the Act respecting the distribution of financial products and services (1998, c. 37), the Commission des valeurs mobilières du Québec may, by regulation, determine the rules relating to the establishment and maintenance of the trust accounts that must be maintained by a firm acting through a securities representative and the rules relating to the financial resources that must be maintained by a firm acting through a securities representative;

WHEREAS under the second paragraph of that section, a regulation made under the first paragraph shall be submitted to the Government for approval with or without amendment;

WHEREAS under that section, the Commission des valeurs mobilières du Québec made the Regulation respecting the trust accounts and financial resources of securities firms;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation may be approved without having been published as prescribed in section 8 of the Act, where the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of the Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec*, where the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of the Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the absence of prior publication and such coming into force of the Regulation respecting the trust accounts and financial resources of securities firms are justified by the urgency due to the following circumstances:

— the main provisions concerning the application of the Act respecting the distribution of financial products and services, especially those regarding securities representatives, come into force on 1 October 1999; it is therefore expedient that the provisions of this Regulation be approved and that they come into force as soon as possible to ensure the clients' security;

WHEREAS it is expedient to approve this Regulation, with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT the Regulation respecting the trust accounts and financial resources of securities firms, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## Regulation respecting the trust accounts and financial resources of securities firms

An Act respecting the distribution of financial products and services  
(1998, c. 37, s. 227)

### DIVISION I PURPOSE AND SCOPE

**1.** This regulation applies to firms acting through the securities representatives referred to under the first paragraph of section 9 of the Act respecting the distribution of financial products and services (1998, c. 37) and sets forth the rules pertaining to the opening and maintenance of the trust account and the maintenance of sufficient financial resources by such firms.

### DIVISION II TRUST ACCOUNT

#### *§1. Opening and maintenance of the account*

**2.** The firm shall open and maintain an interest-bearing trust account with a financial institution for the purpose of holding money received on behalf of third parties as the result of carrying on operations in a securities sector.

**3.** All interest received from the trust account, net of applicable banking fees, shall be paid no less frequently than monthly to the mutual funds or the subscribers or purchasers, pro rated on cash flow.

#### *§2. Firm registered in the group savings brokerage sector*

#### **4.** In this Division:

“distributing firm” means a firm acting through group sales representatives and participating with a mutual fund or with a principal distributor in the distribution of the securities of a mutual fund;

“principal distributor” means a group savings firm through which the securities of a mutual fund are distributed under a contract with the mutual fund, its trustee or another legal representative or its manager under which it holds the exclusive right to distribute the securities of the mutual fund in a jurisdiction or any other right that provides or seeks to provide to the principal distributor a significant competitive advantage with respect to the distribution of the securities of the mutual fund.

**5.** Subject to section 7, the principal distributor of a mutual fund must comply with the following rules:

1) all money received by the principal distributor for investment in, or redemption of, securities of the mutual fund, shall be accounted for separately, remitted to the mutual fund and shall not be commingled with his own assets;

2) the principal distributor shall not use such money to finance his own or any other operations;

3) the principal distributor may withdraw funds from the trust account for the purpose either of remitting to the mutual fund the net amount to be invested in securities of the mutual fund, remitting redemption proceeds to relevant subscribers or purchasers, or paying investors fees to which the principal distributor may be entitled;

4) unless the interest is paid to the subscribers or purchasers on a pro rata basis, interest earned in the trust account, net of applicable banking fees, shall be paid to the mutual fund no less frequently than monthly, and when the deposited funds are held in this account for more than one mutual fund, the interest shall be divided pro rated on cash flow; the principal distributor is under no circumstances entitled to the interest earned in the trust account;

5) all money received by the principal distributor for investment in the securities of the mutual fund shall be remitted to the mutual fund no later than the second business day following receipt of such money.

**6.** The principal distributor may offset and pay the balance in cash when he has commingled in the trust account the money received for investment purposes with the money received for redemption purposes.

**7.** The firm participating with the distributor of a mutual fund or the principal distributor of a mutual fund in the distribution of securities of a mutual fund must comply with the following rules:

1) all money received for the distribution of securities of a mutual fund, or redemption of, shall be accounted for separately, deposited in an interest-bearing trust account and shall not be commingled with its own assets;

2) the distributing firm shall not use such money to finance its own or any other operations;

3) the distributing firm may withdraw funds from the trust account for the purpose of either remitting to the

mutual fund or to the principal distributor the net amount to be invested in securities of the mutual fund or paying investors or service fees or other similar amounts to which the distributing firm or principal distributor may be entitled;

4) unless the interest is paid to subscribers or purchasers on a pro rata basis, interest earned in the trust account, net of applicable banking fees, shall be paid to the mutual fund no less frequently than monthly and when the deposited funds are held in this account for more than one mutual fund, the interest shall be divided pro rated on cash flow;

5) all money received by the distributing firm for investment in the securities of the mutual fund shall be remitted to the mutual fund or its principal distributor no later than on the settlement date.

### DIVISION III

#### MAINTENANCE OF FINANCIAL RESOURCES

**8.** The firm must maintain a net free capital at least equal to the sum obtained by adding \$50,000 to the deductible applicable to the firm's liability insurance policy provided for in the second paragraph of section 29 of the Regulation respecting firms, independent representatives and independent partnership approved by Order in Council 832-99 dated July 7, 1999.

The firm carrying on activities in more than one Canadian province shall add to this amount, where appropriate, the deductible for the bond required by the laws of the other provinces to which it is also subject.

The net free capital shall be calculated as set out in Appendix I.

**9.** For the purpose of calculating the net free capital, the following conditions apply:

1) the firm excludes from the calculation of its net free capital any financial guarantee given by a person holding a major position in the meaning of the second subparagraph of section 228 of the Regulation respecting securities enacted by Order of Council No. 660-83 of March 30, 1983, unless if its repayment is subordinated to the repayment of other creditors;

2) the firm shall deduct from its net free capital any financial guarantee given by the firm to a person holding a major position.

**10.** The firm may borrow funds to be included in its net free capital provided that repayment of such funds is subordinated to the repayment of other creditors and the

loan agreement provides that any repayment of this loan by the firm to the lender is conditional that in any such repayment, the firm respects the conditions of section 8.

**11.** Within 30 days of the end of each two-month period, the firm must file with the Bureau des services financiers the bimonthly report on net free capital set out in Appendix I.

**12.** This regulation comes into force on the day of its publication in *the Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

**APPENDIX I**  
(ss. 8 and 11)

MONTHLY REPORT ON NET FREE CAPITAL

**Note:** This report is prepared on the accrual basis of accounting.

**FIRM'S NAME:** \_\_\_\_\_  
**Person to contact:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Current month:** \_\_\_\_\_

	Current Month (\$)	Previous Month (\$)
<b>1. NET FREE CAPITAL</b>		
<b>Quick assets (a)</b>		
Cash	_____	_____
Securities owned and negotiable at any time (b)	_____	_____
Commissions receivable (30 days or less)	_____	_____
Income tax recoverable or overpaid (c)	_____	_____
Other assets receivable (30 days or less) (explain)	_____	_____
<b>Quick assets (1)</b>	_____	_____
<b>Liabilities (d)</b>		
Loans and bank overdrafts	_____	_____
Other loans (e)	_____	_____
Accounts payable and accrued liabilities	_____	_____
Commissions payable	_____	_____
Provision for income tax payable	_____	_____
Other liabilities (explain)	_____	_____

<b>Liabilities</b>	(2)	_____	_____
<b>NET FREE CAPITAL</b>	(3)=(1)-(2)	_____	_____
<b>NET FREE CAPITAL REQUIRED (f)</b>	(4)	_____	_____
<b>Amount receivable under a (5) standby subordinated loan from a Canadian chartered bank</b>		_____	_____
<b>EXCESS (DEFICIT) OF NET FREE CAPITAL</b>	(3)-(4)+(5)	_____	_____

**2. TRUST ACCOUNT**

**Cash at the end of the period:  
Amount payable to mutual  
funds at the end of the period** \_\_\_\_\_

**0 - 10 days** \_\_\_\_\_  
**11 - 30 days** \_\_\_\_\_  
**over 30 days** \_\_\_\_\_

**Cash and the amount payable to mutual funds shall not be included  
in Part 1 of the report.**

\_\_\_\_\_  
**(Signature - President)**                      **(Signature - Chief Financial Officer)**

\_\_\_\_\_  
**(date)**    **(date)**

**Notes**

(a) Do not include the following items:

- contribution to the financial services compensation fund of another Canadian province;
- prepaid expenses;
- deferred charges;
- investments in and advances to subsidiaries and affiliated companies;
- advances to shareholders, senior executives, representatives and other employees.

(b) Do not include investment contracts.

- Include all other securities negotiable at any time including deposit certificates.
- Indicate securities at market value.

(c) Take a provision of 25 % from the receivable amount.

(d) Do not include the following items:

- long-term portion of loans guaranteed by other than quick assets;
- long-term portion of capital leases;
- deferred income taxes payable for other than quick assets.

(e) Include all short-term and long-term loans except in the case of subordinated loans.

(f) The firm always has the net free capital provided for in section 8.

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Gouvernement du Québec

### O.C. 1129-99, 29 September 1999

An Act respecting the Ministère de la Sécurité publique  
(R.S.Q., c. M-19.3)

#### Signing of certain deeds, documents or writings

Signing of certain deeds, documents or writings of the Ministère de la Sécurité publique

WHEREAS under section 12 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., c. M-19.3), the Government may determine the cases in which the signature of a document by a member of the staff of the department is binding on the Minister and may be attributed to him;

WHEREAS under section 14 of that Act, any document or copy of a document emanating from the department or forming part of its records, signed or certified by a person referred to in section 12, is authentic;

WHEREAS it is expedient that the Government determine the deeds, documents or writings which, when signed by members of the staff of the department, is binding on the Minister or may be attributed to him;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Terms and conditions respecting the signing of certain deeds, documents or writings of the Ministère de la Sécurité publique, attached to this Order in Council, be made;

THAT they come into force on the date of their publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

### Terms and conditions respecting the signing of certain deeds, documents or writings of the Ministère de la Sécurité publique

An Act respecting the Ministère de la Sécurité publique  
(R.S.Q., c. M-19.3, s. 12)

**1.** The members of the staff of the Ministère de la Sécurité publique who hold, on a permanent or interim basis, the positions listed below are authorized to sign alone and with the same authority as the Minister of Public Security the deeds, documents or other writings listed after their respective position, subject to the Financial Administration Act (R.S.Q., c. A-6).

**2.** An Associate Deputy Minister for his area of activity is authorized to sign, up to the amounts specified, if any:

(1) supply contracts under an open contract;

(2) promises and awarding of grants;

(3) up to \$500 000:

(a) supply contracts;

(b) professional and auxiliary services contracts;

(c) leasing contracts;

(d) urgent acquisitions of goods and services;

(4) up to \$25 000, contracts entered into with natural persons;

(5) up to \$25 000, operating contracts entered into with the Société immobilière du Québec.

**3.** Assistant Directors General, Regional Directors, wardens of houses of detention and directors are authorized to sign, each for the area of activity under his responsibility, up to the amounts specified, if any:

(1) supply contracts under an open contract;

(2) up to \$100 000, urgent acquisitions of goods and services;

(3) up to \$25 000:

(a) supply contracts;

(b) professional and auxiliary services contracts;

(c) leasing contracts;

(4) up to \$20 000, contracts entered into with natural persons;

(5) up to \$10 000, operating contracts entered into with the Société immobilière du Québec.

**4.** Directors of administrative services are authorized to sign, each for the area of activity under his responsibility, up to the amounts specified, if any:

(1) supply contracts under an open contract;

(2) up to \$25 000, supply contracts;

(3) up to \$20 000, urgent acquisitions of goods and services;

(4) up to \$10 000:

(a) professional and auxiliary services contracts;

(b) contracts entered into with natural persons;

(c) leasing contracts.

(5) up to \$10 000, operating contracts entered into with the Société immobilière du Québec.

**5.** Heads of service are authorized to sign, each for the area of activity under his responsibility, up to the amounts specified, if any:

(1) supply contracts under an open contract;

(2) up to \$25 000, supply contracts;

(3) up to \$20 000, urgent acquisitions of goods and services;

(4) up to \$5 000, leasing contracts.

**6.** The Associate Deputy Minister of the Services à la gestion is authorized to sign for the Department, up to the amounts specified, if any:

(1) documents dealing with a request or commitment of the Department in respect of the Société immobilière du Québec;

(2) supply contracts under an open contract;

(3) up to \$500 000:

(a) urgent acquisitions of goods and services;

(b) supply contracts;

(c) professional and auxiliary services contracts;

(d) leasing contracts;

(4) up to \$25 000, contracts entered into with natural persons.

**7.** The Director of Material and Financial Resources (Direction générale des services à la gestion) is authorized to sign for the Department, up to the amounts specified:

(1) up to \$200 000, documents dealing with a request or commitment of the Department in respect of the Société immobilière du Québec;

(2) up to \$100 000, urgent acquisitions of goods and services;

(3) up to \$25 000, services and supply contracts relating to capital assets and telecommunications.

**8.** The Director of Organization and Human Resources (Direction générale des services à la gestion) is authorized to sign for the Department, under the Programme d'aide aux employés, up to \$25 000:

(1) professional and auxiliary services contracts;

(2) contracts entered into with natural persons.

**9.** The Director of Computers and Systems (Direction générale des services à la gestion) is authorized to sign for the Department, up to the specified amounts, if any, in the field of information technologies:

(1) up to \$100 000, urgent acquisitions of goods and services;

(2) up to \$25 000, services and supply contracts.

**10.** The Head of the Service des ressources matérielles (Direction générale des services à la gestion) is authorized to sign for the Department:

(1) up to \$100 000, documents dealing with a request or commitment of the Department in respect of the Société immobilière du Québec;

(2) up to \$25 000, services and supply contracts relating to capital assets and telecommunications.

(3) up to \$10 000, urgent acquisitions of goods and services.



**11.** At the Direction générale des services correctionnels, the persons holding the positions listed below are authorized to sign, each for the area of activity under his responsibility, service contracts related to the physical and mental health, wardens, catering, community resources in social rehabilitation and pastoral guidance and contracts entered into with the funds for the benefit of incarcerated persons, up to the amounts specified, if any:

- (1) the Associate Deputy Minister;
- (2) the Assistant Director General, up to \$500 000;
- (3) the Regional Director, the administrator of detention centres and the director, up to \$300 000;
- (4) the director of administrative services, up to \$100 000.

**12.** The Director of the Laboratoire de sciences judiciaires et de médecine légale is authorized to sign contracts and urgent acquisitions of goods and services up to the amounts specified in the management agreement signed with the Deputy Minister.

**13.** The authorizations granted under sections 2 to 5 and 12 do not apply to contracts relating to capital assets and telecommunications, real-estate projects and occupancy agreements entered into with the Société immobilière du Québec.

**14.** The holders of the various positions mentioned above are authorized to sign the administrative documents related to the contracts they are authorized to enter into.

**15.** These terms and conditions come into force on the date of their publication in the *Gazette officielle du Québec*.

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## **M.O., 1999**

### **Order of the Minister of State for Health and Social Services and Minister of Health and Social Services making the Regulation to amend the Regulation respecting the list of medications covered by the basic prescription drug insurance plan dated 29 September 1999**

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01)

THE MINISTER OF STATE FOR HEALTH AND SOCIAL SERVICES AND MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 60 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01; 1999, c. 37);

CONSIDERING Minister's Order 1999-014 dated 15 September 1999 of the Minister of State for Health and Social Services and Minister of Health and Social Services making the Regulation respecting the list of medications covered by the basic prescription drug insurance plan;

CONSIDERING that it is necessary to amend Schedule 1 to that Regulation in order to add the medication "Nutritive Formulas — Monomeric with Iron, for Infants and Children" to the list of exceptional medications;

CONSIDERING that the Conseil consultatif de pharmacologie has been consulted on the draft regulation;

MAKES the Regulation to amend the Regulation respecting the list of medications covered by the basic prescription drug insurance plan, the text of which is attached hereto.

Québec, 29 September 1999

PAULINE MAROIS,  
*Minister of State for Health and Social Services  
and Minister of Health and Social Services*

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## **Regulation to amend the regulation respecting the list of medications covered by the basic prescription drug insurance plan**

An Act respecting prescription drug insurance  
(R.S.Q., c. A-29.01, s. 60)

**1.** The Regulation respecting the list of medications covered by the basic prescription drug insurance plan, made by Minister's Order 1999-014 dated 15 September 1999 of the Minister of State for Health and Social Services and Minister of Health and Social Services, is amended by inserting the following after section 1:

“**1.1.** This Regulation replaces section 2.1 of the Regulation respecting the basic prescription drug insurance plan, made by Order in Council 1519-96 dated 4 December 1996.”

**2.** The List of Insured Medications, attached to this Regulation, is amended by inserting, in Appendix I entitled “Manufacturers that Submitted Different Guaranteed Selling Prices for Wholesalers and Pharmacists”, after the manufacturer SCHERING and the accompanying information, the following:

“SHS                    SHS North America inc.                    6 %”.

**3.** The List of Insured Medications, attached to this Regulation, is amended by inserting, in Appendix IV entitled “Exceptional Medications and Recognized Indications for Payment Purposes”, after the medication NUTRITIVE FORMULAS — MONOMERIC and the accompanying indications, the following:

“NUTRITIVE FORMULAS — MONOMERIC WITH IRON (INFANTS AND CHILDREN):

— for infants and children who are allergic to complete milk proteins, soy proteins or multiple dietary proteins and in whom the use of a casein hydrolysate formula has not succeeded in eliminating the symptoms; in such cases, the initial duration of authorization will be up to the age of 12 months. The results of re-exposure to a casein hydrolysate formula must be provided in order for use to continue;

— for infants and children who are suffering from persistent diarrhea or other severe gastrointestinal problems and in whom the use of a casein hydrolysate formula has not succeeded in eliminating the symptoms. The results of re-exposure to a casein hydrolysate formula must be provided in order for use to continue;”.

**4.** The List of Insured Medications, attached to this Regulation, is amended by inserting, in the exceptional medications section after the medication NUTRITIONAL FORMULAS — MONOMERIC and the accompanying information, the following:

“NUTRITIVE FORMULAS —  
MONOMERIC WITH IRON  
(INFANTS AND CHILDREN)...SUP.

Ped. Oral Powder                    400 g

99003368	Neocate	SHS	4	164.60	41.1500
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**5.** This Regulation comes into force on 13 October 1999.

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## Draft Regulations

### Draft Regulation

Environment Quality Act  
(R.S.Q., c. Q-2)

#### Waste water disposal systems for isolated dwellings — 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 to amend the Regulation respecting waste water disposal systems for isolated dwellings, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The draft regulation imposes on the owners of isolated dwellings new standards for the disposal of waste water and its discharge into the environment. In addition, it imposes on promoters of new technologies in those matters an evaluation of the performance of new products before they are marketed. It allows municipalities to issue a construction permit for projects in which those technologies will be used.

The draft Regulation has an impact on small and medium-sized businesses, in particular on the costs related to the certification of autonomous purification technologies but it eliminates the current costs related to the authorization procedure provided for in the Environment Quality Act.

Further information may be obtained by contacting Jean-Maurice Latulippe, Direction des politiques du secteur municipal, ministère de l'Environnement, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 8<sup>e</sup> étage, boîte 42, Québec (Québec) G1R 5V7; tel.: (418) 521-3885, extension 4850, fax: (418) 644-2003, E-mail: Jean-Maurice.Latulippe@mef.gouv.qc.ca.

Any person having comments to make on the draft Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings is asked to send them in writing, before the expiry of the 60-day period, to the Minister of the Environment, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30<sup>e</sup> étage, Québec (Québec) G1R 5V7.

PAUL BÉGIN,  
*Minister of the Environment*

### Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings\*

Environment Quality Act  
(R.S.Q., c. Q-2, s. 31, pars. *a*, *c* to *e* and *h* to *h.2*, s. 46, pars. *a*, *c*, *d*, *g*, *i*, *l* and *p*, s. 70, 1st par., subpar. *c*, s. 87, pars. *a*, *c* and *d*, and s. 109.1)

1. The Regulation respecting waste water disposal systems for isolated dwellings is amended in section 1:

(1) by inserting the following after paragraph *c*:

“(c.1) “polishing leaching field”: a work intended to distribute the effluent of a standard sand-filter bed, peat moss biofiltration system, advanced secondary treatment system or tertiary treatment system to complete purification by seepage through the disposal site;

(c.2) “CBOD<sub>5</sub>”: 5-day carbonaceous biochemical oxygen demand;”;

(2) by substituting the following for paragraph *h*:

“(h) “soil absorption system”: a work intended to spread over the effluent of a primary or secondary treatment system to complete purification by seepage through the disposal site;”;

(3) by inserting the words “and constituted of a seepage bed” after the words “in a single excavation” in paragraph *j*;

(4) by deleting the date “on 12 August 1981” in paragraph *k*;

(5) by substituting the words “impermeable or low permeability soil” for the words “impermeable ground” in paragraph *l*;

(6) by substituting the words “high permeability, permeable or low permeability soil” for the words “permeable ground” in paragraph *m*;

(7) by substituting the following for paragraph *o*:

\* The Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, c. Q-2, r. 8) was last amended by the Regulation made by Order in Council 995-95 dated 19 July 1995 (1995, G.O. 2, 2091).

“(o) “septic tank”: a primary treatment system composed of a tank intended for receiving waste water or grey water;”;

(8) by deleting paragraph *p*;

(9) by inserting the following after paragraph *q*:

“(q.1) “SS”: suspended solids;

(q.2) “effluent filter”: a device included in a primary treatment system or installed downstream from the system and intended to retain solids of neutral buoyancy having a diameter or an edge greater than 3.5 mm to prevent clogging of a treatment system by suspended solids;”;

(10) by deleting paragraph *s*:

(11) by striking out the words “by the Deputy Minister” and by adding the words “; any other building discharging waste water only and whose total daily flow is no more than 3 240 litres is deemed to be an isolated dwelling” at the end in paragraph *u*;

(12) by inserting the following after paragraph *u*:

“(u.1) “impermeable soil”: soil whose percolation time is equal to or greater than 45 minutes per centimetre or whose coefficient of permeability is equal to or less than  $6 \times 10^{-5}$  cm/s or which, according to the relationship of soil type to permeability established in accordance with Schedule I, is in the impermeable zone;

(u.2) “low permeability soil”: soil whose percolation time is equal to or greater than 25 minutes and less than 45 minutes per centimetre or whose coefficient of permeability is greater than  $6 \times 10^{-5}$  cm/s and equal to or less than  $2 \times 10^{-4}$  cm/s or which, according to the relationship of soil type to permeability established in accordance with Schedule I, is in the low permeability zone;

(u.3) “permeable soil”: soil whose percolation time is equal to or greater than 4 minutes and less than 25 minutes per centimetre or whose coefficient of permeability is greater than  $2 \times 10^{-4}$  cm/s and equal to or less than  $4 \times 10^{-3}$  cm/s or which, according to the relationship of soil type to permeability established in accordance with Schedule I, is in the permeable zone;

(u.4) “high permeability soil”: soil whose percolation time is less than 4 minutes per centimetre or whose coefficient of permeability in saturated condition is greater than  $4 \times 10^{-3}$  cm/s or which, according to the relationship of soil type to permeability established in accordance with Schedule I, is in the high permeability zone;”;

(13) by deleting paragraph *v*;

(14) by substituting the following for paragraph *x*:

“(x) “disposal site”: the part of natural land intended to receive a system for the discharge, collection or disposal of waste water, grey water or toilet effluents;”;

(15) by adding the following after paragraph *z*:

“(z.1) “CFU”: colony forming units.”.

## 2. The following is inserted after section 1:

**“1.1. Establishment of the permeability of the soil:** Where several methods are used to determine the permeability of the soil and the results thus obtained allow the soil to be classified into two different degrees of permeability, the lower degree of permeability must be considered for the purposes of this Regulation.

**1.2. Reference to NQ Standards:** For the purpose of this Regulation, a product complies with an NQ Standard if the manufacturer holds a certificate issued by the Bureau de normalisation du Québec establishing the compliance of the product with that standard and if the product bears the appropriate compliance label of the Bureau.

Likewise, any reference to the owner’s manual of a product means the manual that the manufacturer submitted to the Bureau at the time of the certification of the product.”.

## 3. Section 2 is amended

(1) by inserting the words “referred to in sections 10, 11 and 60, and section 59 applies to any existing or new holding tank referred to in section 56” in the third paragraph after the words “septic tanks”; and

(2) by deleting the fourth paragraph.

## 4. The following is inserted after section 2:

**“2.1. Equivalence:** Where a provision or a table of this Regulation refers to a number of bedrooms, that number shall correspond to the following total daily flow of waste water, grey water and toilet effluents:

Number of bedrooms	Total daily flow (litres)
1	540
2	1080
3	1260
4	1440
5	1800
6	2160

**5.** Section 3 is amended

(1) by substituting the following for the third and fourth paragraphs:

“However, the first two paragraphs do not apply where such effluent is disposed of or discharged into the environment according to the provisions of Divisions III to XI or XV to XV.5, or where such effluent is purified in another disposal system authorized under section 32 of the Act.

In the case of an existing isolated dwelling or a dwelling destroyed by fire or another disaster, waste water, grey water or toilet effluents may, in addition to the possibilities provided for in the third paragraph, be discharged into a system complying with any of Divisions XII, XIII or XIV.”;

(2) by substituting the word “under” for the words “by the Deputy Minister in conformity with” in the fifth paragraph;

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

“An isolated dwelling rebuilt after a fire or another disaster is deemed to be an existing dwelling if its reconstruction is allowed by municipal by-laws and if the installation of the system for the discharge, collection or disposal of waste water, toilet effluents or grey water that was destroyed was not prohibited by an act or a regulation in force at the time the system was installed. However, if a dwelling or another building covered by this Regulation must be connected to one of the installations that comply with Division XII, XIII or XIV, the dwelling may not contain more bedrooms than the dwelling that was destroyed and, in the case of another building, the nature of the establishment may not be modified or its operating and utilization capacity increased.”.

**6.** The following is substituted for the third paragraph of section 4:

“The regional county municipality shall issue the permits prescribed in this section in unorganized territories.”.

**7.** Section 5 is revoked.

**8.** The following is substituted for section 6:

**“6. Sludge and other residue management:** Sludge and other residue that come from the accumulation or disposal of waste water, grey water or toilet effluents must be disposed of, used or eliminated in compliance with the Act.”.

**9.** The following is substituted for section 7:

**“7. Water and effluent pathway:** Except where water is disposed of or discharged into the environment in the cases and on the conditions provided for in Divisions XI to XIV, only waste water, grey water and toilet effluents must be disposed of according to the following pathway:

(1) waste water, grey water and toilet effluents must be carried towards a primary treatment system, a secondary treatment system, an advanced secondary treatment system or a tertiary treatment system that comply with Divisions V, V.2, XV.2 or XV.3, as the case may be;

(2) the effluent of the primary treatment system must be carried towards a soil absorption system, an aerated installation, a secondary treatment system, a peat moss biofiltration system, an advanced secondary treatment system or a tertiary treatment system that comply with Divisions V.2 to X or with Divisions XV to XV.3, as the case may be;

(3) the effluent of a secondary treatment system or an aerated installation must be carried towards a soil absorption system, an advanced secondary treatment system or a tertiary treatment system that comply with Divisions VI to X or with Divisions XV.2 and XV.3, as the case may be;

(4) the effluent of a standard sand-filter bed, a peat moss biofiltration system or an advanced secondary treatment system must be carried towards a tertiary treatment system or a polishing leaching field that comply with Divisions XV.3 or XV.4, as the case may be;

(5) the effluent of a tertiary treatment system must be carried towards a polishing leaching field that complies with Division XV.4.

Notwithstanding subparagraphs 4 and 5 of the first paragraph, where the installation conditions provided

for in Division XV.4 do not allow for the installation of a polishing leaching field, the effluent of the systems referred to in those subparagraphs may be discharged into a lake, swamp, pond, stream or ditch in the cases provided for in Division XV.5.”

**10.** The words “AND CONNECTIONS” are added at the end of the heading of Division IV.

**11.** The following is substituted for section 8:

“**8. House sewer:** Waste water, the grey water mentioned in sections 51, 52, 54 and 75 or effluents from chemical or low-flush toilets must be piped by means of a watertight sewer.

A house sewer may be installed only if it complies with NQ Standard 3624-130.

Where waste water flows freely by gravity, the grade of the house sewer must be between 1 and 2 centimetres per metre and have a diameter of at least 10 centimetres.

Notwithstanding the first and second paragraphs, where water flows under pressure, the house sewer must be able to withstand the pressure exerted by the pumping devices.”

**12.** The following is substituted for section 9:

“**9. Connections:** Any connection between a house sewer and the structure of a disposal system must be watertight and flexible.”

**13.** The heading “PRIMARY TREATMENT SYSTEM” is substituted for the heading of Division V.

**14.** The following section is inserted after the heading of Division V:

“**9.1. Primary treatment system:** The primary treatment system must be composed of a septic tank cast in place in accordance with section 10 or of a prefabricated septic tank in accordance with section 11 or of another primary treatment system that complies with section 11.1.”

**15.** Section 10 is amended

(1) by striking out the words “the diagram in Schedule I as well as to” in the part preceding paragraph *a*; and

(2) by adding the words “, which have a minimum clearance of 50 centimetres” after the word “manhole” in paragraph *k*.

**16.** The following is substituted for section 11:

“**11. Prefabricated septic tanks:** A prefabricated septic tank may be installed only if it complies with NQ Standard 3680-905.”

**17.** The following is inserted after section 11:

“**11.1. Other primary treatment system:** A primary treatment system other than a septic tank referred to in section 10 or section 11 must be designed to dispose of waste water or grey water so as to comply with the effluent discharge limits provided for in section 11.4.

A primary treatment system other than a septic tank referred to in section 10 or section 11 may be installed only if it complies with NQ Standard 3680-910 for a hydraulic capacity equal to or greater than the total daily flow.

**11.2. Installation, use and maintenance:** A primary treatment system referred to in section 11.1 must be installed, used and maintained in accordance with the owner’s manual.

**11.3. Sampling device:** Any primary treatment system referred to in section 11.1 must be equipped with an accessible sampling device which allows the collection of a sample representative of the quality of the system’s effluent.

**11.4. Discharge standard:** The SS concentration of the effluent of the primary treatment system referred to in section 11.1 must be less than 100 milligrams per litre. The standard is exceeded where the concentration in two samples collected in a 60-day period exceeds the above amount.”

**18.** Section 12 is amended

(1) by substituting the words “Any primary treatment system must be installed” for the words “Any septic tank must be installed” in the part preceding paragraph *a*;

(2) by substituting the word “il” for the word “elle” and the word “submergé” for the word “submergée” in the French version of paragraph *b*;

(3) by substituting the following for the table:

Reference point	Minimum distance (metres)
Drinking water well or point of emergence of a spring	15
Lake, stream, swamp or pond	10
Drinking water pipe, property line or dwelling	1.5

**19.** The following is inserted after section 12:

“**12.1.** Watertight system: Any primary treatment system must be watertight so that water may flow only through the openings intended for that purpose.”.

**20.** Section 13 is amended

(1) by inserting the words “referred to in section 10 or in section 11 and” in the first and second paragraphs after the words “A septic tank”; and

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

“Notwithstanding the foregoing, where, pursuant to paragraph 11.1 of section 413 of the Cities and Towns Act (R.S.Q., c. C-19) or section 550 of the Municipal Code of Québec (R.S.Q., c. C-27.1), a municipality adopted a by-law to provide for the emptying of septic tanks in its territory, any septic tank must be inspected once a year and be emptied where the thickness of the scum layer is equal to or greater than 12 centimetres or where the thickness of the sludge layer is equal to or greater than 30 centimetres.”.

**21.** The words “referred to in section 10 or section 11” are inserted after the words “A septic tank” in section 14.

**22.** Section 15 is amended

(1) by substituting the following for the part preceding the table:

“**15. Capacity:** The minimum total capacity of a septic tank referred to in section 10 or section 11 must comply with the standards of the following table, based on the number of bedrooms:”;

(2) by adding the following after the table:

“The minimum total capacity of a septic tank referred to in section 10 or section 11 that serves another building must comply with the standards of the following table, based on the total daily flow of waste water, grey water or toilet effluents:

Total daily flow (litres)	Minimum total capacity (cubic metres)
0 to 540	2.3
541 to 1080	2.8
1081 to 1620	3.4
1621 to 2160	3.9
2161 to 2700	4.3
2701 to 3240	4.8

**23.** The following is substituted for section 16:

“**16. Abandonment:** Any abandoned primary treatment system, cesspool or tank that receives the effluent of a primary, secondary, advanced secondary or tertiary treatment system must be cleaned and removed or filled with gravel, sand, earth or other inert material.”.

**24.** The following is inserted after section 16:

#### “DIVISION V.1 EFFLUENT FILTERS

**16.0.1. Effluent filters:** An effluent filter may be integrated into the primary treatment system or be installed between the primary treatment system or another treatment system.

Notwithstanding the foregoing, an effluent filter must be installed where a disposal system is built with a low pressure feed system.

Effluent filters must be installed so as to allow for maintenance and cleaning.

#### DIVISION V.2 SECONDARY TREATMENT SYSTEM

**16.1. Secondary treatment system:** A system designed to dispose of waste water, grey water or toilet effluents or the effluent of a primary treatment system in compliance with the effluent discharge limits prescribed in section 16.6 constitutes a secondary treatment system.

**16.2. Applicable standard:** A secondary treatment system may be installed only if it complies with NQ Standard 3680-910 for a hydraulic capacity equal to or greater than the total daily flow.

**16.3. Location standards:** Any secondary treatment system must be located in accordance with the standards of the table in section 12, where the disposal system is



watertight, and in accordance with the standards of the following table, where the disposal system is not watertight:

Reference point	Minimum distance (metres)
Cased well the depth of which is equal to or greater than 7.5 metres	15
Drinking water well not referred to above or point of emergence of a spring	30
Lake, stream, swamp or pond	15
Dwelling or underground drainage line	5
Embankment	3
Property line, drinking water pipe or tree	2

The distances referred to in the table of the preceding paragraph are measured from the extremity of the infiltration system in the disposal site.

**16.4. Installation, use and maintenance:** A secondary treatment system must be installed, used and maintained in accordance with the owner's manual.

**16.5. Sampling device:** Any secondary treatment system must be equipped with an accessible sampling device which allows the collection of a sample representative of the quality of the system's effluent.

**16.6. Discharge standards:** The effluent of a secondary treatment system may not contain a SS concentration that exceeds 30 milligrams per litre or a BOD<sub>5</sub>C concentration that exceeds 25 milligrams per litre. Either standard is exceeded where the concentration for the same parameter in two samples collected in a 60-day period exceeds the amount indicated above for that parameter."

**25.** Section 17 is amended

(1) by substituting the following for the part preceding paragraph *a*:

"**17. Disposal site:** Where the effluent of a primary or secondary treatment system is carried towards a soil absorption field, the disposal system must be connected to a soil absorption field where all the following conditions are met:";

(2) by substituting the words "a high permeability or permeable soil" for the word "permeable" in paragraph *a*;

(3) by substituting the following for paragraph *b*:

"(b) the bedrock, underground water or any layer of impermeable soil or low permeability soil must be at least 1.2 metres below the surface of the disposal site where the effluent comes from a primary treatment system and at least 90 centimetres below the surface of the disposal site where the effluent comes from a secondary treatment system;"

**26.** The following is substituted for section 18:

"**18. Available area:** The available area of the disposal site of a soil absorption field that serves an isolated dwelling must, without having to cut any trees, comply with the minimum standards of the following table, based on the origin of the effluent and the number of bedrooms:

Number of bedrooms	Minimum available area (square metres)	
	Effluent from a primary treatment system	Effluent from a secondary treatment system
1	80	53
2	120	80
3	180	120
4	240	160
5	300	200
6	260	240

The available area of the disposal site of the soil absorption field that serves another building must, without having to cut any trees, comply with the minimum standards of the following table, based on the origin of the effluent and the total daily flow:

Total daily flow (litres)	Minimum available area (square metres)	
	Effluent from a primary treatment system	Effluent from a secondary treatment system
0 to 540	80	53
541 to 1080	120	80
1081 to 1620	180	120
1621 to 2160	240	160
2161 to 2700	300	200
2701 to 3240	360	240

**27.** The following is substituted for section 20:

“**20. Water distribution:** Any underground leaching system must ensure the uniform distribution of water in the absorption trenches.”.

**28.** Section 21 is amended

(1) by substituting the following for the part preceding paragraph *a* and paragraph *a*:

“**21. Construction standards:** A soil absorption field built with a gravity feed system must comply with the following construction standards:

(*a*) the length of a line of perforated pipes must be no more than 18 metres, measured from the point of entry;”;

(2) by substituting the following for paragraphs *g*, *h* and *i*:

“(g) the layer of gravel or crushed stone must be covered with an anticontaminating material which is permeable to water and air but will retain soil particles, and must be topped with 60 centimetres of earth backfill permeable to air;

(*g.1*) infiltration chambers covered with 60 centimetres of earth backfill permeable to air may be substituted for the layer provided for in paragraphs *d*, *e*, *f* and *g*;

(*g.2*) where infiltration chambers are used, they must be designed to resist the weight of the backfill and prevent the migration of fine particles from the surrounding soil;

(*g.3*) a trench built with infiltration chambers without feed pipes must be no more than three metres in length;

(*h*) perforated piping must comply with NQ Standard 3624-050;

(*h.1*) watertight piping must have a minimum diameter of 7.5 centimetres and comply with NQ Standard 3624-130;

(*i*) the bottom of the trench must be at least 90 centimetres above bedrock, impermeable soil or low permeability soil or underground water, where the effluent comes from a primary treatment system, and at least 60 centimetres, where the effluent comes from a secondary treatment system.”;

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

“The soil absorption field built with a low pressure feed system must be built in accordance with subparagraphs *b*, *c*, *d*, *e*, *f*, *g*, *g.1*, *g.2* and *i* of the first paragraph and with the following construction standards:

(*a*) the low pressure feed system must ensure a uniform distribution of the hydraulic load on the leaching surface;

(*b*) the diameter of the openings must be between 3.2 mm and 6.4 mm;

(*c*) the space between the openings must be no more than 1.2 m;

(*d*) the pressure head at the openings must be between 0.9 m and 2.0 m;

(*e*) the diameter of the distribution lines must be between 25 mm and 50 mm;

(*f*) the maximum length of a distribution line must be 30 m;

(*g*) the space between the distribution lines must be no more than 1.2 m except in the case of absorption trenches;

(*h*) the diameter of the header line must be between 25 mm and 50 mm;

(*i*) the dosing volume must be between 5 and 10 times the volume of the lines;

(*j*) feeding must be done by pumping.”.

**29.** The following is substituted for section 22:

“**22. Trench length:** The total length of the absorption trenches of a soil absorption field that serves an isolated dwelling must comply with the standards of the following table, based on the origin of the effluent and the number of bedrooms:

Number of bedrooms	Total length of trenches (metres)	
	Effluent from a primary treatment system	Effluent from a secondary treatment system
1	45	30
2	65	43
3	100	66
4	130	87
5	165	110
6	200	133

The total length of the absorption trenches of a soil absorption field that serves another building must comply with the standards of the following table, based on the origin of the effluent and the total daily flow:

Total daily flow (litres)	Total length of trenches (metres)	
	Effluent from a primary treatment system	Effluent from a secondary treatment system
0 to 540	45	30
541 to 1080	65	43
1081 to 1620	100	66
1621 to 2160	130	87
2161 to 2700	165	110
2701 to 3240	200	133

**30.** Section 23 is amended

(1) by striking out the word “following” before the word “table” and by adding the words “in section 16.3.” after the word “table”;

(2) by deleting the table.

**31.** The words “soil permeable to air” are substituted for the words “permeable soil” in section 24.

**32.** The following is substituted for sections 26, 27 and 28:

“**26. Disposal site:** Where the effluent of a primary or secondary treatment system is carried towards a soil absorption system and a soil absorption field may not be built according to the standards of section 18, the treatment system must be connected to a seepage bed if the

conditions provided for in paragraphs *a* and *b* of section 17 are met and if the grade of the disposal site is equal to or less than 10 %.

**27. Construction standards:** A seepage bed built with a gravity feed system must comply with the construction standards provided for in subparagraphs *a, d, e, f, g, g.1, g.2, g.3, h* and *h.1* of the first paragraph of section 21, as well as with the following standards:

(*a*) perforated pipes must be no more than 1.2 metres apart and be at a maximum distance of 60 centimetres from the limit of the disposal site;

(*b*) the bottom of the seepage bed must be at least 90 centimetres above bedrock, impermeable soil or low permeability soil or underground water where the effluent comes from a primary treatment system, and at least 60 centimetres where the effluent comes from a secondary treatment system.

A seepage bed built with a low pressure feed system must comply with subparagraph *b* of the first paragraph, with subparagraphs *d, e, f, g, g.1* and *g.2* of the first paragraph of section 21 and with subparagraphs *a* to *j* of the second paragraph of the same section.

**28. Available area:** The available area of the disposal site of a seepage bed that serves an isolated dwelling must comply with the minimum standards of the following table, based on the origin of the effluent and the number of bedrooms:

Number of bedrooms	Minimum available area (square metres)	
	Effluent from a primary treatment system	Effluent from a secondary treatment system
1	27	18
2	40	27
3	60	40
4	80	53
5	100	67
6	120	80

The available area of the disposal site of a seepage bed that serves another building must comply with the minimum standards of the following table, based on the origin of the effluent and the total daily flow:



Total daily flow (litres)	Minimum available area (square metres)	
	Effluent from a primary treatment system	Effluent from a secondary treatment system
0 to 540	27	18
541 to 1080	40	27
1081 to 1620	60	40
1621 to 2160	80	53
2161 to 2700	100	67
2701 to 3240	120	80

**33.** The word “tables” is substituted for the word “table” in section 30.

**34.** Section 32 is amended

(1) by substituting the following for the part preceding paragraph *a*:

“**32. Disposal site:** Where the effluent of a primary or secondary treatment system is carried towards a soil absorption system and a soil absorption field or a seepage bed may not be built because it is impossible to comply with the standards of section 18 or 28, the treatment system must be connected to one or several seepage pits insofar as the following conditions are met:”;

(2) by substituting the words “high permeability soil” for the words “permeable and composed of medium-sized sand” in paragraph *a*;

(3) by substituting the words “layer of permeable, low permeability or impermeable soil” for the words “impervious layer” in paragraph *b*.

**35.** The following is substituted for sections 33 and 34:

“**33. Absorption area:** The total absorption area of seepage pits that serve an isolated dwelling must comply with the minimum standards of the following table, based on the number of bedrooms:

Number of bedrooms of an isolated dwelling	Minimum total absorption area (square metres)
1	15
2	20
3	30

The total absorption area of seepage pits that serve another building must comply with the minimum standards of the following table, based on the total daily flow:

Total daily flow of another building (litres)	Minimum total absorption area (square metres)
0 to 540	15
541 to 1080	20
1081 to 1620	30

**34. Construction standards:** A prefabricated seepage pit may be installed only if it complies with NQ Standard 3682-850.

A seepage pit cast in place must comply with the following standards:

(*a*) where more than one seepage pit is used, the pits must be installed in parallel and at a minimum distance of 3 metres from each other;

(*b*) the walls of the seepage pit must be built with unmortared concrete in which are inserted rods of steel or another material with equivalent features as to the deterioration or resistance to loads to which the structure will be subjected;

(*c*) the thickness of the gravel or crushed stone must be 30 centimetres at the base of the seepage pit and 15 centimetres along the walls;

(*d*) each seepage pit must be insulated against frost by a layer of earth permeable to air or by insulating material and be equipped with a manhole;

(*e*) the shape of the seepage pits must ensure that the walls will resist the pressure of the earth;

(*f*) the bottom of the seepage pits must be at a minimum distance of 90 centimetres from the bedrock, from impermeable, low permeability or permeable soil or underground water.”.

**36.** The following is substituted for section 35:

“**35. Other standards:** Section 16, subparagraphs *f* and *h.1* of the first paragraph of section 21 and sections 23 and 24 apply, *mutatis mutandis*, to a seepage pit.”.

**37.** Section 36 is amended

(1) by substituting the following for the part preceding paragraph *a*:

**“36. Disposal site:** Where the effluent of a primary or secondary treatment system is carried towards a soil absorption system and a soil absorption field or seepage bed may not be built because it is impossible to comply with section 17 or 26, the treatment system must be connected to an above-ground sand-filter bed insofar as the disposal site complies with the following standards:”;

(2) by substituting the words “high permeability, permeable or low permeability soil” for the word “permeable” in paragraph *a*;

(3) by inserting the words “equal to or” after the words “must be” in paragraph *c*.

**38.** The following is inserted after section 36:

**“36.1. Low permeability soil:** Where the soil of a disposal site is low permeability soil, the above-ground sand-filter bed must be built with a low pressure feed system.”.

**39.** The following is substituted for sections 37 and 38:

**“37. Construction standards:** An above-ground sand-filter bed built with a gravity feed system must comply with the construction standards provided for in subparagraphs *d*, *e*, *f*, *g*, *g.1*, *g.2*, *g.3*, *h* and *h.1* of the first paragraph of section 21, as well as with the following standards:

(*a*) the sand layer must be at least 30 centimetres thick and must be thoroughly settled by water spraying before installation of the pipes;

(*b*) the effective size ( $D_{10}$ ) of the filter sand must be between 0.25 mm and 1 mm and the uniformity coefficient ( $C_u$ ) must be less than 4; for the purpose of this subparagraph, the effective size ( $D_{10}$ ) is the soil diameter at which 10 % of the soil weight is finer and the diameter corresponding to 60 % passing ( $D_{60}$ ) is the soil diameter at which 60 % of the soil weight is finer and the uniformity coefficient ( $C_u$ ) is the ratio between the diameter corresponding to 60 % passing ( $D_{60}$ ) and the diameter corresponding to 10 % passing ( $D_{10}$ );

(*c*) subparagraphs *a* and *b* of the first paragraph of section 27 apply, *mutatis mutandis*, to an above-ground sand-filter bed;

(*d*) the maximum width of a sand-filter bed or of a section of a sand-filter bed must comply with the stan-

dards of the following table, based on the permeability of the disposal site:

Permeability of the disposal site	Maximum width of the sand-filter bed (metres)
High permeability soil	3.1
Permeable soil	1.9
Low permeability soil	1.3

(*e*) a line of perforated pipes must be no longer than 18 metres;

(*f*) when the sand-filter bed is built on level ground, the grade of the earth backfill on each side of the sand-filter bed must be no more than 33 %;

(*g*) when the sand-filter bed is built on sloped grounds, the grade of the earth backfill on each side of the sand-filter bed must be no more than 33 %, except on the front side of the slope where it must be no more than 25 % with a backfill at least 6 metres long;

(*h*) before building the sand-filter bed, the soil on which it is built must be tilled.

The above-ground sand-filter bed built with a low pressure feed system must comply with subparagraphs *a*, *b*, *c*, *d*, *f*, *g* and *h* of the first paragraph of this section, with subparagraphs *d*, *e*, *f*, *g*, *g.1*, and *g.2* of the first paragraph of section 21 and subparagraphs *a* to *j* of the second paragraph of the same section.

**38. Area of the sand-filter bed:** The area of the sand-filter bed of an above-ground soil absorption system for an isolated dwelling must comply with the minimum standards of the following table, based on the origin of the effluent and the number of bedrooms:

Number of bedrooms	Minimum area of the sand-filter bed (square metres)	
	Effluent from a primary treatment system	Effluent from a secondary treatment system
1	18	12
2	26	18
3	39	26
4	52	35
5	65	44
6	78	52

The area of the sand-filter bed of an above-ground soil absorption system for another building must comply with the minimum standards of the following table, based on the origin of the effluent and the total daily flow:

Total daily flow (litres)	Minimum area of the sand-filter bed (square metres)	
	Effluent from a primary treatment system	Effluent from a secondary treatment system
0 to 540	18	12
541 to 1080	26	18
1080 to 1620	39	26
1621 to 2160	52	35
2161 to 2700	65	44
2701 to 3240	78	52

**40.** The following is inserted after section 39:

**“39.1.** Sections: An above-ground sand-filter bed may be constituted of only one section or be built in several sections of the same area.

Notwithstanding the foregoing, the minimum distance between the sections must comply with the standards of the following table, based on the permeability of the disposal site:

Permeability of the disposal site	Minimum distance between sections (metres)
High permeability soil	1.2
Permeable soil	2.5
Low permeability soil	5.0

**41.** The following is substituted for section 40:

**“40. Disposal site:** Where the effluent of a primary or secondary treatment system is carried towards a soil absorption system and the disposal site is of impermeable or low permeability soil, the treatment system must be connected to a standard sand-filter bed on condition that it is impossible to install an above-ground sand-filter bed, that the bedrock is at least 60 centimetres below the surface of the disposal site and that the grade of the disposal site is equal to or lower than 15 %.”.

**42.** Section 41 is amended

(1) by substituting the following for the part preceding paragraph *a*:

**“41. Construction standards:** A standard sand-filter bed built with a gravity feed system must comply with the construction standards provided for in subparagraphs *f*, *h* and *h.1* of the first paragraph of section 21, subparagraph *a* of the first paragraph of section 27, subparagraphs *b* and *e* of the first paragraph of section 37, as well as with the following standards:”;

(2) by inserting the word “level” after the words “be laid” in paragraph *b*;

(3) by substituting the following for paragraph *d*:

**“(d)** the upper layer of gravel or crushed stone must comply with subparagraphs *g* to *g.3* of the first paragraph of section 21;”;

(4) by deleting paragraph *e*;

(5) by inserting the following after paragraph *h*:

**“(h.1)** the outlet pipe must be made of a watertight pipe of a minimum diameter of 7.5 centimetres;”;

(6) by substituting the words “impermeable or low permeability earth backfill” for the words “impermeable earth backfill” in paragraph *j* and by substituting the words “impermeable or low permeability” for the word “impervious” in paragraph *k*; and

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

“A standard sand-filter bed built with a low pressure feed system must comply with subparagraphs *a* to *c* and *f* to *k* of the first paragraph of this section, with subparagraphs *d*, *e*, *f*, *g*, *g.1* and *g.2* of the first paragraph of section 21 and with subparagraphs *a* to *j* of the second paragraph of the same section.”.

**43.** Sections 42 and 43 are revoked.

**44.** The following is substituted for section 44:

**“44. Area of a sand-filter bed:** The minimum area of the sand-filter bed of a standard sand-filter bed for an isolated dwelling must comply with the minimum standards provided for in the following table, based on the origin of the effluent and the number of bedrooms:

Number of bedrooms	Minimum leaching area (square metres)	
	Effluent from a primary treatment system	Effluent from a secondary treatment system
1	18	12
2	26	18
3	39	26
4	52	35
5	65	44
6	78	52

The minimum area of the sand-filter bed of a standard sand-filter bed for another building must comply with the minimum standards provided for in the following table, based on the origin of the effluent and the total daily flow:

Total daily flow (litres)	Minimum leaching area (square metres)	
	Effluent from a primary treatment system	Effluent from a secondary treatment system
0 to 540	18	12
541 to 1080	26	18
1081 to 1620	39	26
1621 to 2160	52	35
2161 to 2700	65	44
2701 to 3240	78	52

**45.** The number “10” is substituted for the number “11” at the end of section 45.

**46.** The following is substituted for section 46:

“**46. Covering:** A standard sand-filter bed must be covered in accordance with section 24. The backfill which surrounds the sand-filter bed must be of impermeable or low permeability soil and stabilized with grass-type vegetation.

**46.1. Sections:** A standard sand-filter bed may be made of only one section or be built with several sections of the same area.”.

**47.** Section 47 is amended

(1) by substituting the words “high permeability or permeable soil” for the word “permeable” in paragraph *a*; and

(2) by substituting the words “impermeable or low permeability soil” for the words “impervious ground” in paragraph *b*.

**48.** Section 48 is amended in the second paragraph

(1) by substituting the following for the part preceding paragraph *a* and paragraph *a*:

“It must comply with the following standards:

(*a*) the dry pit must be at least 1.2 metres deep, 1.2 metres long and 1 metre wide;

(*a.1*) the lower part of the walls, for half the height, must be lined with spaced boards and the upper part with tightly joined boards;”;

(2) by inserting the following after paragraph *f*:

“(f.1) the maximum height of the backfill to build a dry pit must be no more than 60 centimetres;”.

**49.** The following is substituted for section 50:

“**50. Location:** The privy must be installed in such a way as to comply with the minimum distances provided for in section 23.”.

**50.** Section 51 is amended

(1) by substituting the following for the part preceding the table in the first paragraph:

“**51. Isolated dwelling with a pressurized water system:** When a privy is used for an isolated dwelling supplied by a pressurized water pipe, grey water must be purified by a septic tank referred to in section 10 or section 11, which must be connected to a seepage bed in accordance with Divisions V and VII, except for the minimum capacity of the septic tank, which in this case must be 2.3 cubic metres, and for the available area of the disposal site of the seepage bed which must comply with the standards of the following table, based on the number of bedrooms:”;

(2) by inserting the following paragraph and table after the table in the first paragraph:

“When a privy is used for another building supplied by a pressurized water pipe, grey water must be purified by a septic tank referred to in section 10 or section 11,

which must be connected to a seepage bed in accordance with Divisions V and VII, except for the minimum capacity of the septic tank, which in this case must be 2.3 cubic metres, and for the available area of the disposal site of the seepage bed which must comply with the standards of the following table, based on the total daily flow:

Total daily flow (litres)	Minimum available area (square metres)
0 to 540	14
541 to 1080	20
1081 to 1620	30
1621 to 2160	40
2161 to 2700	50
2701 to 3240	60

”;

(3) by substituting the words “in the first and second paragraphs” for the words “in the first paragraph” at the end of the third paragraph.

**51.** The following is substituted for sections 52 and 53:

**“52. Isolated dwelling without a pressurized water system:** Where a privy serves an isolated dwelling which is not supplied by a pressurized water pipe and which is inhabited less than 180 days per year, grey water must be purified by a seepage pit built in accordance with the standards provided for in paragraphs *c* and *d* of section 32, with paragraph *c* of section 34, with section 35, as well as with the following standards:

(a) the disposal site must be of high permeability or permeable soil;

(b) the bedrock, underground water or any layer of impermeable or low permeability soil must be at least 1.2 metres below the surface of the natural ground;

(c) the seepage pit must be 1.2 metres in diameter or 1 metre square and must be 60 centimetres deep;

(d) the walls of the seepage pit must be built of

i. unmortared concrete blocks in which steel rods are inserted;

ii. unmortared stones between 15 and 30 centimetres in diameter; or

iii. latticework wood beams.

**53. Installation conditions:** A hauled sewage system may be built only to serve an existing isolated dwelling where the toilets used are chemical or low-flush toilets, and only where a soil absorption system that complies with any of Divisions VI to X or an installation that complies with Divisions XV to XV.5 may not be built.”.

**52.** The following is substituted for sections 56 and 57:

**“56. Holding tanks:** A holding tank cast in place must comply with the standards provided in paragraphs *a*, *b*, *c*, *d*, *e*, *f* and *n* of section 10, paragraphs *a*, *b* and *c* of section 12 and with the following standards:

(a) a holding tank must be equipped with at least one manhole offering a minimum clearance of 50 centimetres;

(b) the manhole must be equipped with a watertight lid that reaches the ground by means of an insulated and watertight duct.

A prefabricated holding tank may be installed only if it complies with NQ Standard 3682-901.

**57. Capacity of the holding tank:** The minimum capacity of a holding tank for an isolated dwelling must comply with the standards of the following table, based on the number of bedrooms and the period of use:

Number of bedrooms	Minimum total capacity (square metres)	
	Isolated dwelling used throughout the year	Isolated dwelling used only seasonally
1	3.4	2.3
2	3.4	2.3
3	4.8	3.4
4	4.8	3.4
5	4.8	4.8
6	4.8	4.8

The minimum capacity of a holding tank for another building must comply with the standards of the following table, based on the total daily flow and the period of use:

Total daily flow (litres)	Minimum total capacity (square metres)	
	Other building used throughout the year	Other building used seasonally
0 to 1080	3.4	2.3
1081 to 2160	4.8	3.4
2161 to 3240	4.8	4.8

**53.** The following is substituted for sections 60 and 61:

**“60. Septic tanks:** A septic tank which receives grey water in accordance with section 54 must be a septic tank that complies with section 10 or section 11. It must be built in accordance with Division V, with the exception of the minimum total capacity, which must be 2.3 cubic metres.

**61. Absorption field:** The absorption field mentioned in section 54 and built with a gravity feed system must comply with the standards provided for in subparagraphs *d, e, f, g, g.1, g.2, g.3, h* and *h.1* of the first paragraph of section 21, subparagraph *a* of the first paragraph of section 27 and subparagraph *b* of the first paragraph of section 37, as well as with the following standards:

(*a*) where the absorption field is built on level ground, the grade of the earth backfill on each side of the absorption field must be no more than 33 %;

(*b*) where the absorption field is built on sloping ground, the grade of the earth backfill on each side of the absorption field must be no more than 33 %, with the exception of the front side of the slope where it must be no more than 25 % with a backfill at least 6 metres long;

(*c*) the bottom of the bed of crushed stone of the absorption field must be at least 30 centimetres from the bedrock, underground water or impervious layer.

The absorption field referred to in section 54 and built with a low pressure feed system must comply with subparagraphs *a, b* and *c* of the first paragraph of this section, subparagraphs *a, d, e, f, g, g.1* and *g.2* of the first paragraph of section 21, subparagraphs *a* to *j* of the second paragraph of the same section and subparagraph *b* of the first paragraph of section 37.”.

**54.** Section 62 is amended

(1) by substituting the following the part preceding the table:

**“62. Available area:** The available area of the disposal site of the absorption field for an isolated dwelling must comply with the minimum standards of the following table, based on its depth below ground level and the number of bedrooms:”;

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

“The available area of the disposal site of the absorption field for another building must comply with the minimum standards of the following table, based on its depth below ground level and the total daily flow:

Total daily flow (litres)	Minimum available area (square metres)		
	Depth		
	60 cm	30 cm	ground level
0 to 540	42	64	100
541 to 1080	52	80	116
1081 to 1620	67	100	140
1621 to 2160	84	120	163
2161 to 2700	94	132	177
2701 to 3240	109	150	197

(3) by substituting the words “in the first and second paragraphs” for the words “in the first paragraph” in the third paragraph.

**55.** The following is substituted for section 67:

**“67. Installation conditions:** A biological system may be built only in one of the following cases:

(*a*) to serve a hunting or fishing camp;

(*b*) to serve an existing isolated dwelling if a soil absorption system or a system that complies with any of Divisions VI to X or XV to XV.5 may not be built.”.

**56.** The following is substituted for the first paragraph of section 72:

**“72. Compost disposal:** Notwithstanding section 6, the compost from a compost compartment may be buried underground at least 15 metres from a drinking water well and at least 10 metres from a lake or stream.”.

**57.** The following is substituted for section 73:



**73. Installation conditions:** A privy or compost toilet equipped with a seepage pit may be built only in one of the following cases:

(a) to serve a hunting or fishing camp, where the bedrock, underground water or any layer of impermeable soil or low permeability soil is between 60 and 120 centimetres below the surface of natural ground;

(b) to serve an existing isolated dwelling, where all the following conditions are met:

i. a soil absorption system, a privy or a biological system that comply with any of Divisions VI to XI or a system that complies with any of Divisions XV to XV.5 may not be built;

ii. the isolated dwelling served is not supplied by pressurized water pipes;

iii. the haulage of a holding tank may not be carried out because it is not accessible;

iv. the bedrock, underground water or any layer of impermeable soil or low permeability soil is between 60 and 120 centimetres below the surface of natural ground.”.

**58.** Section 74 is amended in the first paragraph, in the part preceding subparagraph *a*,

(1) by inserting “, *a.1*” after the words “with subparagraphs *a*”; and

(2) by striking out the words “, with the diagram of Schedule N” after the words “with sections 49 and 50”.

**59.** The words and number “with the standards of section 16” are substituted for the words and numbers “with the diagram in Schedules I, J or K and must comply with the standards of sections 16 and 24” in section 75.

**60.** The following Divisions are inserted after section 87.6:

#### “DIVISION XV.2

##### ADVANCED SECONDARY TREATMENT SYSTEM

**87.7. Advanced secondary treatment system:** An advanced secondary treatment system is a system designed to dispose of waste water, grey water or toilet effluents or the effluent of a primary or secondary treatment system in compliance with the effluent discharge limits provided for in section 87.12.

**87.8. Installation:** An advanced secondary treatment system may be installed only if it complies with NQ Standard 3680-910 for a capacity equal to or greater than the total daily flow.

**87.9. Location standards:** Any advanced secondary treatment system must be located in accordance with the standards of the table in section 12 where the treatment system is watertight and in accordance with the standards of the table in section 16.3 where the treatment system is not watertight.

**87.10. Installation, use and maintenance:** Any advanced secondary treatment system must be installed, used and maintained in accordance with the owner’s manual.

**87.11. Sampling device:** Any advanced secondary treatment system must be equipped with an accessible sampling device which allows the collection of a sample representative of the quality of the system’s effluent.

**87.12. Discharge standards:** The effluent of an advanced secondary treatment system must comply with the following maximum discharge standards:

Parameter	Standard
CBOD <sub>5</sub>	15 mg/l
SS	15 mg/l
Fecal coliforms	50 000 CFU/100 ml

One of the standards is exceeded where the concentration for the same parameter in two samples collected within a 60-day period exceeds the amount indicated above for that parameter.

#### DIVISION XV.3

##### TERTIARY TREATMENT SYSTEM

**87.13. Tertiary treatment system:** The systems designed to dispose of waste water, grey water or toilet effluents or the effluent of a primary or secondary treatment system, of a standard sand-filter bed, of a peat moss biofiltration system or of an advanced secondary treatment system in compliance with the effluent discharge limits provided for in section 87.18, constitute a tertiary treatment system with phosphorous removal, a tertiary treatment system with disinfection or a tertiary treatment system with phosphorous removal and disinfection.

**87.14. Installation:** Any tertiary treatment system may be installed only if it complies with NQ Standard 3680-910 for a capacity equal to or greater than the total daily flow.

**87.15. Location standards:** Any tertiary treatment system must be located in accordance with the standards of the table in section 12 where the treatment system is watertight and in accordance with the standards of the table in section 16.3 where the treatment system is not watertight.

**87.16. Installation, use and maintenance:** Any tertiary treatment system with phosphorous removal, tertiary treatment system with disinfection and the tertiary treatment system with phosphorous removal and disinfection must be installed, used and maintained in accordance with the owner's manual.

**87.17. Sampling device:** Any tertiary treatment system must be equipped with an accessible sampling device which allows the collection of a sample representative of the quality of the system's effluent.

**87.18. Discharge standards:** The effluent of a tertiary treatment system must comply with the following maximum discharge standards, according to the type of tertiary treatment system installed:

Parameter	Standard according to the type of tertiary treatment system		
	with phosphorous removal	with disinfection	with phosphorous removal and disinfection
CBOD <sub>5</sub>	15 mg/l	15 mg/l	15 mg/l
SS	15 mg/l	15 mg/l	15 mg/l
Total phosphor	1 mg/l	—	1 mg/l
Fecal coliforms	50 000 CFU/100 ml after reactivation	200 CFU/100 ml after reactivation	200 CFU/100 ml after reactivation

One of the standards is exceeded where the concentration for the same parameter in two samples collected within a 60-day period exceeds the amount indicated above for that parameter.

#### DIVISION XV.4 POLISHING LEACHING FIELD

**87.19. Installation conditions:** A polishing leaching field may be installed where the following conditions are met:

(a) the grade of the disposal site is less than 30 %;

(b) the polishing leaching field complies with the location standards provided for in section 16.3;

(c) the disposal site is made of high permeability soil and the bedrock, underground water or any layer of impermeable, low permeability or permeable soil is at least 60 centimetres below the surface of the disposal site, or of permeable soil or low permeability soil and the bedrock, underground water or any layer of impermeable soil is at least 30 centimetres below the surface of the disposal site.

**87.20. Polishing leaching field on low grade land:** A polishing leaching field built in a site whose grade is less than 10 % must be made of absorption trenches that comply with sections 87.22 and 87.23 or of a seepage bed that complies with sections 87.24 and 87.25.

**87.21. Polishing leaching field on medium grade land:** A polishing leaching field built in a site whose grade is between 10 % and 30 % must be made of absorption trenches that comply with sections 87.22 and 87.23.

**87.22. Polishing leaching field made of trenches:** A polishing leaching field made of absorption trenches must comply, as the case may be,

(a) with the construction standards provided for in subparagraphs *a* to *h.1* of the first paragraph of section 21 where it is built with a gravity feed system; or

(b) with the construction standards provided for in subparagraphs *b*, *c*, *d*, *e*, *f*, *g*, *g.1* and *g.2* of the first paragraph of that section and with those provided for in subparagraphs *a* to *j* of the second paragraph of the same section where it is built with a low pressure feed system.

Where the disposal site is made of high permeability soil, the distance between the bottom of the trench and the bedrock, the underground water or the layer of impermeable, low permeability or permeable soil must be at least 60 centimetres.

Where the disposal site is made of permeable soil or low permeability soil, the distance between the bottom of the trench and the bedrock, underground water or layer of impermeable soil must be at least 30 centimetres.

**87.23. Trench length:** The minimum total length of the absorption trenches for an isolated dwelling must comply with the following standards, based on the permeability of the disposal site and the number of bedrooms:



Number of bedrooms	Total length of trenches (metres)	
	Disposal site is of high permeability soil	Disposal site is of permeable or low permeability soil
1	12	24
2	18	36
3	27	54
4	36	72
5	45	90
6	54	108

The minimum total length of absorption trenches for another building must comply with the following standards, based on the permeability of the disposal site and the total daily flow:

Total daily flow (litres)	Total length of trenches (metres)	
	Disposal site is of high permeability soil	Disposal site is of permeable or low permeability soil
0 to 540	12	24
541 to 1080	18	36
1081 to 1620	27	54
1621 to 2160	36	72
2161 to 2700	45	90
2701 to 3240	54	108

**87.24. Polishing leaching field made of a seepage bed:** A polishing leaching field made of a seepage bed must comply, as the case may be,

(a) with the standards provided for in subparagraphs *d* to *h.1* of the first paragraph of section 21 and with the standards provided for in subparagraph *a* of the first paragraph of section 27 where it is built with a gravity feed system; or

(b) with the standards provided for in subparagraphs *d*, *e*, *f*, *g*, *g.1* and *g.2* of the first paragraph of section 21 and subparagraphs *a* to *j* of the second paragraph of the same section where it is built with a low pressure feed system.

Notwithstanding the foregoing, the first paragraph does not apply if the seepage bed is located right under a

standard sand-filter bed, a peat moss biofiltration system, an advanced secondary treatment system or a tertiary treatment system which uniformly distributes the effluent on the polishing leaching field and if the seepage bed does not exceed the base of the systems by more than 2.6 metres.

Where the disposal site is high permeability soil, the distance between the bottom of the seepage bed and the bedrock, underground water and layer of impermeable, low permeability or permeable soil must be at least 60 centimetres.

Where the disposal site is of permeable soil or low permeability soil, the distance between the bottom of the seepage bed and the bedrock, underground water or layer of impermeable soil must be at least 30 centimetres.

**87.25. Length and area:** The length of a seepage bed for an isolated dwelling may not be greater than 18 metres and the total absorption area must comply with the following standards, according to the permeability of the disposal site and the number of bedrooms:

Number of bedrooms	Total absorption area (square metres)	
	Disposal site is of high permeability soil	Disposal site is of permeable soil or low permeability soil
1	7	14
2	11	22
3	16	32
4	22	44
5	27	54
6	32	64

The length of the seepage bed for another building may not be greater than 18 metres and the total absorption area must comply with the following standards, based on the permeability of the disposal site and the total daily flow:

Total daily flow (litres)	Total absorption area (square metres)	
	Disposal site is of high permeability soil	Disposal site is of permeable soil or low permeability soil
0 to 540	7	14
541 to 1080	11	22
1081 to 1620	16	32
1621 to 2160	22	44
2161 to 2700	27	54
2701 to 3240	32	64

### DIVISION XV.5

#### OTHER ENVIRONMENTAL DISCHARGES

**87.26. Effluent of a standard sand-filter bed, peat moss biofiltration system or advanced secondary treatment system:** The effluent of a standard sand-filter bed, peat moss biofiltration system or advanced secondary treatment system that may not be carried towards a polishing leaching field that complies with Division XV.4 may be discharged into a watercourse where all the following conditions are met:

(1) the effluent is discharged into a watercourse with a dilution rate in dry periods over 1:300;

(2) the watercourse is not located upstream from a lake, a swamp or a pond, except in the case of a lake listed in Schedule II or in the case of a lake, swamp or pond located north of the 49°30' parallel in the municipalité régionale de comté de Manicouagan, north of the 50°30' parallel in the municipalité régionale de comté de Sept-Rivières or north of the 49th parallel elsewhere in Québec.

The outlet pipe through which the effluent is discharged into the watercourse must be located at any time below the surface of the receiving water.

**87.27. Effluent of a tertiary treatment system with phosphorous removal:** The effluent of a tertiary treatment system with phosphorous removal which may not be carried towards a polishing leaching field that complies with Division XV.4 may be discharged into any watercourse whose dilution rate in dry periods is over 1:300.

The outlet pipe through which the effluent is discharged into the watercourse must be located at any time below the surface of the receiving water.

**87.28. Effluent of a tertiary treatment system with disinfection:** The effluent of a tertiary treatment system with disinfection which may not be carried towards a polishing leaching field that complies with Division XV.4 may be discharged

(1) into a lake listed in Schedule II or into any watercourse or ditch upstream from the lake;

(2) into a lake, swamp or pond located north of the 49°30' parallel in the municipalité régionale de comté de Manicouagan, north of the 50°30' parallel in the municipalité régionale de comté de Sept-Rivières or north of the 49th parallel elsewhere in Québec, or into any watercourse or ditch upstream from the lake, swamp or pond;

(3) into a watercourse or ditch not referred to in paragraphs 1 and 2, where the watercourse or ditch is not located upstream from a lake.

**87.29. Effluent of a tertiary treatment system with phosphorous removal and disinfection:** The effluent of a tertiary treatment system with phosphorous removal and disinfection which may not be carried towards a polishing leaching field that complies with Division XV.4 may be discharged

(1) into a lake listed in Schedule II or into a lake, swamp or pond located north of the 49°30' parallel in the municipalité régionale de comté de Manicouagan, north of the 50°30' parallel in the municipalité régionale de comté de Sept-Rivières or north of the 49th parallel elsewhere in Québec;

(2) into a watercourse or a ditch.

### DIVISION XV.6

#### METHODS OF COLLECTION AND ANALYSIS

**87.30. Collection of samples:** The collection of samples for the analysis of CBOD<sub>5</sub>, SS and total phosphor must be carried out continuously for 24 hours.

The collection of samples for the analysis of fecal coliforms must be carried out at random.

**87.31. Methods of analysis:** Any analysis required for the purposes of this Regulation must be made by a laboratory accredited by the Minister of the Environment under section 118.6 of the Act and in accordance with the methods provided for in the List of Analysis Methods for the Application of the Regulations under the Environment Quality Act, published by the Ministère de l'Environnement."

**61.** The fourth paragraph of section 88 is deleted.

**62.** The following is substituted for section 89:

“**89. Fines:** Any violation of a provision of this Regulation other than the first paragraph of section 3 and the third paragraph of section 87.2 makes the owner of a system for the discharge, collection or disposal of waste water, grey water or toilet effluents liable to a fine of no less than \$500 and no more than \$2 000 in the case of a first offence and a fine of no less than \$1 000 and no more than \$4 000 for a subsequent offence.

Where the owner referred to in the first paragraph is a legal person, the fine for an offence referred to in the first paragraph is no less than \$1 000 and no more than \$5 000 in the case of a first offence and no less than \$2 000 and no more than \$10 000 in the case of a subsequent offence.

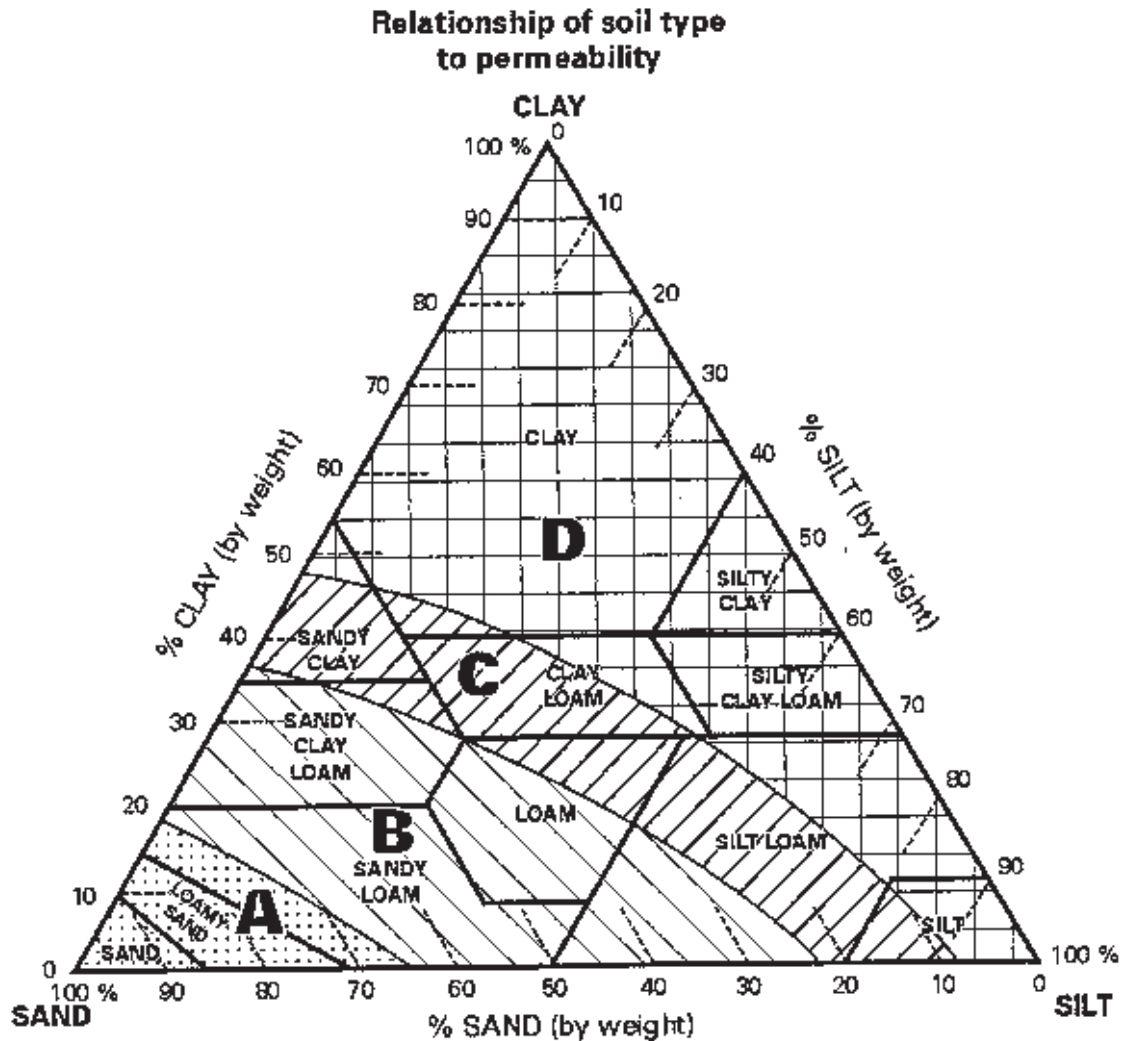
The manufacturer of a biofilter who makes a false statement under the third paragraph of section 87.2 when he knows it is false or misleading also commits an offence that makes him liable to the same penalties.”.

**63.** The word “bâtiment” is substituted for the word “immeuble” in section 90 of the French text. At the end, “2, 3 and 4 and governed by Divisions III to XV.5” is substituted for “2 to 5 and standardized in Divisions III to XV” in section 90.

**64.** The following Schedules I and II are substituted for Schedules A to N:

## "SCHEDULE I

(s. 1, pars. u.1, u.2, u.3, u4)

**A** : High permeability zone**B** : Permeable zone**C** : Low permeability zone**D** : Impermeable zone**SAND** : A soil separate consisting of particles between 0.05 mm and 2 mm in diameter**SILT** : A soil separate consisting of particles between 0.05 mm and 0.002 mm in diameter**CLAY** : A soil separate consisting of particles smaller than 0.002 mm in diameter

**SCHEDULE II**

(ss. 87.26, 87.28, 87.29)

## LIST OF UNPROTECTED LAKES

Names	Coordinates		
	Latitude	Longitude	Sheet* 1/50 000
Lac aux Allumettes	45° 51'	77° 07'	31F14
Lac de Montigny	48° 08'	77° 54'	32C04
Lac des Chats	45° 30'	76° 30'	31F10
Lac Deschesnes	45° 22'	75° 51'	31G05
Lac des Deux-Montagnes	45° 27'	74° 00'	31G08
Lac des Quinze	47° 35'	79° 05'	31M11
Lac Dumoine	46° 54'	77° 54'	31K13
Lac Guequen	48° 06'	77° 13'	32C03
Lac Holden	46° 16'	78° 08'	31L08
Lac Kempt	47° 26'	74° 16'	31O08
Lac Kipawa	46° 55'	79° 00'	31L14
Lac Mitchinamecus	47° 21'	75° 07'	31O06
Lac Opasatica	48° 05'	79° 18'	32D03
Lac Preissac	48° 20'	78° 20'	32D08
Lac Simard	47° 37'	78° 41'	31M10
Lac St-François	45° 50'	74° 02'	31G16
Lac Saint-Jean	48° 35'	72° 05'	32A09
Lac St-Louis	45° 24'	73° 38'	31H05
Lac Saint-Pierre	46° 12'	72° 52'	31I02
Lac Témiscamingue	47° 10'	79° 25'	31M03
Lac Victoria (Grand)	47° 31'	77° 30'	31N12
Réservoir Baskatong	46° 48'	75° 50'	31J13
Réservoir Blanc	47° 45'	73° 15'	31P14
Réservoir Cabonga	47° 20'	76° 35'	31N07
Réservoir Decelles	47° 42'	78° 08'	31M09
Réservoir Dozois	47° 30'	77° 05'	31N11
Réservoir du Poisson Blanc	46° 00'	75° 44'	31G13
Réservoir Gouin	48° 38'	74° 54'	32B10
Réservoir Taureau	46° 46'	73° 50'	31I13

\* The number refers to the map of the national topographic series of Canada on a scale of 1:50 000.”.

**65.** 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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## Treasury Board

Gouvernement du Québec

### T.B. 193820, 21 September 1999

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

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

— Executive directors  
— Amendments

Regulation to amend 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

WHEREAS the Government made the Regulation respecting certain conditions of employment applicable to directors general of regional councils and of public health and social services establishments by Order in Council 1179-92 dated 12 August 1992;

WHEREAS it is necessary to amend the Regulation to replace the provisions concerning professional membership dues, the parental rights and deferred salary leave plans and progressive pre-retirement;

WHEREAS the Government made 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 by Order in Council 1217-96 dated 25 September 1996;

WHEREAS it is necessary to amend the provisions of that Regulation concerning professional membership dues, performance premiums, the parental rights and deferred salary leave plans and progressive pre-retirement;

WHEREAS under sections 159 and 205 of the Act to amend the Act respecting health services and social services and amending various legislative provisions (1998, c. 39) and section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2; 1998, c. 39, s. 155), such a regulation must be submitted for approval by the Conseil du trésor;

THEREFORE, THE CONSEIL DU TRÉSOR PRESCRIBES:

1. THAT the Regulation to amend 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 be approved;

2. THAT the Regulation be published in the *Gazette officielle du Québec*.

ALAIN PARENTEAU,  
*Clerk of the Conseil du trésor*

#### Regulation to amend 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<sup>(\*)</sup>

An Act respecting health services and social services  
(R.S.Q., c. S-4.2, s. 487.2)

1. The following is substituted for the title of 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:

“Regulation respecting certain terms of employment applicable to senior administrators of regional boards and health and social services institutions”.

\* 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, made by Order in Council 1217-96 dated 25 September 1996 (1996, G.O. 2, 4173), was last amended by the Regulation made by Order in Council 925-97 dated 9 July 1997 (1997, G.O. 2, 4172). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

<b>2.</b>	The table of contents of the Regulation is amended		SUBDIVISION 3	
(1)	by adding the following Division after Division 2 of Chapter 1:		ADOPTION LEAVE AND LEAVE WITHOUT PAY FOR ADOPTION PURPOSES	87.46
		<b>SECTION</b>	SUBDIVISION 4	
	“DIVISION 3 PROFESSIONAL MEMBERSHIP DUES 4.1”;		PARENTAL LEAVE AND PARTIAL LEAVE WITHOUT PAY	87.54
(2)	by inserting the following Division after Division 6 of Chapter 3:		SUBDIVISION 5	
	“DIVISION 6.1 PERFORMANCE PREMIUM 39.1”;		LEAVE FOR PARENTAL RESPONSIBILITIES	87.61
(3)	by inserting the following Chapters after Division 8 of Chapter 4:		CHAPTER 4.2	
	“CHAPTER 4.1 PARENTAL RIGHTS PLAN 87.1		DEFERRED SALARY LEAVE PLAN	
	DIVISION 1 MATERNITY LEAVE		DIVISION 1	
	SUBDIVISION 1 GENERAL 87.2		GENERAL	
	SUBDIVISION 2 GRANTING OF LEAVE AND EXPIRY DATE 87.9		SUBDIVISION 1	
	SUBDIVISION 3 COMPENSATION 87.13		MAIN CHARACTERISTICS	87.62
	SUBDIVISION 4 ELIGIBILITY FOR EMPLOYMENT INSURANCE 87.20		SUBDIVISION 2	
	SUBDIVISION 5 INELIGIBILITY FOR EMPLOYMENT INSURANCE 87.27		PERIOD OF LEAVE	87.65
	SUBDIVISION 6 OTHER BENEFITS 87.30		SUBDIVISION 3	
	DIVISION 2 PREGNANCY AND BREAST-FEEDING LEAVE		PERIOD OF WORK	87.66
	SUBDIVISION 1 TEMPORARY ASSIGNMENTS 87.35		SUBDIVISION 4	
	SUBDIVISION 2 SPECIAL LEAVE 87.38		ELIGIBILITY	87.67
	DIVISION 3 PARENTAL LEAVE		SUBDIVISION 5	
	SUBDIVISION 1 GENERAL 87.40		AGREEMENT	87.70
	SUBDIVISION 2 PATERNITY LEAVE 87.45		DIVISION 2	
			TERMS AND CONDITIONS OF APPLICATION	
			SUBDIVISION 1	
			REMUNERATION	87.71
			SUBDIVISION 2	
			SOCIAL SECURITY PLANS	87.74
			SUBDIVISION 3	
			VACATION AND MISCELLANEOUS LEAVE	87.77
			SUBDIVISION 4	
			MATERNITY LEAVE	87.81
			SUBDIVISION 5	
			DISABILITY	87.82
			SUBDIVISION 6	
			MOBILITY	87.85
			SUBDIVISION 7	
			EMPLOYMENT STABILITY	87.86
			DIVISION 3	
			END OF PARTICIPATION MEASURES	
			SUBDIVISION 1	
			RESIGNATION, RETIREMENT, WITHDRAWAL AND OTHER DEPARTURES	87.88



	<b>SECTION</b>	<b>“DIVISION 3 PROFESSIONAL MEMBERSHIP DUES</b>
SUBDIVISION 2 DISMISSAL, NON-RENEWAL OF APPOINTMENT, TERMINATION OF EMPLOYMENT	87.89	<b>4.1.</b> The employer shall deduct from the salary of each senior administrator the professional membership dues fixed by the association.
SUBDIVISION 3 DEATH	87.90	<b>4.2.</b> The employer shall pay the amounts collected to the association, within 15 days following the end of each of the 13 accounting periods in the fiscal year, and shall indicate each senior administrator’s full name and the position, the period covered by the membership dues and the amount collected.
SUBDIVISION 4 REIMBURSEMENTS	87.91	<b>4.3.</b> A senior administrator may pay his professional membership dues fixed by the association in another manner provided that he gives written notice thereof to his employer and the association.
CHAPTER 4.3 PROGRESSIVE PRE-RETIREMENT		<b>4.4.</b> A senior administrator may cease paying his membership dues, in which case he shall inform the association and his employer in writing of his decision. The employer shall cease to deduct the membership dues 90 days after the date of receipt of the senior administrator’s notice or on the date on which the employment relationship ends, as the case may be.
DIVISION 1 GENERAL		<b>4.5.</b> A senior administrator who, on 13 October 1999, has already informed his employer and the association in writing of his refusal to pay the membership dues fixed by the association shall continue to be exempt from paying membership dues.
SUBDIVISION 1 MAIN CHARACTERISTICS	87.93	<b>4.6.</b> Except if he is already a member of the association, a senior administrator shall be exempt from paying the membership dues fixed by the association for 30 days after his appointment as senior administrator. Before that period expires, he shall notify the association and his employer in writing of his refusal to pay the dues.
SUBDIVISION 2 ELIGIBILITY	87.94	
SUBDIVISION 3 AGREEMENT	87.95	
DIVISION 2 TERMS AND CONDITIONS OF APPLICATION		
SUBDIVISION 1 SALARY AND OTHER BENEFITS	87.98	
SUBDIVISION 2 SICK-LEAVE FUND	87.102	
SUBDIVISION 3 GROUP INSURANCE PLANS	87.103	
SUBDIVISION 4 RETIREMENT PLAN	87.105	
DIVISION 3 END OF THE AGREEMENT	87.107”;	

(4) by substituting the following titles for the title of Appendix 1:

**“APPENDIX 1  
SALARY CLASSES AS OF 1 JANUARY 1998**

**APPENDIX 1.1  
SALARY CLASSES AS OF 1 APRIL 1998”.**

**3.** Chapter 1 is amended by adding the following Division after section 4:

**4.7.** The Minister shall send the association, upon request, no later than 1 November of each year, the list of senior administrators as of 31 March of the current year, with the following information for each senior administrator:

- (1) the full name;
- (2) the position held;
- (3) the evaluation class for the position; and
- (4) the place of work.”.

**4.** Chapter 3 is amended by inserting the following Division after section 39:

**“DIVISION 6.1  
PERFORMANCE PREMIUM**

**39.1.** The parameters of the lump-sum performance premium are established by the Conseil du trésor. For the 1998-1999 fiscal year, the terms and conditions of application shall be fixed by the Minister.”.

**5.** Section 82 is amended by adding the following paragraph at the end:

“Notwithstanding the foregoing, where the insurer is released from his obligations under this Division by paying a lump sum to the senior administrator, the employer shall terminate the disabled senior administrator’s employment relationship.”.

**6.** The following Chapters are added after section 87:

**“CHAPTER 4.1  
PARENTAL RIGHTS PLAN**

**87.1.** Unless expressly stated otherwise, the provisions of this Chapter may not grant financial or non-financial benefits which the senior administrator on leave would not have received had the senior administrator remained at work.

**DIVISION 1  
MATERNITY LEAVE**

*§1. General*

**87.2.** A pregnant senior administrator is entitled to 20 weeks of maternity leave which, subject to section 87.7, shall be consecutive.

Maternity leave may be less than 20 weeks. If the senior administrator resumes work within two weeks following child birth, she shall produce, upon the employer’s request, a medical certificate attesting that she has sufficiently recovered to resume work.

**87.3.** The senior administrator shall decide on the division of the maternity leave, that is, before and after childbirth, which shall include the day of delivery.

**87.4.** If the senior administrator becomes pregnant while on leave without pay or on partial leave without pay as provided for in this Chapter, she is also entitled to maternity leave and to the benefits provided for in sections 87.20, 87.28 or 87.29, whichever applies.

**87.5.** A senior administrator who gives birth to a stillborn child after the beginning of the twentieth week preceding the expected date of delivery is entitled to the maternity leave provided for in this Division.

**87.6.** Should a senior administrator die after giving birth, the remainder of the 20 weeks of maternity leave and the rights and benefits attached thereto may be transferred to her spouse if he is a senior administrator.

**87.7.** A senior administrator may suspend her maternity leave and return to work if she has sufficiently recovered from delivery and the child is unable to leave the health institution. This also applies where the child is hospitalized within 15 days of its birth. Notwithstanding the foregoing, the leave may be suspended only once and it shall be completed when the child goes home.

When the suspended maternity leave is resumed, the employer shall pay the senior administrator the compensation to which she would have been entitled had she not availed herself of the suspension.

**87.8.** Where the child is born after the due date, the senior administrator is entitled to an extension of her maternity leave equal to the delay, unless she already has at least two weeks of maternity leave remaining after the birth.

The senior administrator may also benefit from an extension of six weeks in maternity leave where her child’s health requires it.

During such extensions, the senior administrator shall not receive any compensation or salary.

*§2. Granting of leave and expiry date*

**87.9.** To obtain maternity leave, a senior administrator shall give notice in writing to the employer not less than two weeks before the date of departure. The notice shall be accompanied by a medical certificate certifying the pregnancy and the due date. The time period for giving notice may be shorter if a medical certificate attests that the senior administrator must leave her position earlier than expected.

In case of unforeseen events, the senior administrator shall be exempt from giving notice, subject to submitting a medical certificate to the employer showing that she must leave her position immediately.

**87.10.** An employer shall send a senior administrator, in the fifth week before the expiry of her maternity leave, a notice of the scheduled date of expiry of such leave.

A senior administrator to whom the employer has sent the notice referred to in the first paragraph shall be at work on the date her maternity leave expires, unless it has been extended by means of a leave without pay or a partial leave without pay in accordance with Subdivision 4 of Division 3 of this Chapter.

A senior administrator who does not comply with the second paragraph is deemed to be on leave without pay for a period not exceeding four weeks. At the end of that period, a senior administrator who is not at work is deemed to have resigned.

**87.11.** At the end of her maternity leave, a senior administrator shall resume work in her position with her employer, subject to the provisions respecting employment stability provided for in Chapter 5. Her terms of employment, including her salary, shall be the same as those to which she would have been entitled had she remained at work.

**87.12.** A senior administrator who, for health reasons, is unable to resume work in her position upon the expiry of the period provided for in sections 87.2 or 87.8 shall be considered absent due to illness and the provisions respecting group insurance plans provided for in Chapter 4 shall apply.

### §3. *Compensation*

**87.13.** Compensation for maternity leave is paid only as a supplement to employment insurance benefits or, in the cases provided for below, as payments during a period of unemployment caused by pregnancy that is not covered by the employment insurance plan.

Compensation for maternity leave shall be based on the salary of a senior administrator including the lump sums paid, if any, pursuant to sections 33, 36 and 37, as well as the last paragraph of section 106, without any additional remuneration.

**87.14.** The total of the amounts received by the senior administrator during her maternity leave in employment insurance benefits, compensation and salary may not exceed 93 % of the salary paid by her employer or employers, as the case may be, in accordance with section 87.30.

Notwithstanding the foregoing, where a senior administrator receives an allowance for regional disparities, she shall continue to receive the allowance during her maternity leave. In such cases, the total amount received by the senior administrator in employment insurance benefits, compensation and allowances may not exceed 95 % of the sum of her salary and the allowance for regional disparities.

**87.15.** The compensation due for the first two weeks of maternity leave shall be paid by the employer within two weeks of the beginning of the leave. The subsequent compensation due shall be paid every two weeks, unless the salary is paid weekly.

**87.16.** Notwithstanding section 87.15, where the senior administrator is eligible for employment insurance, the first compensation payment is due only 15 days after the employer obtains proof that the senior administrator is receiving employment insurance benefits. Such proof may be a statement of benefits or a benefit slip, a payment slip or data processing information provided to the employer by Human Resources Development Canada.

**87.17.** The weekly salary of a part-time senior administrator is the average weekly salary of the last 20 weeks preceding the maternity leave. If, during that period, the senior administrator received benefits representing a percentage of her salary, it is the salary used to calculate the benefits that shall determine the compensation for maternity leave. These provisions constitute one of the provisions referred to in section 87.1.

**87.18.** Where the last 20 weeks before the maternity leave of a part-time senior administrator include the salary adjustment date, the weekly salary is based on the salary in force on that date. If the salaries were adjusted during the maternity leave, the weekly salary shall be increased on that date in accordance with the applicable adjustment rules.

**87.19.** The employer shall not reimburse a senior administrator for an amount that could be claimed from the senior administrator by Human Resources Development Canada under the Employment Insurance Act (S.C., 1996, c. 23), where the senior administrator's income exceeds one and a quarter times the maximum insurable earnings.

### §4. *Eligibility for employment insurance*

**87.20.** A senior administrator who has accumulated 20 weeks of service with her employer or with one of the employers referred to in section 87.30, and who is declared eligible following an application for benefits under the employment insurance plan, is entitled to receive during her maternity leave:

(1) for each week of the waiting period required under the employment insurance plan, compensation equal to 93 % of her weekly salary, given that, in such situation, she is exempt from contributions to the retirement and employment insurance plans, which corresponds to an average of 7 % of her salary;

(2) for each week in which she receives employment insurance benefits, supplementary compensation equal to the difference between 93 % of her weekly salary and the employment insurance benefit she receives; and

(3) for each week following the period mentioned in paragraph 2, compensation equal to 93 % of her weekly salary until the end of the twentieth week of maternity leave.

**87.21.** Calculation of the supplementary compensation provided for in paragraph 2 of section 87.20 is based on the employment insurance benefits to which a senior administrator is entitled, excluding the amounts subtracted from such benefits for repayment of benefits, interest, penalties and other amounts recoverable under the employment insurance plan.

**87.22.** A senior administrator who works for more than one employer, among those specified in section 87.30, shall receive supplementary compensation from each of her employers. In such case, the supplementary compensation is equal to the difference between 93 % of the salary paid by the employer and the percentage of the employment insurance benefit which corresponds to a proportion of the weekly salary paid by all the employers. For that purpose, the senior administrator shall give each of her employers a statement of the weekly salary paid by each employer, along with the amount of the benefits paid to her by Human Resources Development Canada.

**87.23.** Where Human Resources Development Canada reduces the number of weeks of employment insurance benefits to which the senior administrator would otherwise be entitled had she not received employment insurance benefits before her maternity leave, the senior administrator shall continue to receive, for a period equal to the weeks subtracted, the supplementary compensation prescribed in paragraph 2 of section 87.20 as though she had received employment insurance benefits during that period.

**87.24.** The maternity leave allowance paid by the Gouvernement du Québec under the maternity allowance program is subtracted from the compensation determined in section 87.20. Notwithstanding the foregoing, where the provisions of section 87.22 apply, the amount to be subtracted is based on the stated terms and conditions of partition for subtraction purposes.

**87.25.** For the purposes of section 87.20, a senior administrator who is absent accumulates hours of service if the absence is authorized, namely due to disability, and includes a benefit or remuneration.

**87.26.** The employer may not use maternity leave compensation to make up for the reduction in employment insurance benefits attributable to the earnings with another employer.

Notwithstanding the first paragraph, the employer shall pay compensation where the senior administrator shows that the salary earned with an employer is a regular salary, by means of a letter from that employer. If the senior administrator shows that only a portion of the salary is regular, compensation shall be limited to that portion. The employer must then provide the letter upon request from the senior administrator.

#### *§5. Ineligibility for employment insurance*

**87.27.** A senior administrator excluded from employment insurance benefits or declared ineligible shall not be entitled to compensation, subject to the provisions of this subdivision.

**87.28.** A full-time senior administrator who has accumulated 20 weeks of service with her employer or with one of the employers referred to in section 87.30 is entitled to compensation equal to 93 % of her weekly salary for ten weeks if she is not eligible for employment insurance benefits because she has not held insurable employment for at least 700 hours during the period of reference prescribed by the employment insurance plan.

**87.29.** A part-time senior administrator who has accumulated 20 weeks of service with her employer or with one of the employers referred to in section 87.30 before her maternity leave begins is entitled to compensation equal to 95 % of her weekly salary for ten weeks. If she is exempt from pension plan and employment insurance contributions, the compensation rate is 93 %.

To obtain compensation, a part-time senior administrator must be ineligible for employment insurance benefits either because:

(1) she has not contributed to the employment insurance plan; or

(2) she has contributed to the employment insurance plan, but did not have 700 hours of insurable employment during the period of reference.

#### *§6. Other benefits*

**87.30.** A senior administrator's continuous service shall include all service for any employer of the public or parapublic sector, any body whose employees are subject to conditions of employment, standards and scales

of remuneration are determined or approved by the Government, and any body listed in Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

**87.31.** During the maternity leave and extensions provided for in section 87.7, the senior administrator shall continue to receive the following benefits where she is entitled thereto:

- accumulation of vacation days;
- accumulation of continuous service;
- any salary increase due to the adjustment of salary classes;
- any salary increase for satisfactory performance;
- maintenance of group insurance plans.

**87.32.** During her maternity leave, a senior administrator shall continue to participate in the mandatory group insurance plans provided for in section 62, but the employer shall make a payment equal to both his contribution and the senior administrator's contribution to the plans. Furthermore, the senior administrator shall be exempt from contributing to the optional insurance plans in accordance with the provisions of the master policy.

**87.33.** No compensation may be paid during vacation leave for which a senior administrator receives remuneration. Notwithstanding the foregoing, a senior administrator may defer vacation leave that falls within the maternity leave, provided that at least two weeks before the expiry of the leave, she informs her employer in writing of the date of deferral.

**87.34.** While on maternity leave, a senior administrator shall retain the employment relationship with the employer. Her contract must be renewed. She may not be dismissed, except for gross negligence. Her employment may not be terminated.

## **DIVISION 2**

### **PREGNANCY AND BREAST-FEEDING LEAVE**

#### *§1. Temporary assignments*

**87.35.** Where the conditions of employment involve risks of infectious diseases or physical danger for her or her unborn child or are dangerous for the child she is breast-feeding, a senior administrator may request to be assigned temporarily to another position or to other tasks corresponding to her training and experience. She shall submit proof by means of a medical certificate as soon as possible.

**87.36.** A senior administrator assigned to another position or task pursuant to section 87.35, shall retain the rights, fringe benefits and financial benefits related to her regular position. If the reassignment is not carried out immediately, the senior administrator is entitled to special leave beginning immediately by the employer. Unless she is temporarily reassigned, special leave is terminated on the date of delivery or at the end of the breast-feeding period.

**87.37.** During the special leave described in section 87.36, the senior administrator is governed, in respect of compensation, by the Act respecting occupational health and safety (R.S.Q., c. S-2.1) respecting re-assignment of a pregnant worker or a worker who is breast-feeding.

Following a written request however, the employer shall pay to the senior administrator an advance on the compensation receivable from the Commission de la santé et de la sécurité du travail on the basis of anticipated payments. If the Commission pays the compensation, repayment of the advance is deducted therefrom. Otherwise, repayment is at the rate of 10 % of the amount disbursed per pay period, until the debt is fully paid.

#### *§2. Special leave*

**87.38.** A pregnant senior administrator is also entitled to special leave in the following cases:

(1) where a pregnancy complication or a risk of miscarriage requires stopping work for a period the duration of which is prescribed by a medical certificate. The special leave may not be extended beyond the beginning of the eighth week before the expected date of delivery;

(2) in the case of a spontaneous or induced abortion that occurs before the beginning of the twentieth week preceding the expected date of delivery. The duration of the special leave shall be certified by a medical certificate;

(3) for consultations with a health professional with respect to the pregnancy, certified by a medical certificate, or with a midwife. The special leave shall be remunerated and may be taken in half-days up to a maximum of four days. It must be exhausted before the senior administrator is entitled to short-term basic salary insurance.

**87.39.** During the special leave granted under this subdivision, a senior administrator may avail herself of the benefits of the group insurance plans provided for in



Chapter 4. She may also avail herself of the benefits provided for in sections 87.28, 87.30, 87.31, 87.32 and 87.34.

### **DIVISION 3** **PARENTAL LEAVE**

#### *§1. General*

**87.40.** While on a parental leave referred to in this Division, a senior administrator shall retain the employment relationship with the employer. The contract must be renewed. The senior administrator may not be dismissed, except for gross negligence. The employment may not be terminated.

**87.41.** Any leave contemplated in this Division, except that provided for in section 87.45, shall be granted after a written application is submitted to the employer not less than two weeks in advance.

Partial leave without pay may be granted after a written application is submitted not less than 30 days in advance. In the case of leave without pay or partial leave without pay, the application shall state the date of return to work.

The employer shall reply in writing to an application for leave under this section.

**87.42.** A senior administrator who wishes to prematurely terminate a leave without pay or partial leave without pay provided for in subdivisions 3 and 4 of this Division shall notify his employer in writing to that effect at least three weeks before returning to work.

**87.43.** An employer shall send a senior administrator, four weeks in advance, a notice of the date of expiry of his leave without pay. The senior administrator must then give notice of his return to work at least two weeks before the expiry of the leave. If he fails to do so, he is deemed to have resigned.

For partial leave without pay, a senior administrator shall send his employer a notice in writing at least 30 days before his effective return to work.

**87.44.** Upon the expiry of any leave referred to in this Division, a senior administrator shall resume his position with his employer, subject to the provisions respecting employment stability provided for in Chapter 5. His terms of employment, including the salary, shall be the same as those to which he would have been entitled had he remained at work.

#### *§2. Paternity leave*

**87.45.** Upon the birth of his child, a senior administrator is entitled to a paid paternity leave not exceeding five working days. The leave may be interrupted but shall be taken between the date of delivery and the fifteenth day following the date of the mother's or the child's return home. One of those five days may be taken for the child's baptism or registration.

#### *§3. Adoption leave and leave without pay for adoption purposes*

**87.46.** A senior administrator who legally adopts a child other than the child of the senior administrator's spouse is entitled to a leave with pay not exceeding ten consecutive weeks, provided that the senior administrator's spouse, if employed in a public or parapublic sector, does not benefit from the same leave. The leave shall be taken after the issue of the placement order or an equivalent order, in the case of an international adoption, in accordance with the adoption plan, or at another time agreed upon with the employer.

**87.47.** A senior administrator who legally adopts a child and who does not benefit from paid leave as provided for in section 87.46 is entitled to leave not exceeding five working days, the first two of which are with pay.

The leave may be discontinuous and may not be taken after the fifteenth day following the child's arrival in the father's or mother's home.

Notwithstanding the foregoing, where a senior administrator adopts his spouse's child, the senior administrator is entitled to a leave without pay not exceeding two working days.

**87.48.** For each week of leave provided for under section 87.46, the senior administrator shall receive a compensation equal to his weekly salary, paid at two-week intervals, or at weekly intervals, if the salary is paid weekly. The senior administrator is also entitled to all the allowances for regional disparities during the adoption leave.

The weekly salary of a part-time senior administrator is determined in accordance with the provisions of sections 87.17 and 87.18.

**87.49.** A senior administrator shall receive, for adopting a child, a leave without pay not exceeding ten weeks from the date of the actual taking charge of the child, unless it is the child of the senior administrator's spouse. If the adoption does take place, the senior administrator

may convert the leave without pay into leave with pay, if the leave with pay provided for in section 87.46 has not been taken.

**87.50.** A senior administrator who travels outside Québec for adoption purposes, except in the case of the child of the senior administrator's spouse, shall be granted leave without pay for the time required for the trip, upon applying in writing to the employer, if possible two weeks in advance. If the senior administrator does take charge of the child, the maximum duration of the leave without pay shall be ten weeks, in accordance with section 87.49.

**87.51.** The adoption leave with pay provided for in section 87.46 takes effect on the date of the beginning of the leave without pay for adoption purposes, if the duration of such leave is ten weeks, and if the senior administrator so decides after the placement is ordered or, in the case of an international adoption, an equivalent order is issued.

During the leave without pay for adoption purposes, the senior administrator is entitled to the same benefits as those attached to leave without pay and partial leave without pay provided for in this Chapter.

Where the adoption leave takes effect on the date of the beginning of leave without pay, the senior administrator is entitled to the benefits prescribed for adoption leave only.

**87.52.** An employer shall send to a senior administrator, during the fourth week preceding the date of expiry of the ten-week adoption leave, a notice indicating the scheduled date of expiry of the leave.

A senior administrator to whom the employer has sent such a notice shall be at work on the date of expiry of adoption leave, unless it has been extended as prescribed in section 87.54.

A senior administrator who does not comply with the second paragraph is deemed to be on leave without pay for a period not exceeding four weeks. At the end of that period, a senior administrator who is not at work is deemed to have resigned.

**87.53.** A senior administrator who takes the adoption leave provided for in section 87.46 shall avail himself of the benefits prescribed in sections 87.11, 87.31, 87.32 and 87.34.

#### **§4. Parental leave and partial leave without pay**

**87.54.** A senior administrator wishing to extend the maternity leave, paternity leave or adoption leave or leave for adoption purposes may, on agreement with the employer, benefit from a leave without pay or partial leave without pay for a period not exceeding two years. Such leave is restricted to only one spouse, where both spouses work in the public or parapublic sectors, as determined in section 87.30.

**87.55.** A senior administrator on leave without pay or on partial leave without pay is entitled, on agreement with the employer, to avail himself once of

(1) changing the leave without pay into a partial leave without pay or vice versa; or

(2) changing the partial leave without pay into a different leave without pay.

**87.56.** A senior administrator who does not take a leave without pay or partial leave without pay may, for the part of the leave that his spouse did not use, elect to benefit from the leave without pay or partial leave without pay.

**87.57.** A senior administrator may, on agreement with the employer, avail himself of any leave provided for in section 87.54 if his spouse is not employed in the public or parapublic sector as determined in section 87.30. The senior administrator decides of the time at which he takes the leave, within two years following the birth or adoption without exceeding the time limit of two years after the birth or adoption.

**87.58.** A senior administrator who does not avail himself of a leave provided for in section 87.54 shall benefit from a leave without pay of no more than 52 continuous weeks beginning at the time decided by the senior administrator and ending at the latest 70 weeks after the birth or, in the case of adoption of a child other than the child of his spouse, 70 weeks after the child is placed with the senior administrator.

**87.59.** During the leave without pay or partial leave without pay, a senior administrator's continuous service is not interrupted. He may continue to participate in the group insurance plans in accordance with the provisions of section 45. The terms and conditions of the senior administrator's retirement plans apply as prescribed.

With respect to the other terms of employment, a senior administrator who benefits from partial leave



without pay shall be governed, during his time at work, by the rules applicable to a part-time senior administrator.

**87.60.** A senior administrator may take any deferred annual vacation immediately before leave without pay or partial leave without pay, provided that there is no interruption in maternity leave, paternity leave or adoption leave, as the case may be.

For the purposes of this section, statutory or mobile holidays accumulated since the beginning of the maternity leave, paternity leave or adoption leave are treated as deferred annual vacation.

#### *§5. Leave for parental responsibilities*

**87.61.** Leave without pay or partial leave without pay of a maximum duration of one year shall be granted to a senior administrator whose minor child is sick or handicapped or has social or emotional problems and requires the senior administrator's presence.

During the leave, the senior administrator may continue to participate in the group insurance plans in accordance with the provisions of Chapter 4.

A senior administrator may be absent without pay for five days a year, without pay, to fulfil obligations relating to the care, health or education of his minor child in cases where his presence is required due to unforeseeable circumstances or circumstances beyond his control. He must have taken all reasonable steps within his power to assume these obligations otherwise and to limit the duration of the leave. The leave may be divided into days. A day may also be divided if the employer consents thereto. The senior administrator must advise his employer of his absence as soon as possible.

## **CHAPTER 4.2** **DEFERRED SALARY LEAVE PLAN**

### **DIVISION 1** **GENERAL**

#### *§1. Main characteristics*

**87.62.** The deferred or anticipated salary leave plan enables a senior administrator to apportion his salary so as to benefit from remuneration during a period of leave. The plan is not intended to enable a senior administrator to defer income tax or to receive benefits at retirement.

For the duration of his participation in the plan, a senior administrator shall receive no other salary corresponding to the percentage of his salary as determined in

Division 2 of this Chapter from his employer, an employer in the public or parapublic sector, another person or company with whom the employer has ties.

**87.63.** The plan comprises a period of work and a period of leave. The leave with deferred salary is one in which the period of leave follows the entire period of work. The leave with anticipated salary is one in which the period of leave precedes entirely or in part the period of work.

**87.64.** The duration of participation in the plan may be two, three, four or five years. The scheduled duration of participation may however be extended in accordance with the provisions of sections 87.78, 87.81 and 87.82. It may in no case exceed seven years.

#### *§2. Period of leave*

**87.65.** The duration of the period of leave may be six months to one year.

Notwithstanding any provision to the contrary, the period of leave must be taken in whole and consecutive months and may not be interrupted under any circumstances.

The period of leave must begin no later than upon the expiry of a maximum period of six years from the date on which the amounts began to be deferred.

During the period of leave, subject to the provisions of this Chapter, a senior administrator shall be deemed to be on leave without pay.

#### *§3. Period of work*

**87.66.** Subject to the provisions of this Chapter, during the period of work, the senior administrator's availability and work load shall be the same as those he would assume if he were not participating in the plan; furthermore, he is entitled to the same benefits under this Regulation as those to which he would be entitled if he were not participating in the plan.

#### *§4. Eligibility*

**87.67.** To be eligible for the plan, a senior administrator must hold a position and have completed two years of service with his employer.

A senior administrator shall file a written application for participation in the plan with his employer who shall decide on the granting of the deferred or anticipated salary leave plan. The written application shall indicate

the beginning and the end of the duration of participation in the plan, as well as the duration of the period of leave.

**87.68.** A part-time senior administrator shall be eligible on the same conditions as the full-time senior administrator but he may use his period of leave only in the last year of participation in the plan.

The salary he receives during his period of leave shall be based on the average number of hours paid during the period of work preceding the leave.

The compensatory sums provided for the part-time senior administrator's vacation and statutory holidays shall be calculated and paid on the basis of the percentage of the salary determined in accordance with section 87.71.

**87.69.** A senior administrator whose status changes from full-time to part-time during his period of work may elect to:

(1) continue to participate in the plan according to section 87.68; or

(2) withdraw from his agreement on the conditions determined in section 87.88.

A full-time senior administrator who becomes a part-time senior administrator after his period of leave is deemed to remain a full-time senior administrator for the purposes of calculating the percentage of his salary during the period of work following the period of leave.

#### §5. Agreement

**87.70.** If the employer is willing to grant the deferred or anticipated salary leave, a senior administrator shall undertake by agreement to comply with the terms and conditions of the plan, in particular,

- (1) the duration of participation in the plan;
- (2) the duration of the leave;
- (3) the period when the leave will be used; and

(4) the period when the senior administrator resumes his position with his employer after the period of leave for a period at least equal to that of the leave. The employer shall then reinstate the senior administrator in his position, subject to the provisions respecting employment stability provided for in Chapter 5. The terms of employment shall be the same as those to which he would have been entitled had he remained at work.

The agreement shall include the provisions of the plan and the senior administrator shall not be on disability leave, parental leave or leave without pay at the time of the signing.

## DIVISION 2 TERMS AND CONDITIONS OF APPLICATION

### §1. Remuneration

**87.71.** For each year of participation in the plan, a senior administrator shall receive the percentage of his salary provided for in the following table, based on the duration of participation in the plan and the duration of the period of leave:

Period of leave	Duration of participation in the plan			
	2 years	3 years	4 years	5 years
Percentage of the salary				
6 months	75.00 %	83.33 %	87.50 %	90.00 %
7 months	70.83 %	80.56 %	85.42 %	88.33 %
8 months	66.67 %	77.78 %	83.33 %	86.67 %
9 months	—	75.00 %	81.25 %	85.00 %
10 months	—	72.22 %	79.17 %	83.33 %
11 months	—	69.44 %	77.08 %	81.67 %
12 months	—	66.67 %	75.00 %	80.00 %

**87.72.** The salary on which the percentage is calculated is the one a senior administrator would receive if he did not participate in the plan. The salary includes the increase due to the adjustment of salary classes and the increase for satisfactory performance as provided for in Chapter 3.

It includes the lump sum related to a change of position leading to a salary decrease pursuant to sections 33, 36 and 37, as well as the last paragraph of section 106.

It does not include the additional remuneration for plurality of positions or interim or the compensation and allowances provided for in Divisions 5, 6 and 7 of Chapter 3 as stipulated in the first paragraph.

**87.73.** During the period of leave, a senior administrator is not entitled to any compensation or allowance provided for in Division 7 of Chapter 3. During the period of work, he is entitled to all compensation and allowances.

During his participation in the plan, the senior administrator is entitled to the increase for satisfactory performance as prescribed in section 30.

## §2. *Social security plans*

**87.74.** During the period of leave, the employer shall continue to contribute to the Québec Pension Plan, the Québec Health Insurance Plan and the occupational health and safety plan. The contribution of the employer and the senior administrator to employment insurance does not apply during the period of leave. The participation of the senior administrator in the group insurance plans shall be established in accordance with Division 2 of Chapter 4.

**87.75.** For calculating a pension for the purposes of a retirement plan, the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) recognizes one year of service for each year of participation in the deferred or anticipated salary leave plan, as well as an average salary based on the salary he would have received had he not participated in the plan.

**87.76.** A senior administrator's contribution to a retirement plan during the years of participation in the plan shall be established by the Regulation respecting certain temporary measures prescribed by Title IV of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10).

## §3. *Vacation and miscellaneous leave*

**87.77.** During his participation in the plan, a senior administrator shall accumulate continuous service for annual vacation purposes. During the period of leave, he is deemed to have taken the vacation days to which he is entitled for that period. During the period of work, annual vacation shall be remunerated in accordance with the percentage of his salary as determined in section 87.71.

**87.78.** During his participation in the plan, a senior administrator who benefits from leave without pay shall extend the duration of his participation in the plan for a period equivalent to that of the leave without pay without exceeding one year. Leave without pay of more than one year is equivalent to abandoning the plan and the provisions of section 87.88 shall then apply.

**87.79.** The amount the employer shall collect during the extension of a senior administrator's participation in the plan as a result of taking partial leave without pay, is equal to the employer's lost income following the partial leave without pay.

**87.80.** During his participation in the plan, a senior administrator's leave with pay shall be remunerated in accordance with the percentage of his salary as determined in section 87.71.

Leave with pay that falls within the period of leave is deemed to have been taken.

## §4. *Maternity leave*

**87.81.** A senior administrator's participation in the plan shall be suspended for the duration of the maternity leave that occurs during the period of work. The plan shall then be extended for a period equal to the maternity leave.

Where the maternity leave occurs during the period of leave, it is presumed not to have occurred. Notwithstanding the foregoing, it shall be considered to have begun on the scheduled date of a senior administrator's return to work on condition that the provisions of Chapter 4.1 respecting maternity leave are complied with.

Where the maternity leave occurs before the period of leave, a senior administrator may terminate participation in the plan. In such a case, the salary that was not paid for the period of work elapsed shall be reimbursed, in addition to any compensation and, where applicable, the employment insurance benefits provided for the maternity leave, but without interest. The amounts so reimbursed shall be subject to the contribution to the retirement plan.

Subject to sections 87.78 and 87.79, the maternity leave may be extended by a leave without pay or partial leave without pay without affecting the senior administrator's participation in the plan. Notwithstanding the foregoing, for any of the leaves, the duration of participation in the plan shall be extended accordingly, except if the period of leave has begun.

## §5. *Disability*

**87.82.** For the purposes of the short-term salary insurance plan, the following provisions apply:

(1) where the senior administrator becomes disabled during the period of leave, the period of leave shall continue in accordance with section 87.65 and the senior administrator may not benefit from the provisions of the short-term salary insurance plan determined in Division 5 of Chapter 4.

On the scheduled date of return to work, if the senior administrator is still disabled, the disability is then presumed to begin on that date and the senior administrator

shall benefit from the short-term salary insurance plan based on the percentage of salary determined in section 87.71 for the remainder of his participation in the plan;

(2) where the senior administrator becomes disabled during the duration of his participation in the plan but before having used his period of leave and the disability persists until the date on which the period of leave was scheduled, he may elect to:

(a) maintain his participation in the plan and defer the period of leave to a time when he is not disabled. During that time, the officer shall benefit from the short-term salary insurance plan based on the percentage of salary determined in section 87.71 for the remainder of his participation in the plan.

If the disability persists during the last year of the senior administrator's participation in the plan, the plan may then be suspended from the scheduled beginning of the period of leave until the end of the disability. During that time, the senior administrator shall benefit from the short-term salary insurance plan and the period of leave shall begin on the day on which the disability ceases; or

(b) cancel his participation in the plan and the employer shall reimburse him the part of the salary he did not receive for the period of work elapsed, but without interest. The provisions of paragraph 4 of section 87.88 shall apply;

(3) where the senior administrator becomes disabled during his participation in the plan but after having used his period of leave, he shall benefit from the short-term salary insurance plan based on the percentage of salary determined in section 87.71. Upon the expiry of his participation in the plan, the senior administrator shall receive salary insurance based on the salary determined in accordance with the provisions of Division 5 of Chapter 4.

**87.83.** Where the disability persists after 104 weeks, a senior administrator shall benefit from the mandatory basic long-term salary insurance plan, his participation in the plan ends and the following provisions apply:

(1) where the senior administrator has already used his period of leave, he is not required to reimburse the salary he was overpaid; one year of service for retirement plan purposes shall be recognized for each year of participation in the plan;

(2) where the senior administrator has not used his period of leave, he shall receive the portion of salary he has not received for the period of work elapsed, but

without interest. The provisions of paragraph 4 of section 87.88 shall apply.

**87.84.** A part-time senior administrator may avail himself of the provisions of paragraph 2 of section 87.82. Notwithstanding the foregoing, he shall receive, as of the second week of disability, full salary insurance as long as he is eligible due to his disability, in accordance with Division 5 of Chapter 4.

#### *§6. Mobility*

**87.85.** In cases where the senior administrator changes positions pursuant to subdivisions 3 and 4 of Division 4 of Chapter 3, with the same employer, the senior administrator's participation in the plan shall be maintained unless the employer cannot maintain the agreement. In the latter case, the provisions of section 87.88 shall apply with the exception that the senior administrator does not reimburse the salary he was overpaid when his period of leave was used.

Where a senior administrator takes a position with another employer of the public or parapublic sector who offers a comparable plan during the senior administrator's participation in the plan, the conditions for maintaining the agreement remain at the discretion of the new employer. If the latter refuses to maintain the agreement, the provisions of section 87.88 shall apply and the reimbursement, where applicable, shall be made in accordance with section 87.91.

#### *§7. Employment stability*

**87.86.** Following the elimination of his position, a senior administrator who chooses maintenance of his work contract or reinstatement within the sector in accordance with Division 4 of Chapter 5, shall maintain his participation in the plan.

If the senior administrator chooses reinstatement within the sector, his participation in the plan shall be maintained until the effective date of his reinstatement or until he elects to change.

If the participation in the plan of the reinstated senior administrator is not ended with his original employer, he may complete it by means of an agreement with his new employer. Failing such agreement, his participation in the plan shall end and sections 87.88 and 87.91 shall apply.

At the time of a change made pursuant to section 104, where the senior administrator elects to leave the sector, the agreement shall end and section 87.88 shall apply.

**87.87.** Following the elimination of his position, where the senior administrator elects to leave the sector in accordance with Division 5 of Chapter 5, the agreement relating to his participation in the plan shall end and section 87.88 shall apply. Notwithstanding the foregoing, no reimbursement shall be required of him.

### DIVISION 3

#### END OF PARTICIPATION MEASURES

##### *§1. Resignation, retirement, withdrawal and other departures*

**87.88.** Following a senior administrator's resignation, pre-retirement or retirement, withdrawal from the plan in accordance with the provisions of this Chapter or the expiry of the seven-year time limit in accordance with section 87.64, participation in the plan shall end immediately and the following terms and conditions shall apply:

(1) where a senior administrator has already taken the period of leave, he shall reimburse, without interest, the amounts he received during the period less the amounts already deducted from his salary during the period of work;

(2) where a senior administrator has not yet taken the period of leave, the employer shall reimburse him, without interest, for the difference between the salary he would have received had he not participated in the plan and the salary he actually received since the beginning of his participation in the plan;

(3) during the period of leave, the reimbursement by a senior administrator or the employer shall consist of the difference between the amounts received by the senior administrator during that period of leave and the total amounts already deducted from the salary he received during the period of work. Where the difference is a negative amount, the employer shall reimburse the senior administrator for it, without interest. Where the difference is a positive amount, the senior administrator shall reimburse the employer for that amount, without interest;

(4) for the purposes of retirement plans, the recognized rights are the rights that would have applied had the senior administrator never participated in the plan. Where the period of leave has been taken, the contributions made during that period shall be used to compensate for the contributions that were not made to compensate for any lost pension; a senior administrator may, however, redeem lost years of service under the same conditions as those for leave without pay, in accordance with the provisions of the applicable retirement plan. In addition, where the period of leave has not been taken,

the contributions are usually insufficient to have the total number of years worked recognized. They shall be subtracted from the reimbursement owed to the senior administrator.

##### *§2. Dismissal, non-renewal of appointment, termination of employment*

**87.89.** Upon the senior administrator's dismissal, the non-renewal of his appointment or the termination of his employment, the agreement respecting his participation in the plan is terminated on the date one of the measures takes effect. Section 87.88 then applies.

##### *§3. Death*

**87.90.** The agreement respecting a senior administrator's participation in the plan is terminated on the date of his death. The measures provided for in section 87.88 then apply, with the exception that no reimbursement of overpaid salary shall be required. Notwithstanding the foregoing, any part of the salary that was not paid shall be reimbursed to the senior administrator's successor.

##### *§4. Reimbursements*

**87.91.** Where a senior administrator must reimburse amounts with respect to agreement termination measures respecting his participation in the plan, he shall carry out the reimbursement as of the termination of the plan and according to the terms and conditions of the agreement entered into by him and his employer.

Pursuant to the second paragraph of section 87.85 and the third paragraph of section 87.86, the employer with whom a senior administrator is reinstated shall collect the amount to be reimbursed and periodically remit it to the original employer for the purposes of the plan.

**87.92.** Where a senior administrator does not use his period of leave during his participation in the plan, the employer shall pay him the total amount of salary that was deferred, beginning in the first taxation year following the end of his participation in the plan.

## CHAPTER 4.3

### PROGRESSIVE PRE-RETIREMENT

#### DIVISION 1

##### GENERAL

##### *§1. Main characteristics*

**87.93.** Progressive pre-retirement enables a senior administrator to reduce his working hours, for a period of one to five years immediately preceding his retire-



ment. The number of working hours in each calendar year or part thereof during which the progressive pre-retirement applies is not less than 40 % or more than 80 % of the hours worked by a full-time senior administrator.

For the purposes of this Chapter, a “part of a calendar year” means the portion of a calendar year in which a progressive pre-retirement begins or ends.

## §2. Eligibility

**87.94.** To participate in the progressive pre-retirement plan, a senior administrator shall file a written application therefor with his employer. To grant it, the latter shall take into account the needs of the organization. Furthermore, a senior administrator shall meet the following conditions:

- (1) he participates in a retirement plan;
- (2) he holds a regular senior administrator’s position for more than 40 % of full-time employment;
- (3) he holds and sends his employer, at the same time he files his application, an attestation from the Commission administrative des régimes de retraite et d’assurances (CARRA) to the effect that he will be entitled to a retirement pension on the date scheduled for the end of the agreement concluded in accordance with section 87.95;
- (4) he has concluded an agreement with his employer in accordance with Subdivision 3 of this Division;
- (5) he has not already benefited from a progressive pre-retirement plan; and
- (6) at the time of the signing of the agreement, he is not governed by the employment stability measures provided for in Chapter 5.

## §3. Agreement

**87.95.** The written agreement concluded between the senior administrator and the employer shall comply with the provisions of this Chapter and contain the following information:

- (1) the duration of the progressive pre-retirement;
- (2) the proportion of time worked for each calendar year or part thereof during which the progressive pre-retirement applies in accordance with the first paragraph of section 87.93;

(3) the work schedule;

(4) an undertaking by the senior administrator to retire upon completion of the progressive pre-retirement, subject to Division 3 of this Chapter.

**87.96.** During progressive pre-retirement, the senior administrator and the employer may agree in writing to amend the agreement concluded under the provisions of this subdivision, provided that the amendments comply at all times with the other terms and conditions of application of the plan.

The amendments may concern the duration of the agreement, the percentage of the time worked for each of the years or parts thereof covered by the progressive pre-retirement or the work schedule. Any amendment to the dates of the beginning or end of the agreement must be agreed to beforehand by the CARRA.

**87.97.** Where the years of service or parts thereof credited to the senior administrator at the end of the agreement are less than those estimated by the CARRA, the agreement shall be extended to the date on which those years or parts of years correspond to the estimate made by the CARRA.

Where the senior administrator is not entitled to his pension at the end of the agreement, the agreement shall be extended to the date on which the senior administrator is entitled to it.

## DIVISION 2 TERMS AND CONDITIONS OF APPLICATION

### §1. Salary and other benefits

**87.98.** The salary of a senior administrator in progressive pre-retirement shall be paid for the entire calendar year or part thereof in proportion to the time worked as provided for each of the years or parts thereof covered by the agreement.

**87.99.** During the period of progressive pre-retirement, a senior administrator accumulates continuous service as though he had not availed himself of progressive pre-retirement.

**87.100.** Where an employer eliminates the position of a senior administrator in progressive pre-retirement, the agreement shall continue to apply. The senior administrator shall retain the status of senior administrator for the duration of the agreement, and the employment stability measures provided for in Chapter 5 shall not apply. Notwithstanding the foregoing, the employer shall

establish, with the senior administrator, a plan of utilization based on the time worked as provided for in the agreement.

**87.101.** Subject to the provisions of this Chapter, a senior administrator in progressive pre-retirement shall benefit from the terms of employment provided for in this Regulation, which apply in proportion to the time worked as provided for in the agreement.

## §2. Sick-leave fund

**87.102.** A senior administrator who benefits from progressive pre-retirement may agree with his employer to use his sick-leave fund to dispense himself from all or part of the working time provided for in the agreement. Each sick-leave day thus used is equal to one day worked, in accordance with paragraph 3 of section 86. The terms and conditions of such use must be provided for in the agreement concluded under section 87.95.

The remainder of the sick-leave fund has a monetary value and is payable in accordance with paragraph 4 of section 86.

## §3. Group insurance plans

**87.103.** A senior administrator is entitled, for the duration of the agreement, to the coverage of his group insurance plans provided for in section 62 on the basis of the time worked before the beginning of the agreement.

A disabled senior administrator who benefits from the short-term salary insurance plan shall receive a benefit on the basis of the time worked as prescribed for each of the calendar years or parts thereof contemplated by the agreement but reduced, where applicable, by the sick-leave days to be used in accordance with section 87.102. The benefit shall be paid for the duration of the disability, but does not extend beyond the date of expiry of the agreement.

During the period of disability, a senior administrator may use, in whole or in part, his sick-leave fund to make up the difference between his short-term salary insurance benefit and his net salary, in accordance with paragraph 2 of section 86.

**87.104.** During a senior administrator's progressive pre-retirement, the contribution of the employer and that of the senior administrator to the group insurance plans shall be maintained based on the time worked by the senior administrator before the agreement comes into effect. The same rule applies to health and accident insurance plans, but based on a senior administrator's normal full-time schedule.

Where the duration of the agreement extends beyond 104 weeks, the contribution of the employer and that of the senior administrator to the mandatory long-term salary insurance plans shall be maintained, subject to the provisions of the master policy.

## §4. Retirement plan

**87.105.** During a senior administrator's progressive pre-retirement, the pensionable salary for the years or parts thereof covered by the agreement for the purposes of the retirement plan is the salary that the senior administrator would have received had he not availed himself of progressive pre-retirement or would have been entitled to receive for a period in which he receives salary insurance benefits. The service credited is the service that would have been credited to him had he not availed himself of progressive pre-retirement.

**87.106.** During the progressive pre-retirement, a senior administrator shall pay contributions to his retirement plan that are equal to the contributions that he would have made had he not availed himself of progressive pre-retirement.

If the senior administrator receives short-term salary insurance benefits, a disabled senior administrator's exemption from making contributions to the retirement plan is the exemption to which he would have been entitled had he not availed himself of progressive pre-retirement. Such exemption shall not exceed the end date of the agreement.

If the senior administrator receives long-term salary insurance benefits, the insurer shall make the contributions to the retirement plan that would have been made by the senior administrator had he not availed himself of progressive pre-retirement until the end of the agreement.

## DIVISION 3 END OF THE AGREEMENT

**87.107.** The agreement ends if a senior administrator holds a new position with another employer of the public or parapublic sector, unless the new employer agrees to continue the agreement and the CARRA approves such continuation.

**87.108.** Where the agreement becomes null or is terminated pursuant to section 87.107 or because of circumstances provided for in the regulations made under the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan, the pensionable salary, the service



credited and the contributions to the retirement plan shall be determined, for each of the circumstances, in the manner prescribed by those regulations as they read on the date on which they are applied.”.

**7.** This Regulation replaces Chapters 5, 8, 9 and 9.1 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.

**8.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec* except for section 4 that has effect from 1 May 1999.

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Gouvernement du Québec

**T.B. 193821**, 21 September 1999

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

**Regional boards and health and social services institutions**

— **Officers**

— **Amendments**

Regulation to amend the 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 the Government made the 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 by Order in Council 1218-96 dated 25 September 1996;

WHEREAS it is necessary to amend the provisions of the Regulation concerning leave for activities in the North, performance premiums, the parental rights and deferred salary leave plans and progressive pre-retirement;

WHEREAS under sections 159 and 205 of the Act to amend the Act respecting health services and social services and amending various legislative provisions (1998, c. 39) and section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2; 1998, c. 39, s. 155), such a regulation must be submitted for approval by the Conseil du trésor;

THEREFORE, THE CONSEIL DU TRÉSOR PRESCRIBES:

1. THAT the Regulation to amend the 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, attached hereto, be approved;

2. THAT the Regulation be published in the *Gazette officielle du Québec*.

ALAIN PARENTEAU,  
*Clerk of the Conseil du trésor*

**Regulation to amend the 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<sup>(\*)</sup>**

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 487.2)

**1.** The following is substituted for the title of the 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:

“**Regulation respecting certain terms of employment applicable to officers of regional boards and health and social services institutions**”.

**2.** The table of contents of the Regulation is amended

(1) by adding the following Division after Division 3 of Chapter 1:

\* The 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, made by Order in Council 1218-96 dated 25 September 1996 (1996, *G.O.* 2, 4202), was last amended by the Regulation made by Order in Council 926-97 dated 9 July 1997 (1997, *G.O.* 2, 4178). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

	<b>SECTION</b>		
“DIVISION 4 LEAVE FOR ACTIVITIES IN THE NORTH	6.1”;	SUBDIVISION 4 PARENTAL LEAVE AND PARTIAL LEAVE WITHOUT PAY	76.54
(2) by inserting the following Division after Division 6 of Chapter 3:		SUBDIVISION 5 LEAVE FOR PARENTAL RESPONSIBILITIES	76.61
“DIVISION 6.1 PERFORMANCE PREMIUM	23.1”;	CHAPTER 4.2 DEFERRED SALARY LEAVE PLAN	
(3) by inserting the following Chapters after Division 8 of Chapter 4:		DIVISION 1 GENERAL	
“CHAPTER 4.1 PARENTAL RIGHTS PLAN	76.1	SUBDIVISION 1 MAIN CHARACTERISTICS	76.62
DIVISION 1 MATERNITY LEAVE		SUBDIVISION 2 PERIOD OF LEAVE	76.65
		SUBDIVISION 3 PERIOD OF WORK	76.66
		SUBDIVISION 4 ELIGIBILITY	76.67
SUBDIVISION 1 GENERAL	76.2	SUBDIVISION 5 AGREEMENT	76.70
SUBDIVISION 2 GRANTING OF LEAVE AND EXPIRY DATE	76.9	DIVISION 2	
SUBDIVISION 3 COMPENSATION	76.12	TERMS AND CONDITIONS OF APPLICATION	
SUBDIVISION 4 ELIGIBILITY FOR EMPLOYMENT INSURANCE	76.20	SUBDIVISION 1 REMUNERATION	76.71
SUBDIVISION 5 INELIGIBILITY FOR EMPLOYMENT INSURANCE	76.27	SUBDIVISION 2 SOCIAL SECURITY PLANS	76.74
SUBDIVISION 6 OTHER BENEFITS	76.30	SUBDIVISION 3 VACATION AND MISCELLANEOUS LEAVE	76.77
DIVISION 2 PREGNANCY AND BREAST-FEEDING LEAVE		SUBDIVISION 4 MATERNITY LEAVE	76.81
		SUBDIVISION 5 DISABILITY	76.82
SUBDIVISION 1 TEMPORARY ASSIGNMENTS	76.35	SUBDIVISION 6 MOBILITY	76.85
SUBDIVISION 2 SPECIAL LEAVE	76.38	SUBDIVISION 7 EMPLOYMENT STABILITY	76.86
DIVISION 3 PARENTAL LEAVE		DIVISION 3 END OF PARTICIPATION	
SUBDIVISION 1 GENERAL	76.40	SUBDIVISION 1 RESIGNATION, RETIREMENT, WITHDRAWAL AND OTHER DEPARTURES	76.88
SUBDIVISION 2 PATERNITY LEAVE	76.45	SUBDIVISION 2 DISMISSAL, NON-RENEWAL OR TERMINATION OF ENGAGEMENT	76.89
SUBDIVISION 3 ADOPTION LEAVE AND LEAVE WITHOUT PAY FOR ADOPTION PURPOSES	76.46	SUBDIVISION 3 DEATH	76.90

	<b>SECTION</b>
SUBDIVISION 4 REIMBURSEMENTS	76.91
CHAPTER 4.3 PROGRESSIVE PRE-RETIREMENT	
DIVISION 1 GENERAL	
SUBDIVISION 1 MAIN CHARACTERISTICS	76.93
SUBDIVISION 2 ELIGIBILITY	76.94
SUBDIVISION 3 AGREEMENT	76.95
DIVISION 2 TERMS AND CONDITIONS OF APPLICATION	
SUBDIVISION 1 SALARY AND OTHER BENEFITS	76.98
SUBDIVISION 2 SICK-LEAVE FUND	76.102
SUBDIVISION 3 GROUP INSURANCE PLANS	76.103
SUBDIVISION 4 RETIREMENT PLAN	76.105
DIVISION 3 END OF THE AGREEMENT	76.107”;

(4) by substituting the following titles for the title of Appendix I:

**“APPENDIX I  
SALARY CLASSES AS OF 1 JANUARY 1998**

**APPENDIX I.I  
SALARY CLASSES AS OF 1 APRIL 1998”.**

**3.** Chapter 1 is amended by adding the following Division after section 6:

**“DIVISION 4  
LEAVE FOR ACTIVITIES IN THE NORTH**

**6.1.** Upon agreement with his employer, an officer may obtain leave without pay to temporarily hold a position in one of the following institutions:

- Centre de santé de la Basse Côte-Nord;
- Centre de santé Innulitsivik;
- Centre de santé Tulattavik de l’Ungava;
- Centre hospitalier Chisasibi;

— Cree Board of Health and Social Services of James Bay;  
— Centre de santé de l’Hématite (Schefferville and Kawawachikamac centres).

**6.2.** The leave without pay, for a maximum of 12 months, must be applied for 30 days in advance. It may be renewed for a maximum of 12 months.

**6.3.** The terms of employment applicable to an officer during his stay in the North are those provided for in section 2.

**6.4.** If the duration of the leave without pay is one year and if, during that period, an officer holds another officer position, his participation in the group insurance plans shall be maintained in accordance with the second paragraph of section 2. In other cases, the officer’s participation in the group insurance plans shall be maintained according to the provisions of the second, fourth and fifth paragraphs of section 33.

Should an officer become disabled, the leave ends and the officer shall resume his position with his original employer in accordance with section 6.7. He shall benefit from the salary insurance plans in accordance with Division 5 of Chapter 4. Notwithstanding the foregoing, the officer and the employers involved may conclude an agreement whereby the officer shall stay on leave without pay and continue to hold the temporary position, in accordance with section 6.2.

The agreement provided for in the second paragraph shall contain the name of the employer responsible for the short-term salary insurance plan and of the employer responsible for the other group insurance plan measures referred to in Chapter 4.

**6.5.** During an officer’s leave without pay, the provisions of the pension plans in question shall apply.

**6.6.** An officer’s annual vacation, accumulated until the effective date of the leave without pay, may be paid upon agreement with the original employer. Accumulated statutory or mobile holidays shall be treated as accumulated annual vacation.

**6.7.** Upon return from leave without pay, an officer shall resume his position with his original employer, subject to the provisions respecting employment stability provided for in Chapter 5. His terms of employment shall be the same as those to which he would have been entitled had he remained at work.”.

**4.** Chapter 3 is amended by inserting the following Division after section 23:

**“DIVISION 6.1  
PERFORMANCE PREMIUM**

**23.1.** The parameters of the lump-sum performance premium are established by the Conseil du trésor. For the 1998-1999 fiscal year, the terms and conditions of application shall be fixed by the Minister.”.

**5.** The following is substituted for section 37:

“**37.** An officer holding a regular position of officer at 25 % and less of full-time is not eligible for the group insurance plans provided for in this Chapter. He shall therefore be paid a compensatory lump sum equal to 6 % of his salary.”.

**6.** Section 71 is amended by adding the following paragraph at the end:

“Notwithstanding the foregoing, where the insurer is released from his obligations under this Division by paying a lump sum to the officer, the employer shall terminate the disabled officer’s employment relationship.”.

**7.** The following Chapters are added after section 76:

**“CHAPTER 4.1  
PARENTAL RIGHTS PLAN**

**76.1** Unless expressly stated otherwise, the provisions of this Chapter may not grant financial or non-financial benefits which the officer on leave would not have received had the officer remained at work.

**DIVISION 1  
MATERNITY LEAVE**

*§1. General*

**76.2.** A pregnant officer is entitled to 20 weeks of maternity leave, which, subject to section 76.7, shall be consecutive.

Maternity leave may be less than 20 weeks. If the officer resumes work within two weeks following childbirth, she shall produce, upon the employer’s request, a medical certificate attesting that she has sufficiently recovered to resume work.

**76.3.** The officer shall decide on the division of the maternity leave, that is, before and after childbirth, which shall include the day of delivery.

**76.4.** If the officer becomes pregnant while on leave without pay or on partial leave without pay as provided

for in this Chapter, she is also entitled to maternity leave and to the benefits provided for in sections 76.20, 76.28 or 76.29, whichever applies.

**76.5.** An officer who gives birth to a stillborn child after the beginning of the twentieth week preceding the expected date of delivery is entitled to the maternity leave provided for in this Division.

**76.6.** Should an officer die after giving birth, the remainder of the 20 weeks of maternity leave and the rights and benefits attached thereto may be transferred to her spouse if he is an officer.

**76.7.** An officer may suspend her maternity leave and return to work if she has sufficiently recovered from delivery and the child is unable to leave the health institution. This also applies where the baby is hospitalized within 15 days of its birth. Notwithstanding the foregoing, the leave may be suspended only once and it shall be completed when the child goes home.

When the suspended maternity leave is resumed, the employer shall pay the officer the compensation to which she would have been entitled had she not availed herself of the suspension.

**76.8.** Where the child is born after the due date, the officer is entitled to an extension of her maternity leave equal to the delay, unless she already has at least two weeks of maternity leave remaining after the birth.

The officer may also benefit from an extension of six weeks in maternity leave where her child’s health requires it.

During such extensions, the officer shall not receive any compensation or salary.

*§2. Granting of leave and expiry date*

**76.9.** To obtain maternity leave, an officer shall give notice in writing to the employer not less than two weeks before the date of departure. The notice shall be accompanied by a medical certificate certifying the pregnancy and the expected date of delivery. The time period for giving notice may be shorter if a medical certificate attests that the officer must leave her position earlier than expected.

In case of unforeseen events, the officer shall be exempt from giving notice, subject to submitting a medical certificate to the employer showing that she must leave her position immediately.

**76.10.** An employer shall send an officer, in the fifth week before the expiry of her maternity leave, a notice of the scheduled date of expiry of such leave.

An officer to whom the employer has sent the notice referred to in the first paragraph shall be at work on the date her maternity leave expires, unless it has been extended by means of a leave without pay or a partial leave without pay in accordance with Subdivision 4 of Division 3 of this Chapter.

An officer who does not comply with the second paragraph is deemed to be on leave without pay for a period not exceeding four weeks. At the end of that period, an officer who is not at work is deemed to have resigned.

**76.11.** At the end of her maternity leave, an officer shall resume work in her position with her employer, subject to the provisions respecting employment stability provided for in Chapter 5. Her terms of employment, including her salary, shall be the same as those to which she would have been entitled had she remained at work.

**76.12.** An officer who, for health reasons, is unable to resume work in her position upon the expiry of the period provided for in sections 76.2 or 76.8 shall be considered absent due to illness and the provisions respecting group insurance plans provided for in Chapter 4 shall apply.

### §3. *Compensation*

**76.13.** Compensation for maternity leave is paid only as a supplement to employment insurance benefits or, in the cases provided for below, as payments during a period of unemployment caused by pregnancy that is not covered by the employment insurance plan.

Compensation for maternity leave shall be based on the salary of an officer including the lump sums paid, if any, pursuant to sections 17, 20 and 21, as well as the last paragraph of section 104, without any additional remuneration.

**76.14.** The total of the amounts received by the officer during her maternity leave in employment insurance benefits, compensation and salary may not exceed 93 % of the salary paid by her employer or employers, as the case may be, in accordance with section 76.30.

Notwithstanding the foregoing, where an officer receives an allowance for regional disparities, she shall continue to receive the allowance during her maternity leave. In such cases, the total amount received by the officer in employment insurance benefits, compensation

and allowances may not exceed 95 % of the sum of her salary and the allowance for regional disparities.

**76.15.** The compensation due for the first two weeks of maternity leave shall be paid by the employer within two weeks of the beginning of the leave. The subsequent compensation due shall be paid every two weeks, unless the salary is paid weekly.

**76.16.** Notwithstanding section 76.15, where the officer is eligible for employment insurance, the first compensation payment is due only 15 days after the employer obtains proof that the officer is receiving employment insurance benefits. Such proof may be a statement of benefits or a benefit slip, a payment slip or data processing information provided to the employer by Human Resources Development Canada.

**76.17.** The weekly salary of a part-time officer is the average weekly salary of the last 20 weeks preceding the maternity leave. If, during that period, the officer received benefits representing a percentage of her salary, it is the salary used to calculate the benefits that shall determine the compensation for maternity leave. Those provisions constitute one of the provisions referred to in section 76.1.

**76.18.** Where the last 20 weeks before the maternity leave of a part-time officer include the salary adjustment date, the weekly salary is based on the salary in force on that date. If the salaries were adjusted during the maternity leave, the weekly salary shall be increased on that date in accordance with the applicable adjustment rules.

**76.19.** The employer shall not reimburse an officer for an amount that could be claimed from the officer by Human Resources Development Canada under the Employment Insurance Act (S.C., 1996, c. 23), where the officer's income exceeds one and a quarter times the maximum insurable earnings.

### §4. *Eligibility for employment insurance*

**76.20.** An officer who has accumulated 20 weeks of service with her employer or with one of the employers referred to in section 76.30, and who is declared eligible following an application for benefits under the employment insurance plan, is entitled to receive during her maternity leave:

(1) for each week of the waiting period required under the employment insurance plan, compensation equal to 93 % of her weekly salary, given that, in such situation, she is exempt from contributions to the retirement and employment insurance plans, which corresponds to an average of 7 % of her salary;



(2) for each week in which she receives employment insurance benefits, supplementary compensation equal to the difference between 93 % of her weekly salary and the employment insurance benefit she receives; and

(3) for each week following the period mentioned in paragraph 2, compensation equal to 93 % of her weekly salary until the end of the twentieth week of maternity leave.

**76.21.** Calculation of the supplementary compensation provided for in paragraph 2 of section 76.20 is based on the employment insurance benefits to which an officer is entitled, excluding the amounts subtracted from such benefits for repayment of benefits, interest, penalties and other amounts recoverable under the employment insurance plan.

**76.22.** An officer who works for more than one employer, among those specified in section 76.30, shall receive supplementary compensation from each of her employers. In such case, the supplementary compensation is equal to the difference between 93 % of the salary paid by the employer and the percentage of the employment insurance benefit which corresponds to a proportion of the weekly salary paid by all the employers. For that purpose, the officer shall give each of her employers a statement of the weekly salary paid by each employer, along with the amount of the benefits paid to her by Human Resources Development Canada.

**76.23.** Where Human Resources Development Canada reduces the number of weeks of employment insurance benefits to which the officer would otherwise be entitled had she not received employment insurance benefits before her maternity leave, the officer shall continue to receive, for a period equal to the weeks subtracted, the supplementary compensation prescribed in paragraph 2 of section 76.20 as though she had received employment insurance benefits during that period.

**76.24.** The maternity leave allowance paid by the Gouvernement du Québec under the maternity allowance program is subtracted from the compensation determined in section 76.20. Notwithstanding the foregoing, where the provisions of section 76.22 apply, the amount to be subtracted is based on the stated terms and conditions of partition for subtraction purposes.

**76.25.** For the purposes of section 76.20, an officer who is absent accumulates hours of service if the absence is authorized, namely due to disability, and includes a benefit or remuneration.

**76.26.** The employer may not use maternity leave compensation to make up for the reduction in employment insurance benefits attributable to the earnings with another employer.

Notwithstanding the first paragraph, the employer shall pay compensation where the officer shows that the salary earned with an employer is a regular salary, by means of a letter from that employer. If the officer shows that only a portion of the salary is regular, compensation shall be limited to that portion. The employer must then provide the letter upon request from the officer.

#### *§5. Ineligibility for employment insurance*

**76.27.** An officer excluded from employment insurance benefits or declared ineligible shall not be entitled to compensation, subject to the provisions of this subdivision.

**76.28.** A full-time officer who has accumulated 20 weeks of service with her employer or with one of the employers referred to in section 76.30 is entitled to compensation equal to 93 % of her weekly salary for ten weeks if she is not eligible for employment insurance benefits because she has not held insurable employment for at least 700 hours during the period of reference prescribed by the employment insurance plan.

**76.29.** A part-time officer who has accumulated 20 weeks of service with her employer or with one of the employers referred to in section 76.30 is entitled to compensation equal to 95 % of her weekly salary for ten weeks. If she is exempt from pension plan and employment insurance contributions, the compensation rate is 93 %.

To obtain compensation, a part-time officer must be ineligible for employment insurance benefits either because:

(1) she has not contributed to the employment insurance plan; or

(2) she has contributed to the employment insurance plan, but did not have 700 hours of insurable employment during the period of reference.

#### *§6. Other benefits*

**76.30.** An officer's continuous service shall include all service for any employer of the public or parapublic sector, any body whose employees are subject under an Act to conditions of employment, standards and scales of remuneration determined or approved by the Govern-

ment, and any body listed in Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

**76.31.** During the maternity leave and extensions provided for in section 76.7, the officer shall continue to receive the following benefits where she is entitled thereto:

- accumulation of vacation days;
- accumulation of continuous service;
- any salary increase due to the adjustment of salary classes;
- any salary increase for satisfactory performance;
- maintenance of group insurance plans.

**76.32.** During her maternity leave, an officer shall continue to participate in the mandatory group insurance plans provided for in section 51, but the employer shall make a payment equal to both his contribution and the officer's contribution to the plans. Furthermore, the officer shall be exempt from contributing to the optional insurance plans in accordance with the provisions of the master policy.

**76.33.** No compensation may be paid during vacation leave for which an officer receives remuneration. Notwithstanding the foregoing, an officer may defer vacation leave that falls within the maternity leave, provided that at least two weeks before the expiry of the leave, she informs her employer in writing of the date of deferral.

**76.34.** While on maternity leave, an officer shall retain the employment relationship with the employer. Her contract must be renewed. She may not be dismissed, except for gross negligence. Her employment may not be terminated.

## **DIVISION 2**

### **PREGNANCY AND BREAST-FEEDING LEAVE**

#### *§1. Temporary assignments*

**76.35.** Where the conditions of employment involve risks of infectious diseases or physical danger for her or her unborn child or are dangerous for the child she is breast-feeding, an officer may request to be assigned temporarily to another position or to other tasks corresponding to her training and experience. She shall submit proof by means of a medical certificate as soon as possible.

**76.36.** An officer assigned to another position or task pursuant to section 76.35, shall retain the rights, fringe

benefits and financial benefits related to her regular position. If the reassignment is not carried out immediately by the employer, the officer is entitled to special leave beginning immediately. Unless she is temporarily reassigned, special leave is terminated on the date of delivery or at the end of the breast-feeding period.

**76.37.** During the special leave described in section 76.36, the officer is governed, in respect of compensation, by the Act respecting occupational health and safety (R.S.Q., c. S-2.1) respecting re-assignment of a pregnant worker or a worker who is breast-feeding.

Following a written request however, the employer shall pay to the officer an advance on the compensation receivable from the Commission de la santé et de la sécurité du travail on the basis of anticipated payments. If the Commission pays the compensation, repayment of the advance is deducted therefrom. Otherwise, repayment is at the rate of 10 % of the amount disbursed per pay period, until the debt is fully paid.

#### *§2. Special leave*

**76.38.** A pregnant officer is also entitled to special leave in the following cases:

(1) where a pregnancy complication or a risk of miscarriage requires stopping work for a period the duration of which is prescribed by a medical certificate. The special leave may not be extended beyond the beginning of the eighth week before the expected date of delivery;

(2) in the case of a spontaneous or induced abortion that occurs before the beginning of the twentieth week preceding the expected date of delivery. The duration of the special leave shall be certified by a medical certificate;

(3) for consultations with a health professional with respect to the pregnancy, certified by a medical certificate, or with a midwife. The special leave shall be remunerated and may be taken in half-days up to a maximum of four days. It must be exhausted before the officer is entitled to short-term basic salary insurance.

**76.39.** During the special leave granted under this subdivision, an officer may avail herself of the benefits of the group insurance plans provided for in Chapter 4. She may also avail herself of the benefits provided for in sections 76.11, 76.31, 76.32 and 76.34.



### DIVISION 3 PARENTAL LEAVE

#### §1. *General*

**76.40.** While on a parental leave referred to in this Division, an officer shall retain the employment relationship with the employer. The contract must be renewed. The officer may not be dismissed, except for gross negligence. The employment may not be terminated

**76.41.** Any leave contemplated in this Division, except that provided for in section 76.45, shall be granted after a written application is submitted to the employer not less than two weeks in advance.

Partial leave without pay may be granted after a written application is submitted not less than 30 days in advance. In the case of leave without pay or partial leave without pay, the application shall state the date of return to work.

The employer shall reply in writing to an application for leave under this section.

**76.42.** An officer who wishes to prematurely terminate a leave without pay or partial leave without pay provided for in subdivisions 3 and 4 of this Division shall notify his employer in writing to that effect at least three weeks before returning to work.

**76.43.** An employer shall send an officer, four weeks in advance, a notice of the date of expiry of his leave without pay. The officer must then give notice of his return to work at least two weeks before the expiry of the leave. If he fails to do so, he is deemed to have resigned.

For partial leave without pay, an officer shall send his employer a notice in writing at least 30 days before his effective return to work.

**76.44.** Upon the expiry of any leave referred to in this Division, an officer shall resume his position with his employer, subject to the provisions respecting employment stability provided for in Chapter 5. His terms of employment, including the salary, shall be the same as those to which he would have been entitled had he remained at work.

#### §2. *Paternity leave*

**76.45.** Upon the birth of his child, an officer is entitled to a paid paternity leave not exceeding five working days. The leave may be interrupted but shall be

taken between the date of delivery and the fifteenth day following the date of the mother's or the child's return home. One of those five days may be taken for the child's baptism or registration.

#### §3. *Adoption leave and leave without pay for adoption purposes*

**76.46.** An officer who legally adopts a child other than the child of the officer's spouse is entitled to a leave with pay not exceeding ten consecutive weeks, provided that the officer's spouse, if employed in a public or parapublic sector, does not benefit from the same leave. The leave shall be taken after the issue of the placement order, or an equivalent order, in the case of an international adoption, in accordance with the adoption plan, or at another time agreed upon with the employer.

**76.47.** An officer who legally adopts a child and who does not benefit from paid leave as provided for in section 76.46 is entitled to a leave not exceeding five working days, the first two of which are with pay.

The leave may be discontinuous and may not be taken after the fifteenth day following the child's arrival in the father's or mother's home.

Notwithstanding the foregoing, where an officer adopts his spouse's child, the officer is entitled to a leave without pay not exceeding two working days.

**76.48.** For each week of leave provided for under section 76.46, the officer shall receive a compensation equal to his weekly salary, paid at two-week intervals, or at weekly intervals, if the salary is paid weekly. The officer is also entitled to all the allowances for regional disparities during the adoption leave.

The weekly salary of a part-time officer is determined in accordance with the provisions of sections 76.17 and 76.18.

**76.49.** An officer shall receive, for adopting a child, a leave without pay not exceeding ten weeks from the date of the actual taking charge of the child, unless it is the child of the officer's spouse. If the adoption does take place, the officer may convert the leave without pay into leave with pay, if the leave with pay provided for in section 76.46 has not been taken.

**76.50.** An officer who travels outside Québec for adoption purposes, except in the case of the child of the officer's spouse, shall be granted leave without pay for the time required for the trip, upon applying in writing to the employer, if possible two weeks in advance. If the

officer does take charge of the child, the maximum duration of the leave without pay shall be ten weeks, in accordance with section 76.49.

**76.51.** The adoption leave with pay provided for in section 76.46 takes effect on the date of the beginning of the leave without pay for adoption purposes, if the duration of such leave is ten weeks, and if the officer so decides after the placement is ordered or, in the case of an international adoption, an equivalent order is issued.

During the leave without pay for adoption purposes, the officer is entitled to the same benefits as those attached to leave without pay and partial leave without pay provided for in this Chapter.

Where the adoption leave takes effect on the date of the beginning of leave without pay, the officer is entitled to the benefits prescribed for adoption leave only.

**76.52.** An employer shall send to an officer, during the fourth week preceding the date of expiry of the ten-week adoption leave, a notice indicating the scheduled date of expiry of the leave.

An officer to whom the employer has sent such a notice shall be at work on the date of expiry of adoption leave, unless it has been extended as prescribed in section 76.54.

An officer who does not comply with the second paragraph is deemed to be on leave without pay for a period not exceeding four weeks. At the end of that period, an officer who is not at work is deemed to have resigned.

**76.53.** An officer who takes the adoption leave provided for in section 76.46 shall avail himself of the benefits prescribed in sections 76.11, 76.31, 76.32 and 76.34.

#### *§4. Parental leave and partial leave without pay*

**76.54.** An officer wishing to extend the maternity leave, paternity leave or adoption leave or leave for adoption purposes may, on agreement with the employer, benefit from a leave without pay or partial leave without pay for a period not exceeding two years. Such leave is restricted to only one spouse, where both spouses work in the public or parapublic sectors, as determined in section 76.30.

**76.55.** An officer on leave without pay or on partial leave without pay is entitled, on agreement with the employer, to avail himself once of

(1) changing the leave without pay into a partial leave without pay or vice versa; or

(2) changing the partial leave without pay into a different leave without pay.

**76.56** An officer who does not take a leave without pay or partial leave without pay may, for the part of the leave that his spouse did not use, elect to benefit from the leave without pay or partial leave without pay.

**76.57.** An officer may, on agreement with the employer, avail himself of any leave provided for in section 76.54 if his spouse is not employed in the public or parapublic sector, as determined in section 76.30. The officer decides of the time at which he takes the leave, within two years following the birth or adoption without exceeding the time limit of two years after the birth or adoption.

**76.58** An officer who does not avail himself of a leave provided for in section 76.54 shall benefit from a leave without pay of no more than 52 continuous weeks beginning at the time decided by the officer and ending at the latest 70 weeks after the birth or, in the case of adoption of a child other than the child of his spouse, 70 weeks after the child is placed with the officer.

**76.59.** During the leave without pay or partial leave without pay, an officer's continuous service is not interrupted. He may continue to participate in the group insurance plans in accordance with the provisions of section 33. The terms and conditions of application of the officer's retirement plans apply as prescribed.

With respect to the other terms of employment, an officer who benefits from partial leave without pay shall be governed, during his time at work, by the rules applicable to a part-time officer.

**76.60.** An officer may take any deferred annual vacation immediately before leave without pay or partial leave without pay, provided that there is no interruption in maternity leave, paternity leave or adoption leave, as the case may be.

For the purposes of this section, statutory or mobile holidays accumulated since the beginning of the maternity leave, paternity leave or adoption leave are treated as deferred annual vacation.

#### *§5. Leave for parental responsibilities*

**76.61.** Leave without pay or partial leave without pay of a maximum duration of one year shall be granted to an officer whose minor child is sick or handicapped or has social or emotional problems and requires the

officer's presence. During the leave, the officer may continue to participate in the group insurance plans according to the provisions provided for in Chapter 4.

An officer may be absent without pay for five days a year, without pay, to fulfil obligations relating to the care, health or education of his minor child in cases where his presence is required due to unforeseeable circumstances or circumstances beyond his control. He must have taken all reasonable steps within his power to assume these obligations otherwise and to limit the duration of the leave. The leave may be divided into days. A day may also be divided if the employer consents thereto. The officer must advise his employer of his absence as soon as possible.

## CHAPTER 4.2 DEFERRED SALARY LEAVE PLAN

### DIVISION 1 GENERAL

#### §1. *Main characteristics*

**76.62.** The deferred or anticipated salary leave plan enables an officer to apportion his salary so as to benefit from remuneration during a period of leave. The plan is not intended to enable an officer to defer income tax or to receive benefits at retirement.

For the duration of his participation in the plan, an officer shall receive no other salary corresponding to the percentage of his salary as determined in Division 2 of this Chapter from his employer, an employer in the public or parapublic sector, another person or company with whom the employer has ties.

**76.63.** The plan comprises a period of work and a period of leave. The leave with deferred salary is one in which the period of leave follows the entire period of work. The leave with anticipated salary is one in which the period of leave precedes entirely or in part the period of work.

**76.64.** The duration of participation in the plan may be two, three, four or five years. The scheduled duration of participation may however be extended in accordance with the provisions of sections 76.78, 76.81 and 76.82. It may in no case exceed seven years.

#### §2. *Period of leave*

**76.65.** The duration of the period of leave may be six months to one year.

Notwithstanding any provision to the contrary, the period of leave must be taken in whole and consecutive months and may not be interrupted under any circumstances.

The period of leave must begin no later than upon the expiry of a maximum period of six years from the date on which the amounts began to be deferred.

During the period of leave, subject to the provisions of this Chapter, an officer shall be deemed to be on leave without pay.

#### §3. *Period of work*

**76.66.** Subject to the provisions of this Chapter, during the period of work, the officer's availability and work load shall be the same as those he would assume if he were not participating in the plan; furthermore, he is entitled to the same benefits under this Regulation as those to which he would be entitled if he were not participating in the plan.

#### §4. *Eligibility*

**76.67.** To be eligible for the plan, an officer must hold a position and have completed two years of service with his employer.

An officer shall file a written application for participation in the plan with his employer who shall decide on the granting of the deferred or anticipated salary leave plan. The written application shall indicate the beginning and the end of the duration of participation in the plan, as well as the duration of the period of leave.

**76.68.** A part-time officer shall be eligible on the same conditions as the full-time officer but he may use his period of leave only in the last year of participation in the plan.

The salary he receives during his period of leave shall be based on the average number of hours paid during the period of work preceding the leave.

The compensatory sums provided for the part-time officer's vacation and statutory holidays shall be calculated and paid on the basis of the percentage of the salary determined in accordance with section 76.71.

**76.69.** An officer whose status changes from full-time to part-time during his period of work may elect to:

(1) continue to participate in the plan according to section 76.68; or

(2) withdraw from his agreement on the conditions determined in section 76.88.

A full-time officer who becomes a part-time officer after his period of leave is deemed to remain a full-time officer for the purposes of calculating the percentage of his salary during the period of work following the period of leave.

### §5. Agreement

**76.70.** If the employer is willing to grant the deferred or anticipated salary leave, an officer shall undertake by agreement to comply with the terms and conditions of the plan, in particular,

- (1) the duration of participation in the plan;
- (2) the duration of the leave;
- (3) the period when the leave will be used; and
- (4) the period when the officer resumes his position with his employer after the period of leave for a period at least equal to that of the leave. The employer shall then reinstate the officer in his position, subject to the provisions respecting employment stability provided for in Chapter 5. The terms of employment shall be the same as those to which he would have been entitled had he remained at work.

The agreement shall include the provisions of the plan and the officer shall not be on disability leave, parental leave or leave without pay at the time of the signing.

## DIVISION 2 TERMS AND CONDITIONS OF APPLICATION

### §1. Remuneration

**76.71.** For each year of participation in the plan, an officer shall receive the percentage of his salary provided for in the following table, based on the duration of participation in the plan and the duration of the period of leave:

Period of leave	Duration of participation in the plan			
	2 years	3 years	4 years	5 years
6 months	75.00 %	83.33 %	87.50 %	90.00 %
7 months	70.83 %	80.56 %	85.42 %	88.33 %
8 months	66.67 %	77.78 %	83.33 %	86.67 %
9 months	—	75.00 %	81.25 %	85.00 %
10 months	—	72.22 %	79.17 %	83.33 %
11 months	—	69.44 %	77.08 %	81.67 %
12 months	—	66.67 %	75.00 %	80.00 %

**76.72.** The salary on which the percentage is calculated is the one an officer would receive if he did not participate in the plan. The salary includes the increase due to the adjustment of salary classes and the increase for satisfactory performance as provided for in Chapter 3.

It includes the lump sum related to a change of position leading to a salary decrease pursuant to sections 17, 20 and 21, as well as the last paragraph of section 104.

It does not include the additional remuneration for plurality of positions or interim or the compensation and allowances provided for in Divisions 5, 6 and 7 of Chapter 3 as stipulated in the first paragraph.

**76.73.** During the period of leave, an officer is not entitled to any compensation or allowance provided for in Division 8 of Chapter 3. During the period of work, he is entitled to all compensation and allowances.

During his participation in the plan, the officer is entitled to the increase for satisfactory performance as prescribed in section 14.

### §2. Social security plans

**76.74.** During the period of leave, the employer shall continue to contribute to the Québec Pension Plan, the Québec Health Insurance Plan and the occupational health and safety plan. The contribution of the employer and the officer to employment insurance does not apply during the period of leave. The participation of the officer in the group insurance plans shall be established in accordance with Division 2 of Chapter 4.

**76.75.** For calculating a pension for the purposes of a retirement plan, the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) recognizes one year of service for each year of participation in the deferred or anticipated salary leave plan, as well as an average salary based on the salary he would have received had he not participated in the plan.

**76.76.** An officer's contribution to a retirement plan during the years of participation in the plan shall be established by the Regulation respecting certain temporary measures prescribed by Title IV of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10).

### §3. *Vacation and miscellaneous leave*

**76.77.** During his participation in the plan, an officer shall accumulate continuous service for annual vacation purposes. During the period of leave, he is deemed to have taken the vacation days to which he is entitled for that period. During the period of work, annual vacation shall be remunerated in accordance with the percentage of his salary as determined in section 76.71.

**76.78.** During his participation in the plan, an officer who benefits from leave without pay shall extend the duration of his participation in the plan for a period equivalent to that of the leave without pay without exceeding one year. Leave without pay of more than one year is equivalent to abandoning the plan and the provisions of section 76.88 shall then apply.

**76.79.** The amount the employer shall collect during the extension of an officer's participation in the plan as a result of taking partial leave without pay, is equal to the employer's lost income following the partial leave without pay.

**76.80.** During his participation in the plan, an officer's leave with pay shall be remunerated in accordance with the percentage of his salary as determined in section 76.71.

Leave with pay that falls within the period of leave is deemed to have been taken.

### §4. *Maternity leave*

**76.81.** An officer's participation in the plan shall be suspended for the duration of the maternity leave that occurs during the period of work. The plan shall then be extended for a period equal to the maternity leave.

Where the maternity leave occurs during the period of leave, it is presumed not to have occurred. Notwithstanding the foregoing, it shall be considered to have begun on the scheduled date of an officer's return to work on condition that the provisions of Chapter 4.1 respecting maternity leave are complied with.

Where the maternity leave occurs before the period of leave, an officer may terminate participation in the plan. In such a case, the salary that was not paid for the period of work elapsed shall be reimbursed, in addition to any

compensation and, where applicable, the employment insurance benefits provided for the maternity leave, but without interest. The amounts so reimbursed shall be subject to the contribution to the retirement plan.

Subject to sections 76.78 and 76.79, the maternity leave may be extended by a leave without pay or partial leave without pay without affecting the officer's participation in the plan. Notwithstanding the foregoing, for any of the leaves, the duration of participation in the plan shall be extended accordingly, except if the period of leave has begun.

### §5. *Disability*

**76.82.** For the purposes of the short-term salary insurance plan, the following provisions apply:

(1) where the officer becomes disabled during the period of leave, the period of leave shall continue in accordance with section 76.65 and the officer may not benefit from the provisions of the short-term salary insurance plan determined in Division 5 of Chapter 4.

On the scheduled date of return to work, if the officer is still disabled, the disability is then presumed to begin on that date and the officer shall benefit from the short-term salary insurance plan based on the percentage of salary determined in section 76.71 for the remainder of his participation in the plan;

(2) where the officer becomes disabled during the duration of his participation in the plan but before having used his period of leave and the disability persists until the date on which the period of leave was scheduled, he may elect to:

(a) maintain his participation in the plan and defer the period of leave to a time when he is not disabled. During that time, the officer shall benefit from the short-term salary insurance plan based on the percentage of salary determined in section 76.71 for the remainder of his participation in the plan.

If the disability persists during the last year of the officer's participation in the plan, the plan may then be suspended from the scheduled beginning of the period of leave until the end of the disability. During that time, the officer shall benefit from the short-term salary insurance plan and the period of leave shall begin on the day on which the disability ceases; or

(b) cancel his participation in the plan and the employer shall reimburse him the part of the salary he did not receive for the period of work elapsed, but without interest. The provisions of paragraph 4 of section 76.88 shall apply;



(3) where the officer becomes disabled during his participation in the plan but after having used his period of leave, he shall benefit from the short-term salary insurance plan based on the percentage of salary determined in section 76.71. Upon the expiry of his participation in the plan, the officer shall receive salary insurance based on the salary determined in accordance with the provisions of Division 5 of Chapter 4.

**76.83.** Where the disability persists after 104 weeks, an officer shall benefit from the mandatory basic long-term salary insurance plan, his participation in the plan ends and the following provisions apply:

(1) where the officer has already used his period of leave, he is not required to reimburse the salary he was overpaid; one year of service for retirement plan purposes shall be recognized for each year of participation in the plan;

(2) where the officer has not used his period of leave, he shall receive the portion of salary he has not received for the period of work elapsed, but without interest. The provisions of paragraph 4 of section 76.88 shall apply.

**76.84.** A part-time officer may avail himself of the provisions of paragraph 2 of section 76.82. Notwithstanding the foregoing, he shall receive, as of the second week of disability, full salary insurance as long as he is eligible due to his disability, in accordance with Division 5 of Chapter 4.

#### *§6. Mobility*

**76.85.** In cases where the officer changes positions pursuant to Subdivision 3 of Division 4 of Chapter 3, with the same employer, the officer's participation in the plan shall be maintained unless the employer cannot maintain the agreement. In the latter case, the provisions of section 76.88 shall apply with the exception that the officer does not reimburse the salary he was overpaid when his period of leave was used.

Where an officer takes a position with another employer of the public or parapublic sector who offers a comparable plan during the officer's participation in the plan, the conditions for maintaining the agreement remain at the discretion of the new employer. If the latter refuses to maintain the agreement, the provisions of section 76.88 shall apply and the reimbursement, where applicable, shall be made in accordance with section 76.91.

#### *§7. Employment stability*

**76.86.** Following the elimination of his position, an officer who chooses reinstatement within the sector in

accordance with Division 4 of Chapter 5, shall maintain his participation in the plan until the effective date of his reinstatement or until he elects to change.

If the participation in the plan of the reinstated officer is not ended with his original employer, he may complete it by means of an agreement with his new employer. Failing such agreement, his participation in the plan shall end and sections 76.88 and 76.91 shall apply.

At the time of a change made pursuant to section 102, where the officer elects to leave the sector, the agreement shall end and section 76.88 shall apply.

**76.87.** Following the elimination of his position, where the officer elects to leave the sector in accordance with Division 6 of Chapter 5, the agreement relating to his participation in the plan shall end and section 76.88 shall apply. Notwithstanding the foregoing, no reimbursement shall be required of him.

### **DIVISION 3** **END OF PARTICIPATION**

#### *§1. Resignation, retirement, withdrawal and other departures*

**76.88.** Following an officer's resignation, pre-retirement or retirement, withdrawal from the plan in accordance with the provisions of this Chapter or the expiry of the seven-year time limit in accordance with section 76.64, participation in the plan shall end immediately and the following terms and conditions shall apply:

(1) where an officer has already taken the period of leave, he shall reimburse, without interest, the amounts he received during the period less the amounts already deducted from his salary during the period of work;

(2) where an officer has not yet taken the period of leave, the employer shall reimburse him, without interest, for the difference between the salary he would have received had he not participated in the plan and the salary he actually received since the beginning of his participation in the plan;

(3) during the period of leave, the reimbursement by an officer or the employer shall consist of the difference between the amounts received by the officer during that period of leave and the total amounts already deducted from the salary he received during the period of work. Where the difference is a negative amount, the employer shall reimburse the officer for it, without interest. Where the difference is a positive amount, the officer shall reimburse the employer for that amount, without interest;

(4) for the purpose of retirement plans, the recognized rights are the rights that would have applied had the officer never participated in the plan. Where the period of leave has been taken, the contributions made during that period shall be used to compensate for the contributions that were not made to compensate for any lost pension; an officer may, however, redeem lost years of service under the same conditions as those for leave without pay, in accordance with the provisions of the applicable retirement plan. In addition, where the period of leave has not been taken, the contributions are usually insufficient to have the total number of years worked recognized. They shall be subtracted from the reimbursement owed to the officer.

*§2. Dismissal, non-renewal or termination of engagement*

**76.89.** Upon the officer's dismissal, or the non-renewal or termination of the officer's engagement, the agreement respecting his participation in the plan is terminated on the date one of the measures takes effect. Section 76.88 then applies.

*§3. Death*

**76.90.** The agreement respecting an officer's participation in the plan is terminated on the date of his death. The measures provided for in section 76.88 then apply, with the exception that no reimbursement of overpaid salary shall be required. Notwithstanding the foregoing, any part of the salary that was not paid shall be reimbursed to the officer's successor.

*§4. Reimbursements*

**76.91.** Where an officer must reimburse amounts with respect to agreement termination measures respecting his participation in the plan, he shall carry out the reimbursement as of the termination of the plan and according to the terms and conditions of the agreement entered into by him and his employer.

Pursuant to the second paragraph of section 76.85 and the third paragraph of section 76.86, the employer with whom an officer is reinstated shall collect the amount to be reimbursed and periodically remit it to the original employer for the purposes of the plan.

**76.92.** Where an officer does not use his period of leave during his participation in the plan, the employer shall pay him the total amount of salary that was deferred, beginning in the first taxation year following the end of his participation in the plan.

**CHAPTER 4.3**  
**PROGRESSIVE PRE-RETIREMENT**

**DIVISION 1**  
**GENERAL**

*§1. Main characteristics*

**76.93.** Progressive pre-retirement enables an officer to reduce his working hours, for a period of one to five years immediately preceding his retirement. The number of working hours in each calendar year or part thereof during which the progressive pre-retirement applies is not less than 40 % or more than 80 % of the hours worked by a full-time officer.

For the purposes of this Chapter, a "part of a calendar year" means the portion of a calendar year in which a progressive pre-retirement begins or ends.

*§2. Eligibility*

**76.94.** To participate in the progressive pre-retirement plan, an officer shall file a written application therefor with his employer. To grant it, the latter shall take into account the needs of the organization. Furthermore, an officer shall meet the following conditions:

- (1) he participates in a retirement plan;
- (2) he holds a regular officer's position for more than 40 % of full-time employment;
- (3) he holds and sends his employer, at the same time he files his application, an attestation from the Commission administrative des régimes de retraite et d'assurances (CARRA) to the effect that he will be entitled to a retirement pension on the date scheduled for the end of the agreement concluded in accordance with section 76.95;
- (4) he has concluded an agreement with his employer in accordance with Subdivision 3 of this Division;
- (5) he has not already benefited from a progressive pre-retirement plan; and
- (6) at the time of the signing of the agreement, he is not governed by the employment stability measures provided for in Chapter 5.

*§3. Agreement*

**76.95.** The written agreement concluded between the officer and the employer shall comply with the provisions of this Chapter and contain the following information:



(1) the duration of the progressive pre-retirement;

(2) the proportion of time worked for each calendar year or part thereof during which the progressive pre-retirement applies in accordance with the first paragraph of section 76.93;

(3) the work schedule;

(4) an undertaking by the officer to retire upon completion of the progressive pre-retirement, subject to Division 3 of this Chapter.

**76.96.** During progressive pre-retirement, the officer and the employer may agree in writing to amend the agreement concluded under the provisions of this subdivision, provided that the amendments comply at all times with the other terms and conditions of application of the plan.

The amendments may concern the duration of the agreement, the percentage of the time worked for each of the years or parts thereof covered by the progressive pre-retirement or the work schedule. Any amendment to the dates of the beginning or end of the agreement must be agreed to beforehand by the CARRA.

**76.97.** Where the years of service or parts thereof credited to the officer at the end of the agreement are less than those estimated by the CARRA, the agreement shall be extended to the date on which those years or parts of years correspond to the estimate made by the CARRA.

Where the officer is not entitled to his pension at the end of the agreement, the agreement shall be extended to the date on which the officer is entitled to it.

## **DIVISION 2**

### **TERMS AND CONDITIONS OF APPLICATION**

#### *§1. Salary and other benefits*

**76.98.** The salary of an officer in progressive pre-retirement shall be paid for the entire calendar year or part thereof in proportion to the time worked as provided for each of the years or parts thereof covered by the agreement.

**76.99.** During the period of progressive pre-retirement, an officer accumulates continuous service as though he had not availed himself of progressive pre-retirement.

**76.100.** Where an employer eliminates the position of an officer in progressive pre-retirement, the agree-

ment shall continue to apply. The officer shall retain the status of officer for the duration of the agreement, and the employment stability measures provided for in Chapter 5 shall not apply. Notwithstanding the foregoing, the employer shall establish, with the officer, a plan of utilization based on the time worked as provided for in the agreement.

**76.101.** Subject to the provisions of this Chapter, an officer in progressive pre-retirement shall benefit from the terms of employment provided for in this Regulation, which apply in proportion to the time worked as provided for in the agreement.

#### *§2. Sick-leave fund*

**76.102.** An officer benefiting from progressive pre-retirement may agree with his employer to use his sick-leave fund to dispense himself from all or part of the working time provided for in the agreement. Each sick-leave day thus used is equal to one day worked, in accordance with paragraph 3 of section 75. The terms and conditions of such use must be provided for in the agreement concluded under section 76.95.

The remainder of the sick-leave fund has a monetary value and is payable in accordance with paragraph 4 of section 75.

#### *§3. Group insurance plans*

**76.103.** An officer is entitled, for the duration of the agreement, to the coverage of his group insurance plans provided for in section 51 on the basis of the time worked before the beginning of the agreement.

A disabled officer who benefits from the short-term salary insurance plan shall receive a benefit on the basis of the time worked as prescribed for each of the calendar years or parts thereof contemplated by the agreement but reduced, where applicable, by the sick-leave days to be used in accordance with section 76.102. The benefit shall be paid for the duration of the disability, but does not extend beyond the date of expiry of the agreement.

During the period of disability, an officer may use, in whole or in part, his sick-leave fund to make up the difference between his short-term salary insurance benefit and his net salary, in accordance with paragraph 2 of section 75.

**76.104.** During an officer's progressive pre-retirement, the contribution of the employer and that of the officer to the group insurance plans shall be maintained based on the time worked by the officer before the agreement comes into effect. The same rule applies to

health and accident insurance plans, but based on an officer's normal full-time schedule.

Where the duration of the agreement extends beyond 104 weeks, the contribution of the employer and that of the officer to the mandatory long-term salary insurance plans shall be maintained, subject to the provisions of the master policy.

#### §4. Retirement plan

**76.105.** During an officer's progressive pre-retirement, the pensionable salary for the years or parts thereof covered by the agreement for the purposes of the retirement plan is the salary that the officer would have received had he not availed himself of progressive pre-retirement or would have been entitled to receive for a period in which he receives salary insurance benefits. The service credited is the service that would have been credited to him had he not availed himself of progressive pre-retirement.

**76.106.** During the progressive pre-retirement, an officer shall pay contributions to his retirement plan that are equal to the contributions that he would have made had he not availed himself of progressive pre-retirement.

If the officer receives short-term salary insurance benefits, a disabled officer's exemption from making contributions to the retirement plan is the exemption to which he would have been entitled had he not availed himself of progressive pre-retirement. Such exemption shall not exceed the end date of the agreement.

If the officer receives long-term salary insurance benefits, the insurer shall make the contributions to the retirement plan that would have been made by the officer had he not availed himself of progressive pre-retirement until the end of the agreement.

### DIVISION 3

#### END OF THE AGREEMENT

**76.107.** The agreement ends if an officer holds a new position with another employer of the public or parapublic sector, unless the new employer agrees to continue the agreement and the CARRA approves such continuation.

**76.108.** Where the agreement becomes null or is terminated pursuant to section 76.107 or because of circumstances provided for in the regulations made under the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan, the pensionable salary, the service

credited and the contributions to the retirement plan shall be determined, for each of the circumstances, in the manner prescribed by those regulations as they read on the date on which they are applied.”.

#### 8. This Regulation replaces

(1) Chapters 5 and 6 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, except where they govern the territory of the Cree Board of Health and Social Services of James Bay;

(2) 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; and

(3) 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.

**9.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec* except for section 4 that has effect from 1 May 1999.

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

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Owners and operators of heavy vehicles, An Act respecting... — Coming into force of sections 115 and 116 . . . . . (1998, c. 40)	3611	
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(An Act respecting health services and social services, R.S.Q., c. S-4.2; 1998, c. 39)		
Regional boards and public health and social services institutions — Executive directors — Selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal . . . . .	3645	M
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Securities firms — Trust accounts and financial resources . . . . .	3615	N
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(Environment Quality Act, R.S.Q., c. Q-2)		