

(2) by substituting the following for the second paragraph:

“Notwithstanding the foregoing, a recoverable amount shall cease to bear interest where the Minister effects compensation under section 44 of the Act, where the debtor makes the reimbursement agreed upon with the Minister under section 42 of the Act or where the debtor is in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university.”.

25. The following is inserted after section 124:

“**124.1** A debtor of a recoverable amount shall pay the following recovery charge:

(1) \$50 for depositing the certificate pursuant to section 45 of the Act; and

(2) \$175 for any compulsory execution measure taken under Title II of Book IV of the Code of Civil Procedure of Québec (R.S.Q., c. C-25).

A debtor who fails to pay the recovery charge shall pay interest thereon, at the rate fixed under the first paragraph of section 28 of the Act respecting the Ministère du Revenu. That charge and the interest are part of the recoverable amount. Notwithstanding the foregoing, no interest shall be required from a debtor who is in one of the situations described in the second paragraph of section 124.”.

26. The interest provided for in section 111.1 of the Regulation respecting income security, made by section 21 of this Regulation, shall be calculated from (*insert here the date of coming into force of section 21*) in respect of a reviewed decision or a decision in appeal rendered before that date and not yet executed by the Minister.

27. The adjustments provided for in sections 2 to 4 stand in lieu of the adjustment provided for in the second paragraph of section 7 and in sections 9.1 and 15.1 of the Regulation respecting income security.

28. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

9622

Draft Regulation

Labour Code
(R.S.Q., c. C-27)

Remuneration of arbitrators

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 respecting the remuneration of arbitrators, the text of which appears below, may be made by the Government upon the expiry of 45 days from this publication.

This draft regulation sets out, on the one hand, to recognize a current practice among arbitrators that consists in negotiating, with the parties who assume such payment, a remuneration different from that prescribed by the regulation. It also aims at recognizing a similar practice concerning the period of deliberation and the time allowed for the writing of the award with respect to the arbitration of a grievance or a dispute under section 74 of the Labour Code. On the other hand, this draft regulation aims at the partial disengagement of the State from the payment of fees, allowances and expenses for the arbitration of disputes, in addition to proposing the adjustment of certain rates (particularly: minimum fees, compensation to the arbitrator when a case is settled, discontinued or postponed).

To accomplish this, the draft regulation proposes that, under certain conditions, the fees and the period of deliberation for the arbitration of grievances and disputes, other than a dispute relating to the negotiation of a first collective agreement or of a collective agreement concerning municipal policemen and firemen, be negotiable. In addition to increasing, in particular, certain rates applicable to arbitration and certain compensations to pay with respect to the discontinuance, postponement or total settlement of a case, the regulation proposes that the Minister of Labour cease assuming all the costs of arbitration of disputes under section 74 of the Labour Code.

To date, examination of this file reveals the following implications: the draft regulation replaces the current regulation to bring it in conformity with an increasingly widespread practice; the negotiability of rates and periods of deliberation concerns only the parties that assume the arbitration costs and has financial impact only to the extent agreed to by the parties. Finally, the cessation of payment of the costs of certain arbitration of disputes by the Ministère du Travail will allow it to reduce its expenses in this regard. On the other hand, the costs of those arbitrations will henceforth be borne by the parties.

Additional information may be obtained by communicating with Mrs. Micheline Maheux, tel.: (418) 643-9943 or fax: (418) 644-3331.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the undersigned, Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec), G1R 5S1.

JEAN-MARC BOILY,
Deputy Minister of Labour

Regulation respecting the remuneration of arbitrators

Labour Code

(R.S.Q., c. C-27, s. 103; 1994, c. 6, s. 26)

1. For arbitration sittings and subject to section 2, for each hour of deliberation and writing of the award, the grievances and disputes arbitrator is entitled to fees of \$80 per hour. He is also entitled to a lump sum remuneration of \$80 for all expenses related to arbitration, particularly those expenses incurred for the opening of files, telephone calls, correspondence and for the writing and filing of duplicates or copies of the arbitration award.

He is entitled to fees of at least \$300 per day of hearing.

He may, before accepting to act as arbitrator of grievances or disputes other than a dispute referred under sections 93.3 and 97 of the Labour Code (R.S.Q., c. C-27), conclude an agreement with the parties on different fees. Similarly, the grievances arbitrator who is remunerated by a single party under a collective agreement may agree upon different fees with the party. In the absence of an agreement, the first two paragraphs apply.

2. For deliberation and writing of the award, the disputes arbitrator is entitled to the fees fixed by or agreed to under section 1 for a maximum of 20 hours; the grievances arbitrator is entitled to those fees for a maximum of 10 hours. The period of time for deliberation and writing for the arbitrator of grievances or disputes other than a dispute referred under sections 93.3 and 97 of the Labour Code does not include the deliberation hours of the arbitrator with the assessors.

The arbitrator of grievances or disputes, other than a dispute referred under sections 93.3 and 97 of the Labour Code, may agree with the parties on the period of deliberation and writing before the beginning of deliberation. Failing an agreement, the first paragraph applies.

Upon request, the Minister of Labour may, considering the particular complexity of a case, pay additional fees to the arbitrator of a dispute referred under sections 93.3 and 97 of the Labour Code, up to a maximum of 20 hours.

3. The transportation costs and the meal and accommodation expenses of an arbitrator are reimbursed to him in accordance with directive 7-74 of the Conseil du trésor concerning the Règles sur les frais de déplacement des personnes engagées à honoraires (C.T. 182100 dated 13 January 1993), as amended on the day where they must be applied.

4. A travel allowance is also granted to the arbitrator who, because of his duties, must travel outside a radius of 80 kilometres from his place of business.

The amount of this allowance corresponds to the amount obtained by multiplying the rate fixed by or agreed to under section 1 by the number of hours required for the trip using the fastest means of transportation.

5. When a case is discontinued or totally settled more than 30 days before the date of the hearing, the arbitrator is entitled to one hour of fees at the rate fixed by or agreed to under section 1 as a compensation for all expenses related to the discontinuance or settling of the case.

6. When a case is discontinued, totally settled or postponed upon the request of one party 30 days or less before the date of the hearing, the arbitrator may charge an amount of \$300 or three hours of fees at the rate agreed to under section 1. Notwithstanding the foregoing, he is not entitled to expenses relating to arbitration provided for in section 1.

7. The arbitrator is entitled to the reimbursement of the actual costs incurred by the renting of a room for the hearing.

8. Unless otherwise provided for in the collective agreement, the parties shall assume jointly and equally the payment of fees, expenses and allowances for the grievances arbitrator.

The parties shall assume jointly and equally the payment of fees, expenses and allowances of the disputes arbitrator where it is an arbitration requested under section 74 of the Labour Code or where the collective agreement prescribes that the dispute must be referred to arbitration.

The Minister of Labour shall assume the payment of fees, expenses and allowances of the arbitrator of a

dispute referred under sections 93.3 and 97 of the Labour Code.

9. The arbitrator shall submit a detailed account of the fees in order to justify each day where fees, allowances or expenses are claimed.

10. This Regulation replaces the Regulation respecting the remuneration of arbitrators, made by Order in Council 975-90 dated 4 July 1990.

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

9621

Draft Regulation

An Act respecting racing
(R.S.Q., c. C-72.1)

Rules to amend the Rules respecting Standardbred horse racing

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Rules to amend the Rules respecting Standardbred horse racing may be made by the Régie des alcools, des courses et des jeux on the expiry of 45 days following this publication.

To that end, the board proposes

(1) to amend the Rules in order to harmonize them with the Pari-Mutuel Betting Supervision Regulations (1991), 125 Can. Gaz. II, 1913, which replace the Race Track Supervision Regulations (C.R.C., 1978, c. 441), as well as with the new Civil Code of Québec, now in force;

(2) to introduce a safety line, situated not less than 200 feet from the first turn, at which the starting judge gives the official signal for the start of a race and at which a horse is deemed to have started in a race;

(3) to exclude races held on class D race tracks from the scope of the Rules;

(4) to clarify certain standards for the holding of races, including qualifying races, claiming races and preferred races;

(5) to clarify certain standards relating to interference during a race;

(6) to change the definition of “entry” so that horses trained by the same trainer will no longer be considered as one horse for the purposes of pari-mutuel betting;

(7) to relax and clarify certain administrative procedures that must be followed by racing participants and associations; those procedures include the filing of Coggins test results by participants from outside Québec; authorization, by the race secretary, to declare a horse under different conditions for participation; a summons before the racing judges; the review, by the board, of a decision rendered by a racing judge who rejects an objection raised by a participant; and control of the use of alcohol and drugs by participants;

(8) to tighten the standards for supervision of the various areas within a race track, including the obligation that a trainer bring his horse to the paddock two hours before the start of a race;

(9) to add new restrictions preventing a horse’s participation in a race in situations where the possibility of doping could raise doubts as to the fairness of the race:

— where a substance other than water is administered to a horse within two hours preceding a race;

— where the horse’s physiological condition does not comply with set standards;

— for a period of 30 days, where analysis of the urine sample taken immediately after a race reveals the presence of a prohibited drug;

— where a drug, a medication or a mixture containing sodium bicarbonate was administered to a horse within 24 hours preceding the start of a race;

(10) to introduce a new violation, where a licence holder, through his act or failure to act, assists another licence holder in committing a violation in respect of doping;

(11) to provide for a ban on the administration of a substance other than water to a horse two hours before it starts in a race; and

(12) to tighten the standards pertaining to the ownership and training of race horses, including the impossibility of declaring a horse in a race where the horse’s ownership or the identity of its real trainer has not been established.

To date, study of this matter has revealed the following impact on business, and particularly on small and medium-sized businesses: